

Introduced January 4, 2021
Public hearing January 19, 2021
Council action February 3, 2021
Executive action February 4, 2021
Effective date April 6, 2021

County Council of Howard County, Maryland

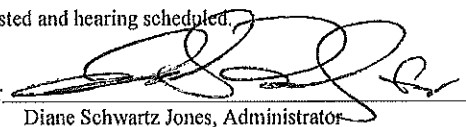
2021 Legislative Session

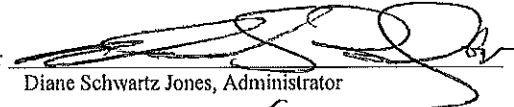
Legislative day # 1

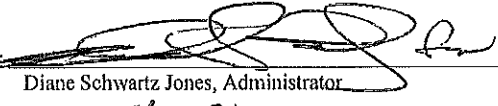
BILL NO. 7 - 2021 (ZRA - 192)

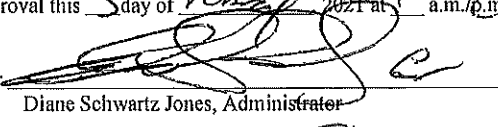
Introduced by: The Chair
at the request of
Annapolis Junction Town Center, LLC


AN ACT amending the Howard County Zoning Regulations to allow structures within 750 feet of a MARC station platform to exceed 100 feet in height up to a maximum of 180 feet in height under certain circumstances; requiring that certain moderate income housing units be developed on the site of a TOD development; prohibiting a developer from providing Moderate Income Housing Units at a different location or paying fees-in-lieu of to the Department of Housing and Community Development for certain moderate income housing units; and generally relating to the Transit Oriented Development (TOD) Zoning District.

Introduced and read first time January 4, 2021. Ordered posted and hearing scheduled.
By order 
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on January 19, 2021.
By order 
Diane Schwartz Jones, Administrator

This Bill was read the third time on February 3 2021 and Passed , Passed with amendments , Failed .
By order 
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 3rd day of February 2021 at 4⁰⁰ a.m./p.m.
By order 
Diane Schwartz Jones, Administrator

Approved Vetoed by the County Executive February 4, 2021

Calvin Ball, County Executive

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 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the*
2 *Howard County Zoning Regulations are hereby amended as follows:*

3

4 *By Amending:*

5 *Section 127.4: "TOD (Transit Oriented Development) District"*

6 *Subsection E. "Bulk Regulations"*

7 *Number 2. "Maximum Building Height"*

8 *Letter b.*

9 *By Amending:*

10 *Section 127.4: "TOD (Transit Oriented Development) District"*

11 *Subsection F. "Requirements for TOD Development"*

12 *Number 2. "Area Requirements for Residential Uses"*

13 *Letter c.*

14

HOWARD COUNTY ZONING REGULATIONS

15

SECTION 127.4: TOD (Transit Oriented Development) District

16

E. Bulk Regulations

17

18 2. Maximum building height

19

20 a. Structure with minimum setback from a public street right-of-way 60 feet

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

24

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

28

29 (1) A PUBLIC STREET RIGHT-OF-WAY; AND

30 (2) A TOD ZONING DISTRICT BOUNDARY

1 FOR EVERY 2 FEET OF ADDITIONAL HEIGHT UP TO A MAXIMUM OF 180 FEET IN HEIGHT,
2 PROVIDED HOWEVER, THAT NO PORTION OF ANY STRUCTURE WITH A HEIGHT IN EXCESS OF 100
3 FEET SHALL BE WITHIN 750 FEET OF A RESIDENTIAL ZONING DISTRICT, EXCLUDING RESIDENTIAL
4 AREAS WITHIN THE TOD ZONING DISTRICT BOUNDARY

5 **F. Requirements for TOD Development**

6 **2. Area Requirements for Residential Uses**

- 7 a. Residences are permitted only within a development project encompassing
8 at least 3 gross acres of TOD-zoned land.
- 9 b. No more than 50% of the developable acreage, excluding road right-of-way
10 and open space, shall be devoted to residential buildings and parking. For
11 parcels that are 5 acres or less, no more than 50% of the developable acreage,
12 excluding road-right-of-ways, open space, and structured parking, shall be
13 devoted to residential buildings and surface parking lots.
- 14 c. Moderate Income Housing Units

15 At least 15% of the dwelling units shall be Moderate Income Housing Units
16 AND SHALL BE DEVELOPED ON THE SITE. THE DEVELOPER SHALL NOT PROVIDE
17 THE MODERATE INCOME HOUSING UNITS AT A DIFFERENT LOCATION OR PAY A
18 FEE-IN-LIEU TO THE DEPARTMENT FOR THE MODERATE INCOME HOUSING
19 UNITS REQUIRED UNDER THIS SUBSECTION.”.

20
21 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this*
22 *Act shall become effective 61 days after its enactment.*

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2021 Legislative Session

Legislative day # _____

BILL NO. 7 - 2021 (ZRA - 192)

Introduced by: The Chair
at the request of
Annapolis Junction Town Center, LLC

AN ACT amending the Howard County Zoning Regulations to allow structures within 750 feet of a MARC station platform to exceed 100 feet in height up to a maximum of 180 feet in height under certain circumstances; and generally relating to the Transit Oriented Development (TOD) Zoning District.

Introduced and read first time _____, 2021. Ordered posted and hearing scheduled.

By order _____
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2021.

By order _____
Diane Schwartz Jones, Administrator

This Bill was read the third time on _____, 2021 and Passed _____, Passed with amendments _____, Failed _____.

By order _____
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2021 at ___ a.m./p.m.

By order _____
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive _____, 2021

Calvin Ball, County Executive

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 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the*
2 *Howard County Zoning Regulations are hereby amended as follows:*

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4 *By Amending:*

5 *Section 127.4: "TOD (Transit Oriented Development) District"*

6 *Subsection E. "Bulk Regulations"*

7 *Number 2. "Maximum Building Height"*

8 *Letter b.*

9
10 **HOWARD COUNTY ZONING REGULATIONS**

11 **SECTION 127.4: TOD (Transit Oriented Development) District**

12 **E. Bulk Regulations**

13
14 **2. Maximum building height**

15
16 a. Structure with minimum setback from a public street right-of-way 60 feet

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

19
20 HOWEVER, STRUCTURES WITHIN 750 FEET OF A MARC STATION PLATFORM MAY EXCEED 100
21 FEET IN HEIGHT IF THE PORTION OF THE STRUCTURE OVER 60 FEET IS SETBACK 1 ADDITIONAL
22 FOOT FROM:

23
24 (1) A PUBLIC STREET RIGHT-OF-WAY; AND

25 (2) A TOD ZONING DISTRICT BOUNDARY

26
27 FOR EVERY 2 FEET OF ADDITIONAL HEIGHT UP TO A MAXIMUM OF 180 FEET IN HEIGHT.

28
29 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this*
30 *Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on

February 4

, 2021

Theodore Wimberly, Acting Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2021.

Theodore Wimberly, Acting Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2021.

Theodore Wimberly, Acting Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2021.

Theodore Wimberly, Acting Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2021.

Theodore Wimberly, Acting Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2021.

Theodore Wimberly, Acting Administrator to the County Council

Amendment No. 1 to Council Bill No. 7-2021

**BY: Christiana Rigby
Liz Walsh
Deb Jung**

**Legislative Day 3
Date: February 1, 2021**

Amendment No. 1

(This amendment requires that Moderate Income Housing Units be developed on the site of a TOD development and prohibits a developer from providing Moderate Income Housing Units at a different location or paying fees-in-lieu of Moderate Income Housing Units.)

1 On the title page, in the purpose paragraph, after “circumstances;”, insert “requiring that
2 certain moderate income housing units be developed on the site of a TOD development;
3 prohibiting a developer from providing Moderate Income Housing Units at a different
4 location or paying fees-in-lieu of to the Department of Planning Zoning Housing and
5 Community Development for certain moderate income housing units;”.

6 On page 1, in line 9, insert:

7 “By Amending:

8 Section 127.4: “TOD (Transit Oriented Development) District”

9 Subsection F. “Requirements for TOD Development”

10 Number 2. “Area Requirements for Residential Uses”

11 Letter c.”.

12 On page 1, in line 28, insert:

1 “F. Requirements for TOD Development

2 2. Area Requirements for Residential Uses”

3 a. Residences are permitted only within a development project encompassing at
4 least 3 gross acres of TOD-zoned land.

5 b. No more than 50% of the developable acreage, excluding road right-of-way and
6 open space, shall be devoted to residential buildings and parking. For parcels
7 that are 5 acres or less, no more than 50% of the developable acreage, excluding
8 road-right-of-ways, open space, and structured parking, shall be devoted to
9 residential buildings and surface parking lots.

10 c. Moderate Income Housing Units

11 At least 15% of the dwelling units shall be Moderate Income Housing Units
12 AND SHALL BE DEVELOPED ON THE SITE. THE DEVELOPER SHALL NOT PROVIDE
13 THE MODERATE INCOME HOUSING UNITS AT A DIFFERENT LOCATION OR PAY A
14 FEE-IN-LIEU TO THE DEPARTMENT FOR THE MODERATE INCOME HOUSING UNITS
15 REQUIRED UNDER THIS SUBSECTION.”.

ADOPTED 2/3/21
FAILED _____
SIGNATURE [Signature]

Amendment 1 to Amendment No. 1 to Council Bill No. 7-2021

**BY: Christiana Rigby
Liz Walsh
Deb Jung**

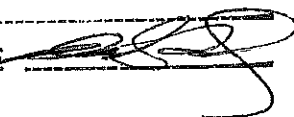
Legislative Day 3

Date: February 1, 2021

Amendment No. 1

(This amendment changes the Department of Planning and Zoning to the Department of Housing and Community Development as the Department that receives fees-in-lieu of for moderate income housing units on the title page.)

- 1 On page 1 of the amendment, in line 4, strike "Planning Zoning" and substitute "Housing and
- 2 Community Development".

ADOPTED 2/3/21
FAILED _____
SIGNATURE 

Amendment No. 2 to Council Bill No. 7-2021

BY: David Yungmann

Legislative Day 3

Date: February 1, 2021

Amendment No. 2

(This amendment prohibits any structure with a height in excess of 100 feet within 750 feet of a residential zoning district, excluding certain residential areas.)

1 On page 1 of the bill, in line 27, after "HEIGHT", insert ", PROVIDED HOWEVER, THAT NO
2 PORTION OF ANY STRUCTURE WITH A HEIGHT IN EXCESS OF 100 FEET SHALL BE WITHIN 750
3 FEET OF A RESIDENTIAL ZONING DISTRICT, EXCLUDING RESIDENTIAL AREAS WITHIN THE
4 TOD ZONING DISTRICT BOUNDARY".

DATE 2/3/21
FAILED _____
SIGNATURE [Signature]

Amendment No. 1 to Council Bill No. 7-2021

BY: Christiana Rigby
Liz Walsh
Deb Jung

Legislative Day 3
Date: February 1, 2021

Amendment No. 1

(This amendment requires that Moderate Income Housing Units be developed on the site of a TOD development and prohibits a developer from providing Moderate Income Housing Units at a different location or paying fees-in-lieu of Moderate Income Housing Units.)

1 On the title page, in the purpose paragraph, after “circumstances;”, insert “requiring that
2 certain moderate income housing units be developed on the site of a TOD development;
3 prohibiting a developer from providing Moderate Income Housing Units at a different
4 location or paying fees-in-lieu of to the Department of Planning Zoning for certain
5 moderate income housing units;”.

6 On page 1, in line 9, insert:

7 “By Amending:

8 Section 127A. “TOD (Transit Oriented Development) District”

9 Subsection F. “Requirements for TOD Development”

10 Number 2. “Area Requirements for Residential Uses”

11 Letter c.”.

12 On page 1, in line 28, insert:

1 "F. Requirements for TOD Development

2 2. Area Requirements for Residential Uses"

3 a. Residences are permitted only within a development project encompassing at
4 least 3 gross acres of TOD-zoned land.

5 b. No more than 50% of the developable acreage, excluding road right-of-way and
6 open space, shall be devoted to residential buildings and parking. For parcels
7 that are 5 acres or less, no more than 50% of the developable acreage, excluding
8 road-right-of-ways, open space, and structured parking, shall be devoted to
9 residential buildings and surface parking lots.

10 c. Moderate Income Housing Units

11 At least 15% of the dwelling units shall be Moderate Income Housing Units
12 AND SHALL BE DEVELOPED ON THE SITE. THE DEVELOPER SHALL NOT PROVIDE
13 THE MODERATE INCOME HOUSING UNITS AT A DIFFERENT LOCATION OR PAY A
14 FEE-IN-LIEU TO THE DEPARTMENT FOR THE MODERATE INCOME HOUSING UNITS
15 REQUIRED UNDER THIS SUBSECTION."

Amendment No. 1 to Council Bill No. 7-2021

BY: Christiana Rigby
Liz Walsh
Deb Jung

Legislative Day 3
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4 location or paying fees-in-lieu of to the Department of Planning Zoning for certain
5 moderate income housing units;”.

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10 Number 2. “Area Requirements for Residential Uses”

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5 b. No more than 50% of the developable acreage, excluding road right-of-way and
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15 REQUIRED UNDER THIS SUBSECTION.”.

Amendment No. 2 to Council Bill No. 7-2021

BY: David Yungmann

Legislative Day 3

Date: February 1, 2021

Amendment No. 2

(This amendment prohibits any structure with a height in excess of 100 feet within 750 feet of a residential zoning district, excluding certain residential areas.)

1 On page 1 of the bill, in line 27, after "HEIGHT", insert "PROVIDED HOWEVER, THAT NO
2 PORTION OF ANY STRUCTURE WITH A HEIGHT IN EXCESS OF 100 FEET SHALL BE WITHIN 750
3 FEET OF A RESIDENTIAL ZONING DISTRICT, EXCLUDING RESIDENTIAL AREAS WITHIN THE
4 TOD ZONING DISTRICT BOUNDARY".

CB7-2021



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-192 Date Filed: 6-11-20

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: Amend Section 127.4.E.2 of the Howard County Zoning Regulations to increase the maximum allowable height in the Transit Oriented Development (TOD) Zoning District 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 additional height as currently required.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Annapolis Junction Town Center LLC

Address 4816 Del Ray Avenue, Bethesda, MD 20814

Phone No. (301) 657-4848 (H)

Email Address ngreenberg@somersetconstruction.com

3. Counsel for Petitioner Sang W. Oh, Talkin & Oh, LLP

Counsel's Address 5100 Dorsey Hall Drive, Ellicott City, MD 21042

Counsel's Phone No. 410-964-0300

Email Address soh@talkin-oh.com

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed. See the attached Supplemental Statement.

[Blank lines for response to Section 4]

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County. See the attached Supplemental Statement.

[Blank lines for response to Section 5]

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A, expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. See the attached Supplemental Statement.

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s). See the attached Supplemental Statement.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes.

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms. This amendment will impact all TOD projects/properties in Howard County as to the maximum allowable height. The proposed amendment could result in certain buildings within TOD projects being taller than 100'. For all the reasons as set forth above in responses to Sections 4, 6 and 7, the Petitioner asserts these impacts to be positive. Petitioner also represents that in its review of its project/property, an increase in the maximum allowable height did not result in increased residential density. Nonetheless, Petitioner cannot represent that the proposed amendment could never result in increased residential density for any TOD project/property.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. _____

None.

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

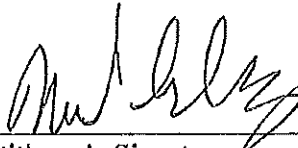
10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[Double Bold Brackets]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

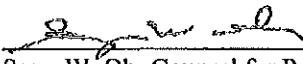
11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.

12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Annapolis Junction Town Center, LLC
Petitioner's name (Printed or typed)


Petitioner's Signature

5/26/2020
Date

 6-9-20
Sang W. Oh, Counsel for Petitioner

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEES

The Petitioner agrees to pay all fees as follows:

Filing fee.....\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night.....\$510.00*

The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

APPLICATIONS: One (1) original plus twenty four (24) copies along with attachments.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised:07/12

T:\Shared\Public Service and Zoning\Applications\County Council\ ZRA Application

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

PETITIONER: Annapolis Junction Town Center, LLC

AFFIDAVIT AS TO CONTRIBUTION

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

I, Annapolis Junction Town Center, LLC the applicant in the above zoning matter

✓, HAVE _____, HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Annapolis Junction Town Center, LLC

Signature: [Handwritten Signature]

Date: 5-26-2020

PETITIONER: Annapolis Junction Town Center, LLC

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR

PARTY OF RECORD: Annapolis Junction Town Center, LLC

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Allan Kittleman</u>	<u>11/29/2016</u>	<u>\$1,000</u>
<u>Christiana Rigby</u>	<u>4/9/2018</u>	<u>\$500</u>
	<u>9/20/2018</u>	<u>\$500</u>
<u>Jen Terrasa</u>	<u>6/20/2019</u>	<u>\$250</u>

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: Annapolis Junction Town Center, LLC

Signature: [Handwritten Signature]

Date: 5-20-2020

PETITIONER: Annapolis Junction Town Center, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

I, Annapolis Junction Town Center, LLC, the applicant in the above zoning matter

_____, AM

_____, AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Annapolis Junction Town Center, LLC

Signature: *[Handwritten Signature]*

Date: 5-26-2020

Petition to Amend the Zoning Regulations of Howard County

Supplemental Statement

Response to Section 4

The current 100 foot height limitation contained in Section 127.4.E.2 restricts the efficient use of land in the TOD districts. The TOD districts are located along the County's Route 1 Corridor; and, along with the CE and CAC districts, "should provide a more efficient use of land and ... create a concentration of mixed-uses that promote economic development and are pedestrian-oriented." Route 1 Manual at 1. The intention of the TOD Zoning Regulations is "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." Section 127.4.A. Indeed, "[f]or larger sites of at least three acres, well-designed multi-use centers combining office and high density residential development with ground floor retail are encouraged." Route 1 Manual at 12. Section 127.4.E.1 highlights this by setting the minimum allowable residential density to 20 units per acre of residential development. Section 127.4.E.2, as currently written, however, frustrates this purpose by arbitrarily limiting height to 100 feet. This height limitation substantially restricts the efficient development of the limited available land in the TOD districts. It curtails a mixed-use development from including the desired level of high-density residential development. As such, it contradicts the TOD district's purpose of promoting multi-use centers with high-density residential development close to transit options. The requested amendment is proposed to correct this issue. In raising the height limitation to 200 feet, greater flexibility will be permitted in the TOD districts providing improved options for efficient mixed-use development along the Route 1 Corridor.

Response to Section 5

The proposed amendment will be in harmony with PlanHoward 2030. PlanHoward 2030 has recognized the Route 1 corridor as an area where "redevelopment and revitalization will remain a necessary instrument to accommodate future growth and stimulate economic development." PlanHoward 2030, p 57. PlanHoward provides that

[t]o maximize these opportunities and achieve the desired vision for the Route 1 Corridor, the County will need to consider employing strategies that offset any inherent drawbacks associated with redevelopment. The 'redevelopment toolbox' would be comprised of specific instruments aimed at facilitating new development and redevelopment projects that catalyze economic growth, protect existing employment areas, and enhance existing communities.

PlanHoward 2030, p. 58.

PlanHoward 2030 also identifies the Route 1 Corridor as one of the County's Targeted Growth and Revitalization areas. PlanHoward 2030, p.74. These are "areas where current policies, zoning, and other regulations, as well as policies suggested in PlanHoward 2030, seek to focus most future County growth." *Id.* PlanHoward 2030 acknowledges that "smarter growth" is

required in the Route 1 Corridor. *Id.* at 80. Further, it recognizes that “[t]he earliest mixed-use zones in the Route 1 Corridor should now be reevaluated and revised, if necessary ...” *Id.* Moreover, “[b]ecause Howard County’s population will continue to increase while the amount of land available for development in the Priority Funding Area will continue to decrease, more compact development will be needed to accommodate future growth.” *Id.* To accomplish this, the County acknowledges that “[m]ore flexibility is needed within the Zoning Regulations to allow and promote context sensitive design rather than uniform approaches.” *Id.* at 81.

PlanHoward 2030 contains a number of policy goals and implementing actions regarding the Route 1 Corridor that support the proposed amendment. Policy 5.4 seeks to “[e]nhance the Route 1 Corridor revitalization strategy to recognize the distinct character and market potential of diverse corridor segments, and the potential at various intersections, crossings, and nodes for additional retail, restaurant, and employment development ...” PlanHoward, p.58. Implementing action a. to policy 5.4 calls for planning efforts to focus on “maximiz[ing] development potential in ... mixed-use opportunity sites.” Additionally, implementing action b. to Policy 5.4 envisions the increased flexibility that would be provided by this amendment: “[e]valuate the efficacy of existing Route 1 zoning districts (CE, CAC, TOD); consider more flexibility, especially regarding commercial uses. Reduce strip commercial development along Route 1 frontage by directing retail uses to retail centers and mixed use developments...” Further, implementing action c. to policy 5.4 seeks to “[a]ccommodate residential development in key nodes along with Route 1 Corridor so that it does not erode opportunities to reserve or redevelop employment and industrial areas.” By increasing the maximum allowable building height to 200 feet, developers will have the flexibility to maximize the available land in the TOD districts allowing for the smart, compact development of mixed-use projects.

Additionally, Policy 5.5 seeks to “[p]roactively consider innovative tools to enhance the Route 1 Corridor’s competitiveness, attract and retain businesses, and maximize redevelopment opportunities.” PlanHoward, p. 59. Implementing action c. to Policy 5.5 envisions the future intensification that would be allowed by this amendment: “[d]evelop plans for key opportunity areas that allow for significant future intensification, while maximizing current and intermediate development potential...” Furthermore, Policy 6.1 seeks to “[m]aintain adequate facilities and services to accommodate growth.” PlanHoward, p.75. Implementing Action e. to Policy 6.1 addresses zoning and envisions the compact development that would be permitted by the proposed amendment: “[r]educe competition for land resources by promoting more compact development in appropriate targeted growth and revitalization areas.” Additionally, Policy 6.5 seeks to “[p]lan well designed, and complete communities through the Comprehensive Zoning process.” PlanHoward, p.81. Implementing action d. of Policy 6.5 also envisions the type of compact development that would be permitted by this amendment: “[e]ncourage compact development with adequate green spaces and connectivity within and between developments which provides residents with a high quality of life and allows residents to take advantage of the benefits of the compact development.”

Moreover, Policy 9.2 seeks to “[e]xpand full spectrum housing for residents at diverse income levels and life stages ... by encouraging high quality, mixed income, multigenerational, well designed, and sustainable communities.” PlanHoward, p.129. Implementing action b. to Policy 9.2 envisions the increased rental housing options that this amendment would encourage: “[w]ork 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.” Also, Policy 9.6 seeks to “[p]romote design innovation for all housing types, utilizing cost-effective sustainability principles, to meet the housing and transportation needs of the County’s diverse households.” PlanHoward, p.133. Implementing action b. to Policy 9.6 envisions the innovation that this amendment would permit for mixed-use developments: “[c]ontinue to recognize and highlight design innovation in high quality, cost-effective, sustainable, mixed income and multigenerational housing.” The additional height that would be permitted by this amendment would allow the development of innovative mixed-use structures that include both commercial and high-density residential uses close to transportation options. Lastly, Policy 10.4 of PlanHoward 2030 is to “[r]eview and update all County development regulations to respond to County General Plan development goals and changing market conditions, and to improve the efficiency of the County’s review process.” PlanHoward 2030, p.143.

In summary, the proposed amendment would help achieve the County’s goal to focus growth and revitalization within TOD districts by allowing greater flexibility in a multi-use structure’s height. This will facilitate smart, compact growth by allowing high-density residential and commercial development to complement each other in a single development project, which will also bolster economic development. It would also provide greater affordable housing availability for the County’s growing population and place that population close to transit options reducing congestion and the negative environmental impacts associated with automobile use.

Response to Section 6

The proposed amendment will be in harmony with the legislative intent provided in Section 100.0.A of the Zoning Regulations. Similar to PlanHoward 2030’s goals of directing development to targeted growth and revitalization areas, Section 100.0.A.1 seeks to “prevent over-crowding of the land and undue congestion of population,” while Section 100.0.A.2 seeks to “protect the ... economic stability of all parts of the County; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various land use classes...” Furthermore, Section 100.0.A.4 of the Zoning Regulations seeks to “provide a guide ... for private enterprise in undertaking development, investment and other economic activity relating to uses of land and structures throughout the County.”

Allowing this proposed amendment would further these legislative objectives by permitting additional flexibility in the use of land in an area the County has expressly targeted for growth and revitalization. This will aid in facilitating orderly growth in the County and help ensure that available land and resources are used efficiently and effectively. The flexibility in height that the proposed amendment would provide will allow additional options for commercial and high-density residential uses in mixed-use TOD developments. Increasing flexibility in the permitted height allows a more beneficial relationship among the residential, commercial, and commuter components of TOD developments. This will encourage redevelopment and revitalization of the Route 1 corridor that will benefit County residents within the Route 1 corridor and others commuting to TOD districts.

Response to Section 7

As indicated above, this proposed amendment would benefit the public by encouraging mixed-use projects, that include high-density residential development, in a district that is specifically targeted by the County for growth and was created to encourage efficient mixed-use development near transit options. The flexibility in height that the proposed amendment would permit will provide additional housing options for County residents and will support and enhance other uses in TOD developments thereby promoting economic growth. Further, the portion of a structure over 60 feet would be required to have an additional 1 foot setback for every 2 feet of additional height. This will reduce the visual bulk and intensity of the building striking a proper balance between growth and the responsible use of land.

Petition to Amend the Zoning Regulations of Howard County

Petitioner's Proposed Text

Howard County Zoning Regulation Section 127.4.E.2:

Proposed Amendment:

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

Example of how the text would appear normally if adopted:

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 200 feet

087.21



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350
Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

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

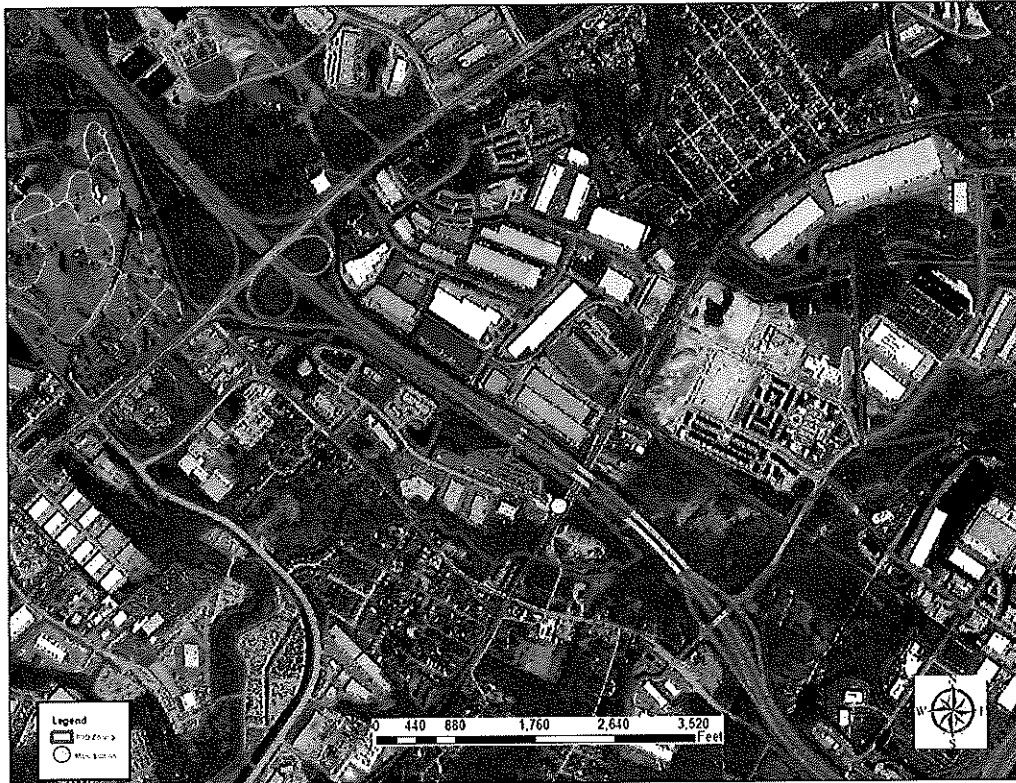
This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-192. The Petitioner's proposed amendment text is attached as Exhibit A. DPZ's recommended text is contained in Exhibit B.

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

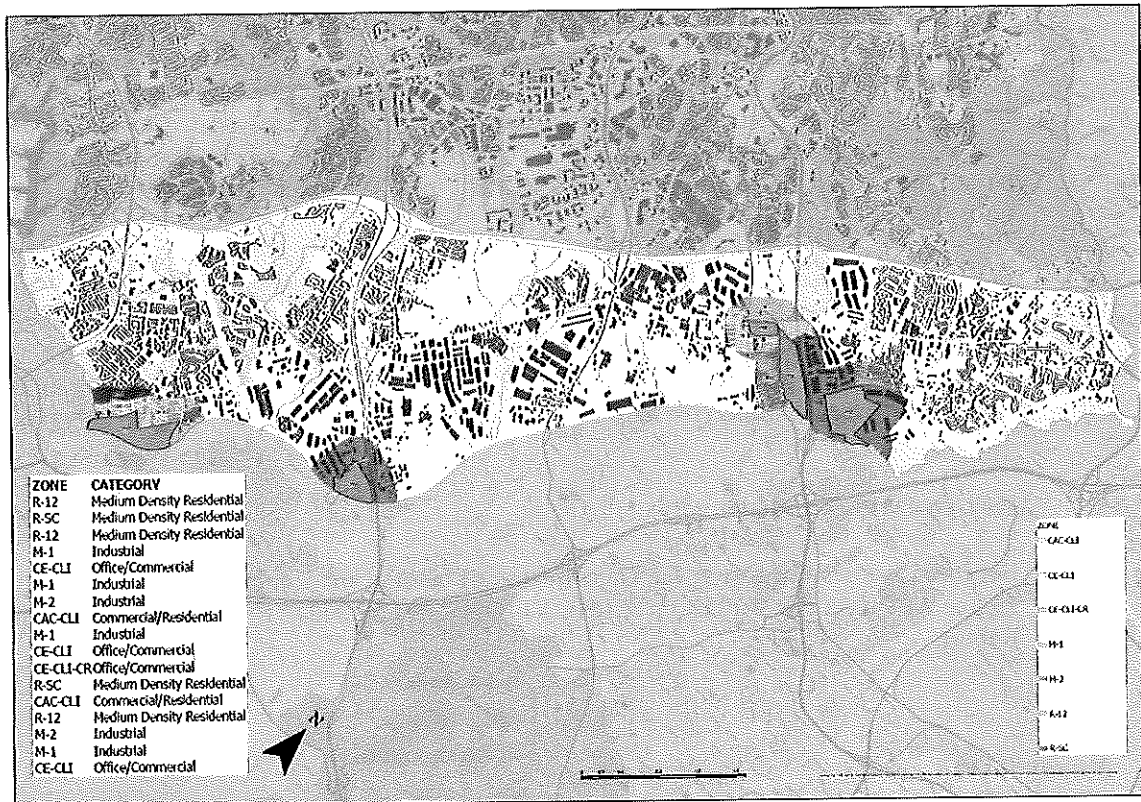
Source: Dwelling Units from Howard County DPZ Land Use Database
 Students from HCPSS Planning Office, September 30, 2019 Official; Enrollment, grades K-12

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

Case No. ZRA-192

Petitioner: Annapolis Junction Town Center, LLC

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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
5B4D5DD8470C4D4...

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-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 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.

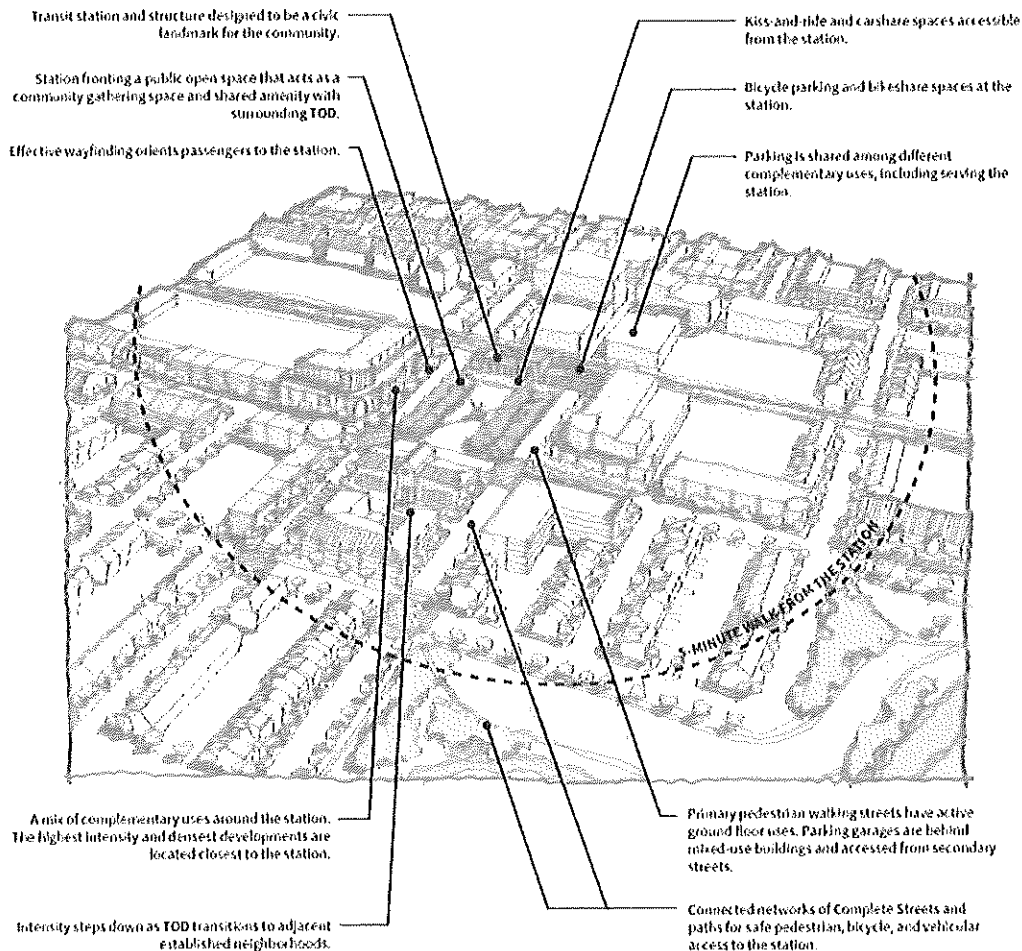
Attachment A

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.



Source: Designing for Transit – Transit Oriented Development Guidelines
Maryland Department of Transportation – Office of Planning and Programming

Case No. ZRA-192

Petitioner: Annapolis Junction Town Center, LLC

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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

CB1-21

1 ANNAPOLIS JUNCTION TOWN CENTER, LLC, * BEFORE THE
 2 PETITIONER * PLANNING BOARD OF
 3 ZRA-192 * HOWARD COUNTY, MARYLAND

4 * * * * *

5 MOTION: Recommend approval to amend Sec. 127.4.E.2 as modified by the Department
 6 of Planning and Zoning in Exhibit B.

7 ACTION: *Recommended approval; Vote 4-1.*

8 * * * * *

9
 10 RECOMMENDATION

11
 12 On October 1, 2020, the Planning Board of Howard County, Maryland, considered the petition of
 13 Annapolis Junction Town Center, LLC (Petitioner) to amend Section 127.4.E.2. to increase the maximum
 14 allowable height in the Transit Oriented Development (TOD) Zoning District to 200 feet provided the
 15 structure has an additional 1-foot setback for the portion of the structure over 60 feet for every 2 feet of
 16 height.

17 The Planning Board considered the petition and the Department of Planning and Zoning (DPZ)
 18 Technical Staff Report and Recommendation. DPZ recommended approval of ZRA-192, with modifications
 19 included in Exhibit B of the Technical Staff Report. DPZ's proposed modifications would allow the height
 20 to be increased to 180 feet provided the structure is within 750 feet of a MARC station platform and the
 21 portion of the structure over 60 feet is setback 1 additional foot from a TOD zoning district boundary and a
 22 public street right-of-way for every 2 feet of height above 60 feet.

23 Sang Oh testified on behalf of the Petitioner. Mr. Oh indicated that he thought the modifications
 24 proposed by DPZ were well thought out and that the Petitioner agrees with the proposed modifications. He
 25 provided the history of the MARC station, an overview of the Annapolis Junction Town Center (AJTC) site
 26 and outlined requirements for developments in the TOD Zoning District. He answered questions from the
 27 Board regarding specific details of the proposed development, the impact on school capacity, and residential
 28 density.

29 Members of the public expressed opposition to constantly changing TOD requirements, allowing
 30 increased building heights while MARC station services are being reduced, and amending the Zoning
 31 Regulations while the process of drafting a new General Plan was currently underway. Additionally, there
 32 was concern that the proposal would only benefit one site but affect all TOD sites in the county and
 33 negatively impact existing infrastructure.

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Board Discussion and Recommendation

In work session, the Board discussed the proposed amendment and concurred that additional building height is appropriate near TOD MARC stations, as it will encourage dense mixed-use development near mass transit and produce more affordable housing for county residents. The Board agreed that it was appropriate to amend the regulations now rather than wait for the General Plan update and new Zoning Regulations, which could take several years. One Planning Board member expressed concerns with the proposal and questioned whether the AJTC plan had been thought through completely, since that area is congested. The Planning Board member elaborated, that the concerns were related to lack of sufficient information regarding the AJTC plan, rather than concerns with changes to the TOD district or to the proposed building height. DPZ clarified that Planning Board was tasked with reviewing and making a recommendation on an amendment to the Zoning Regulations and not a specific development proposal/plan. The Board discussed the need for a diverse set of residential offerings throughout the County, and most members agreed that TOD was appropriate to serve that need.

Mr. McAliley motioned that the Planning Board recommend that ZRA-192 be approved with modifications as outlined in Exhibit B of DPZ's Technical Staff Report. Ms. Adler seconded the motion, which passed 4-1, with Mr. Engelke opposed.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 10th day of November 2020, recommends that ZRA-192, as modified in Exhibit B of DPZ's Technical Staff Report, be **APPROVED.**

1 HOWARD COUNTY PLANNING BOARD

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DocuSigned by:

Erica Roberts

Erica Roberts, Chair

Edward T. Coleman

Ed Coleman, Vice-chair

Delphine Adler

Delphine Adler

Opposed

Philips Engelke

DocuSigned by:

Kevin McAliley

Kevin McAliley

ATTEST:

Amy Gowan

Amy Gowan, Executive Secretary

**Office of the County Auditor
Auditor's Analysis**

Council Bill No. 7-2021 (ZRA 192)

Introduced: January 4, 2021

Auditor: Michael Martin

Fiscal Impact:

The fiscal impact of this legislation is currently unknown.

This legislation may result in increased tax revenues as new development occurs or if construction occurs on existing structures. There would be annual revenues from property taxes and income taxes. One-time sources of revenues would also be collected in the form of transfer taxes, recordation fees, school surcharges, and road excise taxes as new construction occurs. The County may also see an increase in non-general fund revenues, including fire taxes and ad valorem charges.

NOTE: Any additional incremental property tax revenue generated for the properties developed in the Annapolis Junction Town Center Tax Increment Financing (TIF) district is transferred to the Annapolis Junction TIF Fund at the end of each fiscal year, and is therefore unavailable for general fund purposes.

Expenditures could include costs of development as well as increased pupil costs should the amendment impact student population.

Purpose:

This bill amends the Howard County Zoning Regulations to allow structures within 750 feet of a MARC station platform to exceed 100 feet in height up to a maximum of 180 feet in height under certain circumstances in the Transit Oriented Development (TOD) Zoning District.

Other Comments:

The Department of Planning and Zoning (DPZ) - although they have not yet received official development submissions that would be impacted by this zoning amendment - did indicate that an increased height limit could result in increased residential density since height is currently a limiting factor of density.

There are three MARC stations (Dorsey, Laurel, and Savage) located in TOD Zoning Districts. Furthermore, based on DPZ's list of the 14 structures currently within 750 feet of a MARC

station, only five structures exceed one story, which is approximately 15 feet in height. Most of these existing structures do not come close to the current maximum height of 100 feet.

There are also six parcels of undeveloped land within 750 feet of a MARC station which could possibly take advantage of this new height limitation in the future. See **Exhibit A** below for additional details on these structures and parcels of land.

Exhibit A

<u>Structures</u>		
<u>Address</u>	<u>Building Type</u>	<u>Height</u>
10102 Junction Drive	Parking Garage	3 stories
10010 SE Junction Drive	Office	2 stories
10130 Junction Drive	Parking Garage	2 stories
10125 Junction Drive	Dwelling Units	4-5 stories
10150 Junction Drive	Restaurant	1 story
6865 Deerpath	Office	3 stories
6990 Connor	Storage Building	1 story
7000 Deerpath	MARC Station	1 story
28 Midway Ave	Manufactured Home	1 story
34 Midway Ave	Manufactured Home	1 story
36 Midway Ave	Manufactured Home	1 story
38 Midway Ave	Manufactured Home	1 story
40 Midway Ave	Manufactured Home	1 story
42 Midway Ave	Manufactured Home	1 story

<u>Undeveloped Land</u>	
<u>Address</u>	<u>Parcel ID</u>
10140 Junction Drive	N/A
Deerpath Rd	TM 37 Parcel 634
Connor Rd	TM 44 Parcel 4
Connor Rd	TM 44 Parcel 6
Laurel Park Blvd	TM 50 Parcel 384 Lot PAR C
Laurel Park Blvd	TM 50 Parcel 384 Lot PAR B

Sayers, Margery

From: Cynthia Meyler <cmey35@gmail.com>
Sent: Wednesday, February 3, 2021 8:45 PM
To: CouncilMail

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Please vote NO on cb7 and cb8.

Cyndi Meyler
(Howard County resident since 1993)

Sayers, Margery

From: Carolan <cbstansky@comcast.net>
Sent: Wednesday, February 3, 2021 3:47 PM
To: CouncilMail
Subject: No to CB7 and CB8

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council members:

Please just say no to ZRA amendments without thorough public comment and especially while regulations are being updated.

Yes, time is money for developers (and anyone running any business), but they knew (or should have known) the existing zoning rules.

"Betting" that they could get an exception or zoning change is a risk they take, not one you must mitigate.

Folks have recently taken to calling vaccine distribution "The Hunger Games."

Last year, after a school board member publically stated "we need more development so our budget can increase", it dawned on me development in Howard County is often like a "Ponzi Scheme".

New income is used to address old problems, and so on and so on. Who will be the last one standing with no "new dollars" left to find?

Yes, I accept that some (many?) zoning rules will be rewritten in the name of revitalization and "progress".

Let's wait and do it in a thoughtful manner and stop piecemeal "solutions" that help one and hurt many.

Carolan Stansky
D1-Ellicott City

Sayers, Margery

From: Stephanie Mummert <skmummert@gmail.com>
Sent: Wednesday, February 3, 2021 12:21 PM
To: CouncilMail
Subject: Please vote no on CB7

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

While I appreciate the effort towards encouraging transit oriented developments, I only foresee additional burden on the county infrastructure without the actual benefit of creating communities that are IN REALITY transit oriented, walkable and truly livable . Yes, I'm sure these properties at Savage or Laurel are convenient for commuters who use the MARC train, but these stations have the limitation of being served by the Camden line, instead of the far more versatile Penn line.

I'll explain, in case you have never had the pleasure of commuting via the MARC Camden line. It runs, as the line name would suggest, from Camden Yards down into Penn station in DC. It shares the rail line with freight/CSX trains. The trains do not run all day. Currently only 3 or 4 trains early in the morning and a similar limited afternoon schedule. I point this out because while I am amazed at the progress of these sites from where they were when I was a commuter, the rail line alone is not enough to support these locations as only transit focused. If the goal of this designation is ultimately to reduce automobile traffic and provide a walkable home base at these locations, please focus on encouraging building out the retail (supermarkets, restaurants, shopping) options instead of just building up.

Not to mention, while I am always focused on the ongoing problem of insufficient school capacity, while allowing this change may not automatically translate into increased enrollment into an already stressed and overcrowded region in the school system, the new residents that may be attracted by these new flashy condos and apartments will absolutely bring a burden to our existing infrastructure in a variety of ways that we may not be able to anticipate today.

Finally, I never want to be that "NIMBY" resident but adding this kind of height to buildings at rail stations that are all completely suburban will inappropriately change the character of our suburban transit stops. These kinds of tall structures will be entirely out of place in each of these locations. I spent years commuting to DC through Montgomery county (before we moved to HoCo). To be frank, if I wanted to live in that dense version of a suburb I would have chosen to live in Montgomery county. I chose to live in Howard County for a reason.

I fully support encouraging and supporting these transit oriented developments. I just do not think taller buildings provides any kind of solution to the people who live and work here. Your focus should be on your constituents and not on the needs of the developers.

Thank you for your attention to these issues.

Stephanie Mummert
District 3

Sayers, Margery

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Wednesday, February 3, 2021 10:41 AM
To: CouncilMail
Subject: CB7---2021 ZRA MARC Stations

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council,

I share the concerns expressed by Member Walsh on CB7.

I also do not understand the planning behind the desire for tall buildings without a relationship to the surrounding neighborhoods at the Dorsey and Savage Stations. It could be like Devils Tower--all alone.

On the other hand, it might make sense at the Laurel Station, but only when considered in context with the neighboring redevelopment in PG and AA Counties. Thus, the one-size-fits-all approach for all TODs seems to be a mistake.

Joel Hurewitz

Sayers, Margery

From: Caroline Bodziak <cbodziak@gmail.com>
Sent: Wednesday, February 3, 2021 10:16 AM
To: CouncilMail
Subject: NO to CB7 and CB8

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Hello Howard County Council,

I would like you to vote NO on CB7 and CB8.

The developer is asking in the middle of Howard County's reworking of its growth plan. I also question why the developer would ask to increase the size of allowable buildings by 80% and insist it would not create additional density. Please vote No. Developers should be paying HoCo for the privilege of making so much money off their construction in our amazing county, not the other way around.

Thank you,

Caroline Bodziak
3133 Hearthstone Rd.
Ellicott City, MD 21042
443-812-5896

Sayers, Margery

From: Dan J <najnad@yahoo.com>
Sent: Wednesday, February 3, 2021 8:00 AM
To: CouncilMail
Subject: vote no on increased developments and population densities, please

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Howard County Council members:

I am writing to you to please vote no on any and all motions to increase developments and/or population densities in Howard county, to include CB7 and CB8.

I am a resident in Elkridge. I dont think any increases in developments or population densities should be improved until such time that the county is actually ready for it. The schools are overcrowded and there is no plan to get them below 100% capacity nor to reduce the student/teacher ratio, both of which speak to the overall quality of education being provided. If that situation alone does not improve, my family and I will either switch to private schools or move out of Howard county. In addition, the roads and infrastructure are overwhelmed with the current population of residents and those who come into the county for work/shopping/entertainment. To increase developments and population densities will only exacerbate that problem as well.

I know there is an upcoming land use plan, so at a minimum any bills seeking to increase developments and/or population densities should be voted no on, and then once that land use plan has been approved, stick to the plan, no exceptions.

thank you

Dan Janning

Sayers, Margery

From: Robert Judge <robert.judge@verizon.net>
Sent: Wednesday, February 3, 2021 7:42 AM
To: CouncilMail
Subject: Vote NO on CB7-2021 and CB8-2021

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

I am writing to urge you to vote NO on both CB7 and CB8. This county does not have the infrastructure to support these bills. I have been a county resident my entire life and have lived in Elkridge since 1992. My three children attended Elkridge Elementary, Elkridge Landing Middle and Long Reach High School. My youngest is in 10th grade at Long Reach. All of my children have always attended overcrowded schools. It is irresponsible to approve more residential units when we do not have the infrastructure to support them.

I would like to propose an alternative, give the developers higher density, but no water or sewer service for the next 15 years. Let's see if they will accept that.

Robert Judge
6609 Grouse Road
Elkridge MD 21075
410-660-7013
robert.judge@verizon.net

Sayers, Margery

From: Jason Crouch <ericjasoncrouch@gmail.com>
Sent: Wednesday, February 3, 2021 7:38 AM
To: CouncilMail
Subject: CB7 and CB8 - Vote NO

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

County Council,

Today, please vote NO on CB7 and CB8.

Jason Crouch

Sayers, Margery

From: Amy Bracciale <amy.bracciale@gmail.com>
Sent: Wednesday, February 3, 2021 7:37 AM
To: CouncilMail
Subject: Vote NO on CB7 and CB8

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Council Members,

Please vote NO on CB7 and CB8.

Thank you. Amy Crouch

CB7 - Financial Contributions

ZRA	DATE	NAME	A. Kittleman	J. Terrasa	C. Rigby
192, Annapolis Junction Town Center, LLC	11/29/2016	Annapolis Junction	\$ 1,000.00		
192, Annapolis Junction Town Center, LLC	4/9/2018	Annapolis Junction			\$ 500.00
192, Annapolis Junction Town Center, LLC	9/20/2018	Annapolis Junction			\$ 500.00
192, Annapolis Junction Town Center, LLC	6/20/2019	Annapolis Junction		\$ 250.00	

Sayers, Margery

From: kathleencf <kathleencf@yahoo.com>
Sent: Wednesday, February 3, 2021 7:09 AM
To: CouncilMail
Subject: Council Vote

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Please vote NO on CB7 and CB8.

Thank you,

Kathleen Farrow

Sayers, Margery

From: Christine & Earl Dietrich <dietrichs4@verizon.net>
Sent: Tuesday, February 2, 2021 9:09 PM
To: CouncilMail; Rigby, Christiana
Subject: Vote NO on CB 7

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Councilmembers,

Vote NO on CB 7

I believe that an increase in the height of buildings or density of development should be postponed and evaluated as part of the General Plan. It seems like too many projects are approved independently without a larger, long term design for the impact of rapid residential growth. I have witnessed growth in the SE and Rte 1 corridor without the necessary infrastructure to accommodate it. For instance, decades ago when Maplelawn was established, the schools were built, larger roads were constructed, and large shopping centers to meet everyone's needs were in place either prior to, or coinciding with, the building of homes. However in the SE, I see haphazard dense apartments and townhomes without resources. Even when buildings like Ashbury Courts are constructed (on Rte 1 right in the middle of Rte 1 N and Rte 1 S), where commercial space is built into the ground level, the shops are not useful staples that people use and need every day like a grocery store or restaurant, and to this day, a number of those store fronts remain empty. HoCo wants to be "walkable" and yet the existing development at Annapolis Junction has little to no resources for residents, still requiring them to drive to get anywhere. Adding even *more, higher, and denser* residences is simply thoughtless. I've seen the "bait and switch" too much to trust that developers wont try to use loopholes to get what they want. I urge you to take more time on CB7 so that a proper plan can be put in place.

*Sincerely,
Christine Dietrich*

Sayers, Margery

From: Sara Vermillion <speedy.vee@gmail.com>
Sent: Tuesday, February 2, 2021 7:48 PM
To: CouncilMail
Subject: Comments on CB-7-2021 and CB-8-2021

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Council Members,

Thank you for this opportunity to express an opinion on CB-7-2021 and CB-8-2021. I have worked on transportation policy issues for 25 years and ridden the MARC train from/to the Savage Station for 20 years. I am in favor of Transit-Oriented Development (TOD), if it follows the intended framework that makes it truly transit-oriented and an important component of a county-wide transportation plan. However, I'm concerned that these bills—particularly CB-8-2021—erode the benefits of TOD and allow the developer to increase profits at the expense of the surrounding infrastructure.

Specifically, the TOD framework includes not just locating the development close to transit, but also:

a) Sufficient retail space for grocers and other essential businesses so the commuters don't have to get off the major transit mode—in this case the MARC train—and immediately hop in their cars to go run errands, thereby adding congestion to the roads that the TOD was supposed to relieve. By reducing the required commercial square footage below 20 square feet per dwelling unit, CB-8-2021 severely undermines this key component of TOD development, not just for this project, but for all future TOD projects in the county. Further, the wording of the bill summary that notes this reduction in commercial square footage can be done "if the Department of Planning and Zoning finds based on a market study submitted by the developer that the reduction is necessary for the financial viability of the project" raises questions as to who defines "financial viability." It essentially allows the developer to make this reduction in commercial space a requirement, not an option.

b) Integration into a comprehensive transportation and development plan for the surrounding area. The increased density that CB-7-2021 allows (and that future TOD projects would allow) by increasing the height of the residential buildings should be factored into impacts to local roads, schools, and other infrastructure. Has this been considered? I have to doubt it, as the answer to how much the increased height would increase density was "it won't."

Therefore, I'm wholeheartedly opposed to CB-8-2021, and would be in favor of CB-7-2021 only if this and other TOD projects are appropriately integrated into the Route 1 Corridor and county-wide plans. The Council has made progress in reining in developers in Howard County, and I sincerely thank you for that effort. However, these bills allow developers to use the TOD buzz word to get approval for projects, and then whittle away at the benefits of a true TOD to increase their profits.

My apologies for the late submission of my comments. Even though I've suspended my MARC train monthly pass during COVID, telework has allowed the busy schedule to continue!

Regards,
Sara Vermillion
8321 Savage-Guilford Road
Savage, MD 20763
240/475-2423

Sayers, Margery

From: Dena Evans <Itlblkdog@hotmail.com>
Sent: Tuesday, February 2, 2021 6:05 PM
To: CouncilMail; Rigby, Christiana
Subject: vote NO on CB 7

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Howard County Council Members,

I urge you to **vote NO on CB7**

I know you have a lot of things to read so I'll keep it extremely short.

Adding greater density to multiple zones, I'm asking...no begging...you to vote NO!

The current residences at Annapolis Junction are NOT at max capacity, ridership via train into DC is way down, and there is no reason to cram more density in by allowing the additional building height.

This is clearly a sneak attack by the developer to lock down additional benefits that do NOT benefit the community. Our community is where your heart and vote should be focused and the community is telling you NO! This bill **only** benefits developer. Please, Howard County Council Members, I beg you...stop allowing these waivers, revisions, last minute changes, modifications, sneaky loophole allowances and support the community's wishes, not the developer.

Thanks for your time,
Dena Evans

Sayers, Margery

From: Hans and Marie Raven <hansandmarie.raven@verizon.net>
Sent: Monday, February 1, 2021 2:52 PM
To: CouncilMail
Subject: CB 7-2021 feedback

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Honorable Council Members,

I am writing to you to express my dismay with aspects of CB 7-2021, specifically related to increasing the maximum height of buildings from 100 feet to 180 feet in the Transit Oriented Development (TOD) zone on the 'Savage Station at Annapolis Junction' site. I have a number of objections to this height increase. First of all, to think that allowing more units to be built upwards will not have an effect on density is worthy of derisive laughter. No developer is going to say that you cannot have children, or a vehicle if you wish to live on the upper floors of the building. Thinking that living near the MARC station is going to ensure that there is no reason to have a vehicle in the county is pure fantasy. Even if there is not an increase in total number of vehicles during peak commuting hours, anyone traveling the Route 1 corridor on a weekend will tell you that there is already significant congestion and back-ups occurring in all directions at Whiskey Bottom Road and Rt. 1., a location midway between the Laurel and Savage TOD zones. Finally, given the dramatic changes in elevation that occur across TOD zones, one cannot apply a uniform height requirement to all sections and expect a similar aesthetic outlook. There is not nearly enough room to hide the additional 80 feet of height proposed, an extra 40 feet of height beyond the height of the newest series of ugly high-rises being built in Columbia in all areas. I'm not sure why Howard County seems so bent on becoming the next Bethesda- it's getting scary down there with only small sections of sunlight being filtered through the tall buildings which are driving land values so high, small business owners can't afford their leases anymore.

Another objection I have to this bill relates to allowing the developer to have the option of buying out of the affordable housing requirements for this project. Let's not pretend that having a mix of residential and commercial units near high quality transportation such as the MARC stations will continue to be affordable to those who need more affordable housing in the county when the developer can simply buy out of the process and can pay to have the units placed elsewhere. Moderate income units placed in an area lacking desirable transportation and other resources do not serve the intended population. I ask you to consider when is the last time you walked down a busy road to enjoy the saplings planted for supposed forest conservation? We've already seen the ridiculousness of allowing developers to buy themselves out of preserving trees on their lots through forest conservation payments, which stick trees other places in the county where they do not contribute to nesting and sanctuaries for wildlife nor public enjoyment of the space. Unfortunately, I have to also oppose the current Amendment 1 to CB 7 because of a lack of equity in this amendment despite its good intentions. Shouldn't the Council change the existing regulations for ALL zones regarding the discontinuation of fee in lieu and not being able to 'transfer' the moderate income units elsewhere? It is not a compromise to give the applicant an exception for the additional height he asked for in return for what should already be the regulation/standard everywhere else in the county. While I appreciate this amendment idea from someone in Ellicott City who believes in a reasonable standard and closing loopholes, I would hope that views and ideas from someone in the affected community affected will be given more consideration when it comes to this piece of legislation.

I'm not sure why there is this rush for this legislation now. Why not wait for the HoCo by Design General Plan? It is supposed to lead to smarter, more equitable, and holistic growth for the county which looks at the long term- not just what can be skated under the public's radar during a pandemic. I would like to call your attention to how moving ahead of the HoCo by Design General Plan is unwise and unfair. If ZRAs are used to give all the TOD sites and the CAC sites greater density BEFORE a Master Plan for the Route 1 Corridor occurs as part of the General plan, we are shooting

ourselves in the foot and undermining the whole intent by having a master design plan. While obviously being unfair to residents, one could argue that all the other developers are being cut out of the opportunity to get allocations through this process as well. Please let common sense and equity prevail.

Sincerely,

Marie Raven
Laurel, MD
301-317-8010 (home)

CB 7-2021

Sayers, Margery

From: Susan Garber <buzysusan23@yahoo.com>
Sent: Wednesday, January 20, 2021 7:56 PM
To: CouncilMail
Subject: Testimony on CB7-2021 and CB8-2021
Attachments: HCCA_CB7-2021 testimonyF.docx; HCCA testimony CB8-2021F.docx

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Attached is my testimony on behalf of the Howard County Community Association on CB 7 and CB 8-2021.

Susan Garber,
Laurel

Susan Garber, Board member, speaking on behalf of the HCCA in opposition to CB 7-2021

We find the **timing of yet another change to the TOD zone extremely objectionable**. It's especially inappropriate to request this almost doubling of maximum height while the General Plan Revision process is underway. The HoCo by Design process would be undermined by locking in higher density at all TODs (along the Route 1 Corridor when many other changes --including those in CB 8-2021 are also being requested).

It's particularly problematic given the Route One Corridor still lacks a comprehensive plan, despite numerous false starts, and this change would further exasperate the lack of infrastructure (which is more than schools).

Another timing issue is whether future estimates of need are being overestimated. The State announced a reduction in commuter train routes due to a lack of ridership because of Covid. Now Covid may not last forever, *please God*, but you can't ignore the fact that the change to working from home rather than commuting to an urban center may be here to stay.

We ask: Why put the tallest buildings in Howard County at these TOD locations? Why a 180 foot maximum here when the tallest buildings in Columbia are by contrast 147 feet?

The TOD Zone was created to encourage the development of multi-story office centers near MARC stations. While at a site *nearby*, Anne Arundel County recently made a *very* lucrative office space deal with Microsoft, but Howard County continues to play around with *residential* development!

We urge you to reject this request at this time--**there is NO urgency**. The applicant simply wants another deal to lock down this potential bonus. The ZRA *application* actually requested a 200 foot maximum, boldly stating this didn't necessarily mean an increase in density. Just how dumb do they think elected officials and we, the public, are?!

The application also implies 'affordable housing' possibilities. Please do NOT be fooled by this disingenuous argument. I personally attended the public presentation for this entire project at its start (when the County was asked to fund the multistory parking lot needed to free up use of the street level parking lots for development.) At the time the presenters bragged they foresaw apartments here would be the most expensive in the metro area, "even greater than at Montgomery County's Symphony Hall project".

The term Transit Oriented Development was created and popularized by Peter Calthorpe and described in his book *The Next American Metropolis, Ecology, Community and the American Dream*. What the County envisions for TOD Districts is far from the original precept. Calthorpe focused on improving the suburbs of

metropolitan areas by incorporating the urbanism that makes communities socially vibrant and alive. By urbanism he did not mean downtown city densities with high-rise buildings. He meant the qualities of community design which establish diversity, pedestrian scale and public identity regardless of location or density.

Calthorpe saw the opportunity to develop such communities around existing transit stations. His plans and illustrations show 5 story office and apartment buildings with street level retail closest to the station and lower buildings, mostly residential, beyond.

It is shocking to see how an admirable original concept has been lost !!

Please vote NO on CB 7-2021.

On a personal note, my husband and I once lived in what is today still the tallest building in College Park. We chose the 7th floor of the 15 story building, specifically because this is the limit for a hook and ladder rescue. *That* building overlooked a national park. Residents of *this* would-be tallest building in Howard County can choose a view of the trash transfer station, mulch pile, salt dome, an auto graveyard **or** the Maryland Correctional Institute for Women. Keep in mind also this refers to any building within 750 feet of the train station--the length of 2 and a half football fields. Larger TOD sites could potentially have *several* such high-rises.

We suggest that before proceeding, DPZ research whether regulations regarding the height of buildings near NSA are still in effect, and whether any of the northern TOD locations have a restriction on building height due to proximity to BWI.

Remember to keep in mind that approval would affect ALL of the TOD sites, not just this one striving to be seen from the BW Parkway while sitting 40 feet below Route 32. And let's keep in mind that our roads in the corridor are already overcrowded. And hiking and biking to the station by non-residents of this facility is NOT a reality. Nor does this TOD include amenities like a grocery store or pharmacy. Residents will still need to drive their vehicles to Savage and along Route One to acquire necessities.



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Susan Garber, have been duly authorized by
(name of individual)

Howard County Citizens Association, HCCA to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding **CB7-2021** to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Susan Garber

Signature: _____

Date: 14 Jan 2021

Organization: HCCA

Organization Address: **HCCA**

P.O. Box 89 Ellicott City MD 21041

Number of Members: **500**

Name of Chair/President: **Stu Kohn**

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.



3600 Saint Johns Lane, Suite D
Ellicott City MD 21042

Written testimony on CB7-2021
Suggested Amendments

CB7 seeks to increase the maximum building height from 100 feet to 180 feet in the TOD zone within 750 foot radius of a Marc station.

This is a very large increase that will greatly benefit specific projects, and thus, should come with more County benefits. Although many agree that smart growth is indeed ideally located within Marc station ranges, the radius measurement is not something that guarantees accessibility. Putting some accessibility measure regarding walkability and bikeability would be more relevant to that goal.

Maybe requiring some assistance with creating or improving that accessibility from the project would be a nice trade-off for this highly profitable benefit. Also, with regard to schools and traffic issues, maybe longer waits and larger remediations should be required with such an enormous increase in allowable units in one location, or even an increase in what is required for affordable.

Thank you,
Lisa Markovitz,
President

Smarter Growth Alliance For Howard County

January 19, 2021

The Honorable Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

RE: CB7-2021 – In TOD (Transit-Oriented Development) zone – increase building height maximum from 100' to 180'.

Dear Council Members:

The Smarter Growth Alliance for Howard County (SGAHC) is an alliance of local and state organizations working together to foster healthy, equitable, and sustainable communities through smarter development and transportation decisions and improved protections for the county's natural, historic and cultural resources.

While we believe that CB7 seeks to address the County's desire for transit-oriented development (TOD), the legislation as written raises a number of serious questions and concerns. As such, SGAHC opposes CB7 until those issues are addressed appropriately.

Is there adequate fire equipment to service this high structure that would exceed any current Howard County building height? If not, SGACC requests that the legislation include a provision that any such developments should be required to provide any new equipment or staffing needed for fire safety.

How will this affect the TOD zone criteria elsewhere?

Would the parking structure of any resulting building be located within the building space, or would it increase impervious surface outside?

How are residents in any resulting projects accessing the MARC? Are sidewalks or bike lanes going to be required to make MARC fully accessible? Proximity to transit does not necessarily make new development transit oriented. While higher residential density projects in areas near a MARC Station are a goal for smart growth, we would like to assure this is the actual case for every future project that would be subject to the new height limit and to verify that accessibility to the MARC is addressed. We would request that transit accessibility be a part of any development proposals resulting from this legislation.

*Audubon MD-DC • Audubon Society of Central Maryland • Bicycling Advocates of Howard County
Chesapeake Bay Foundation • Clean Water Action • Coalition for Smarter Growth • Community Ecology Institute
Earth Forum of Howard County • HARP • Howard County Citizens Association
Howard County Conservancy • Howard County Sierra Club • Maryland Conservation Council
Maryland League of Conservation Voters • Maryland Ornithological Society • Patapsco Heritage Greenway
Preservation Maryland • Safe Skies Maryland • Savage Community Association • The People's Voice • Transition Howard County*

Howard County is currently working diligently on an update to the General Plan. Is now the time to legislate an increase height allowances of this magnitude, an 80% change? Indeed, at the minimum, there is the need to address implications on the Route 32 traffic and work plans. Additionally, the effect that nearly doubling of density in a very localized area is going to have on school capacity needs to be taken into serious consideration since the notion that apartments do not produce students is unsound.

SGAHC believes that this legislation should not be rushed through and suggest that the proposed height restriction increase surrounding MARC stations be addressed and vetted in the upcoming General Plan and Complete Streets reviews, so there is an opportunity for more public input and to allow for concerns such as those we have enumerated to be addressed. Indeed, as it is written, this legislation would prevent usual public input processes by not requiring a pre-submission community meeting due to its source from a ZRA, despite clearly affecting a distinct, limited area and number of projects.

We greatly appreciate your attention to these concerns, and we look forward to working with the County to address these issues in any way we can. Thank you.

Sincerely,

Bicycling Advocates of Howard County
Jack Guarneri
President

Clean Water Action
Emily Ranson
Maryland Director

Howard County Citizen's Association
Stu Kohn
President

Howard County Sierra Club
Carolyn Parsa
Chair

Preservation Maryland
Elly Cowan
Director of Advocacy

Savage Community Association
Susan Garber
Board Chair

The People's Voice
Lisa M. Markovitz
President

cc: The Honorable Calvin Ball, County Executive



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Kevin Burke, have been duly authorized by
(name of individual)

the Savage Community Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB7-2021 & CB8-2021 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Kevin Burke (in opposition to)

Signature: _____

Date: 1/17/2021

Organization: Savage Community Association

Organization Address: P.O. Box 222 Savage 20763

P.O. Box 222 Savage 20763

Number of Members: 410

Name of Chair/President: Susan Garber

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.

Sayers, Margery

From: LISA MARKOVITZ <lmarkovitz@comcast.net>
Sent: Sunday, January 24, 2021 2:25 PM
To: CouncilMail
Subject: CB7 work session issues

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Here is a written list of noted issues presented on CB7 at the work session.

Thank you,
Lisa Markovitz
President, The People's Voice

1. Fire equipment issue was fleshed out to note that higher-reaching equipment is borrowed by other jurisdictions. As we add these high buildings it will become a responsibility for risk management to obtain this expensive equipment. A fund should be established for projects to contribute to this coming need.
2. DPZ defined walkability as a radius. It might be more accurate to use a linear notation, so as not to cross topographical areas that are not easily traversed, or add a notation that the radius doesn't apply to areas that are not able to be reached on foot/bike, if that's the goal.
3. The larger the parcel, the more likely the availability to have multiple max height buildings, not just one. Maybe limit this height increase to smaller parcels. Density near transit is certainly a goal, but at some point, seeing if the goal can be reached by extreme localization has to be checked, regarding train capacities (regardless of the reason for the factual state of that capacity). It isn't true that there is NO density limit in TOD, as the density is limited by the building size limits. Thus, changing those, increases density, and it should be defined just what can be accommodated to keep the transit benefit and reasoning "smart".
4. **Amenities** required are based on acreage. Going so higher up, more amenities internal to the building should be required, otherwise there is an 80% increase in parcel benefit, 0% increase in required amenities for these many added occupants. Maybe a community center, or some examples that Indivisible suggested.
5. REQUIRE higher percentage of **affordable** given the huge increased benefit to the developer of this height increase. REQUIRE that it be provided 100% on-site, no fee, no alternative compliance.
6. Not having a donut parking feature takes up more impervious surface not less, due to accommodating parking outside the building more.
7. Require the actual data of student enrollment (in total, with each year since units created. Have the total number from that parcel tallied, currently in the HCPSS, and not just the number added in a snapshot year). It is very hard to believe that over 400 apartments have 10 students. Later in the session, it was stated that 20 are expected (still hard to believe) from 200+ more, so which is it? To get better forecasts, numbers of bedrooms should be part of the data analysis.

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Sayers, Margery

From: David Kovacs <kovacs878@live.com>
Sent: Wednesday, January 27, 2021 9:03 PM
To: CouncilMail
Subject: CB 7-2021

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members,

The claim that increasing the height on these buildings will not 'increase density' or negatively impact the quality of schools and general welfare in the Route 1 Corridor area is blatantly false. Please consider the impact of these plans on the residents in this area before deciding in favor of a plan with unintended consequences. Thank you,

Dave and Laurel Kovacs
Savage residents

Sent from my iPad

Sayers, Margery

From: Sue Davis <suzie6080@gmail.com>
Sent: Wednesday, January 27, 2021 10:57 PM
To: CouncilMail
Subject: CB 7-2021

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

I am writing to express my views on this proposal. I have lived in Laurel for almost 50 years and spent most of those years in our house just off Route 1 and Whiskey Bottom Rd. We moved here to have a nice home with a big backyard. I do not want my neighborhood to turn into an area with high density housing and high rises. What I liked most about Laurel was its small-town appearance. There have already been a few high-rise apartment buildings that have been built in recent years along the route one Corridor. However to have buildings that are 180 feet high it's not what I think most of the people I know in this area want. Therefore you need to have hearings about this before you go making any plans and find out what the residents want. This is a suburban area and let's keep it that way. If people want to live in high-rises then they can go move into places like that in the city. Most people want to move to the suburbs to have a house of their own in a yard to raise a family and not have a very crowded dense neighborhood around them. Thank you for listening to me.

Sent from my iPhone

Sayers, Margery

From: Kate Craft <lovenstars@gmail.com>
Sent: Wednesday, January 27, 2021 10:45 PM
To: CouncilMail
Subject: CB 7-2021

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Hello,

I'm writing to express my concerns with the CB 7-2021 bill that is requesting approval to build higher buildings (up to 180ft) in the TOD zone at Savage Station. I am a resident on Savage Guilford Rd. in Savage and have kids that attend Bollman Bridge ES and Patuxent Valley MS. I worry about approving CB 7-2021 for several reasons. 1) Will the increased population at these high rises increase the school populations in a manageable way and one that we can afford? 2) Are the high rises going to include enough units as affordable housing so we can continue to support a range of people and keep our community diverse and supportive of all? 3) Are the units going to be highly energy efficient so that we can continue to reach towards protecting our planet and slow climate change? 4) Is there enough community infrastructure (in addition to the schools) such as fire stations, etc. or are we taxpayers going to have to pay for more? 5) will the trains actually be able to support the higher population or will the people end up adding to the already high traffic on Rt. 1?

It seems to me that a more reasonable growth would be to keep our building heights in line with communities around us like Columbia which has buildings less than 150ft max.

Additionally, why is this bill being considered before the County's general plan "HoCo by Design" goes through its public consideration process? Shouldn't that happen first and then we consider bills like this?

Please consider the impacts this bill would have on our community, schools, and traffic density. Now is not the time to allow taller buildings when we need to first hear the HoCo by Design plan.

Thanks for considering my concerns.

Take care,
Kate Craft
Savage Guilford Rd., Savage, MD

"Looking at the stars always makes me dream"
-Vincent VanGogh

Sayers, Margery

From: Hameeda.hameed <hameeda.hameed@gmail.com>
Sent: Thursday, January 28, 2021 10:46 AM
To: CouncilMail
Subject: Re: CR 7-2021

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

To whom it may concern,

As a tax paying citizen of Howard county I would like to share some of my concern regarding CR 7 (to extend maximum height to 180 feet in TOD zones

- TOD zoning has already been adjusted numerous times; it no longer resembles the original intent of the zone
- The TOD zone has NO MAXIMUM DENSITY and hence could vary widely
- Since this will apply to all of the TOD sites it isn't even possible to predict the number of units which can be built over time
- There isn't sufficient land remaining to build services which occupants would need, so they would still need a car to get groceries, etc., adding more traffic to the corridor
- Public facilities in the Corridor are far from adequate now; this will make the situation worse
- MARC train ridership is down significantly as more people work from home. This trend may not change.
- Pre-pandemic, the train often filled before reaching the Savage Station. There are no plans to increase commuter service on the MARC line until 2034, so there is no urgency to make the requested change now
- The owner's original intent at Annapolis Junction was to build the most expensive units in the Metro Area, but now they throw in the prospect of providing affordable housing in the mix. This appears to be a falsehood to garner favor since they didn't even meet their obligation for Moderate Income Units on site with the existing pricey apartment complex.
- The County taxpayers would bear the expense of additional firefighting equipment necessary for so tall a building
- Very few people are even aware of this request at this time since there is no mechanism for any widespread publicity. Bill summaries in newspapers (to which few people subscribe) don't provide the details necessary for the public to understand the impact. This feels like it is being snuck in to lock down additional benefits for the owner/developer.

Hameeda

Sent from my iPhone