



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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## TECHNICAL STAFF REPORT

### *Planning Board Meeting of June 6, 2024*

**Case No./Petitioner: ZRA-209 – The Weinman Company**

Request: To amend the Corridor Activity Center (CAC) zoning district to:

- 1) amend Section 127.5.B. to permit self-storage facilities as a matter of right,
- 2) amend Section 127.5.E.2.a.(1) to reduce the 50% first floor retail or service use requirement to 20%, and
- 3) remove Section 127.5.3.b. from the Zoning Regulations.

### **I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS**

#### Corridor Activity Center district:

In 2004, the Comprehensive Zoning Plan (CZP) incorporated the Corridor Activity Center (CAC) Zoning District along the RT. 1 corridor with the purpose to "...provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. These centers should be located near to Route 1 and...will result in development that will strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 1 and intersecting roads." To achieve the goal of pedestrian-oriented, mixed use urban activity centers, the district originally required amenity areas, a minimum building height of 25 feet to promote upper story uses, and 300 square feet of commercial space per dwelling unit in residential developments.

The CAC zoning district was amended by eight Zoning Regulation Amendment (ZRA) cases prior to the 2013 Comprehensive Zoning Plan. The cases relating to this ZRA are included below.

In 2007, ZRA-90 (CB72-2007) removed certain requirements of approval for MIHU dwellings within the CAC district.

In 2008, ZRA-98 (CB56-2008) included additional criteria to the permitted use of banks and similar financial institutions. Banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutions, without a drive-through except that single lane drive-through service shall be permitted for one establishment within the project if the drive-through service area is not visible from Route 1.

In 2009, ZRA-104 (CB3-2009) amended certain setbacks from Route 1 in the CAC zoning district.

In 2009, ZRA-106 (CB5-2009) added provisions to permit apartment and single-family attached uses within the Route 1 Corridor development project of less than 2 acres under certain conditions and other residential use and density requirements.

In 2011, ZRA-121 (CB7-2011) allowed for increased residential density on certain CAC zoned parcels and to allow the Director of DPZ to further reduce the minimum commercial space requirement under certain conditions.

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The most significant of these were ZRA 98, ZRA 104, and ZRA 106, which collectively included adjustments to the requirements for maximum building height, setbacks, amenity areas, residential density, and the requirements for both residential and non-residential development. In addition, adjustments to the CAC District regulations were also included in the 2005 Continuation to the 2004 CZP.

During the 2013 CZP, the Department of Planning and Zoning (DPZ) recommended that the 300 square foot commercial space requirement be reduced to 100 square feet, with an additional provision allowing reduction to 50 square feet, subject to certain criteria. However, these recommendations were not adopted.

In 2016, ZRA-156 (CB2-2016) amended the CAC zoning regulations to decrease the 300 square foot commercial space requirement to 70 square feet of commercial space and included a section that outlined how developments that include Moderate Income Housing Units must address the commercial space requirement.

A section was added to allow a reduction of the 70 square feet of commercial space to 20 square feet of commercial space for developments containing 800 or more dwelling units provided that a fee of 50 dollars per square foot below 70 square feet is paid into a fund administered by the Howard County Economic Development Authority (EDA) to promote commercial development in appropriate locations of the US Route 1 corridor.

Another section was added to the CAC zoning regulations that allowed the fee in lieu of 50 dollars to be reduced to 25 dollars for CAC developments that do not front on Route 1 and adjoin a development of 800 units or more. This included a full reduction of the commercial space requirement if DPZ “finds based on a market study submitted by the developer that the reduction is necessary for the financial viability of the project.” The market study requirement was not included until CB-2-2016 was filed and subsequently DPZ did not provide an evaluation in the TSR for ZRA-156 (CB2-2016)..

In addition to the market study provision, CB-2-2016 included additional allowances for other reductions in the fee amount based on provision of additional amenity area in excess of the required amount (limited to a maximum of 5 percent), any amount paid by the developer for public improvements in excess of the share required by the county, and for certain LEED certifications obtained by the developer.

After the adoption of CB 2-2016, a fund was established to receive the fees, related to reduction of the commercial space requirement. This fund is administered by the Howard County Economic Development Authority (HCEDA) to promote commercial development in appropriate locations in the Route 1 corridor.

In 2021, ZRA-193 (CB8-2021) amended the CAC district to allow all CAC zoned properties to reduce the required commercial square footage requirement below 20 square feet per dwelling unit 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.

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## II. DESCRIPTION OF PROPOSAL

This section contains a summary of the Petitioner's proposed amendment. The Petitioner's proposed amendment text is attached as Exhibit A.

The Petitioner is proposing to amend the CAC Zoning District to:

- 1) permit self-storage facilities as a matter of right within the CAC district,
- 2) reduce the 50% requirement for 1<sup>st</sup> floor retail and service uses to 20%, and
- 3) remove the prohibition of residential uses on the 1<sup>st</sup> floor of buildings adjacent to the Route 1 right-of-way.

### Section 127.5.B:

This section contains the uses permitted as a matter of right in the CAC zoning district. The Petitioner proposes to add "*Self-storage facilities*" to the list of uses permitted as a matter of right.

### Section 127.5.E.2:

This section contains the requirements for development within the CAC district. The Petitioner is proposing to reduce the 50% requirement to 20%, for retail and service uses located on the 1<sup>st</sup> floor of buildings on lots adjacent to the Route 1 right-of-way stated in Section 127.5.E.2.a.(1). This reduction would allow for more first floor residential space including leasing offices and other amenity areas as stated by the Petitioner.

### Section 127.5.E.3.:

This section contains the requirements for residential uses within the CAC district. The Petitioner is proposing to remove Section 127.5.E.3.b., which prohibits residential uses in the building space closest the right-of-way of Route 1 in the first floor of buildings adjoining the right-of way, from the zoning Regulations. This is concurrent with the proposed reduction in commercial space to allow more first floor residential uses including leasing offices and amenity areas.

## III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-209 in accordance with Section 16.208.(d) of the Howard County Code.

### 1. The compatibility, including potential adverse impacts and consequences, of the proposed Zoning Regulation Amendment with the existing and potential uses of the surrounding areas and within the same zoning district.

The proposed amendment to add *Self Storage Facilities* as a permitted use does not result in adverse impacts, however, future developments should be evaluated for compliance with the Route 1 Manual to ensure design compatibility requirements. Attachment B displays current self-storage locations and their relationship to Activity Centers.

The 30% reduction of first floor retail and service uses for structures adjacent to the Route 1 right-of-way may cause adverse impacts. The CAC District is intended to provide for mixed use developments with pedestrian oriented retail and service uses on the ground floor and

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residential units above. A reduction of activated pedestrian-oriented frontage associated with retail or service uses is incompatible with the purpose statement for establishing this District and may change the streetscape of the Route 1 area. Attachment C show that 49 parcels would be impacted by this Regulation Amendment.

The removal of the prohibition of first floor residential uses for buildings adjoining the Route 1 right-of-way should not cause adverse impacts as the typical residential uses that would be adjacent to the Route 1 right-of-way would primarily include the leasing office, front lobby area and other amenity spaces. However, if the first floor residential uses that adjoin the Route 1 right-of-way are residential units, there may be adverse impacts in design compatibility with surrounding developments.

**2. The properties to which the Zoning Regulation Amendment could apply and, if feasible, a map of the impacted properties**

The Petitioner owns the parcel located at 7540 Washington Boulevard, depicted by the map attached as Attachment A. The proposed amendment will apply to the entire CAC district but will mainly impact 49 parcels within the CAC zoning district that are adjacent the Route 1 right-of-way.

**3. Conflicts in the Howard County Zoning Regulations as a result of the Zoning Regulation Amendment.**

After analysis, the Department of Planning and Zoning did not find that these amendments will conflict with any existing Zoning Regulations.

**4. The compatibility of the proposed Zoning Regulation Amendment with the Policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.**

HoCo By Design (The General Plan) does not specifically mention indoor self-storage facilities. The Plan's Future Land Use Map (FLUM) divides the County into 18 different character areas and "generally depicts the intended land use for an area." It does not specify use requirements for first floor spaces.

There are multiple HoCo By Design character areas that overlap with the CAC Zoning District. These include Historic Communities, Industrial Mixed-Use Activity Center, Industrial, Multi-Family Neighborhood, Mixed-Use Activity Center, Recreation Open Space, Suburban Commercial, Single-Family Neighborhood, and Transit Activity Center. Out of these character areas, the vast majority of CAC coverage falls within the Single-Family Neighborhood character area.

HoCo By Design describes the CAC District, noting that "many stakeholders indicated the 50% retail requirement was difficult to meet given retail market conditions along the Corridor" and that "While the goals of this district remain desirable, incentives to create them must be revisited." HoCo By Design takes a character-based approach that, as described on page GCF-32 "prioritizes site design, public realm, building form and massing, and architecture over general land use and density." On page QBD-30, the Plan includes a policy to "Prioritize character and design in future development, recognizing variations in Howard County's unique

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areas” and on page QBD-39, offers policy guidance to “Focus on creating active, walkable, and universally accessible public realms in all new development and redevelopment and include a broad range of community spaces, as appropriate to each character area.”

The majority of General Plan guidance for the CAC district focuses on areas where this district overlaps with Activity Center character areas. Designated Activity Centers along the Route 1 Corridor include a mix of different zoning districts including portions of CAC zoned land. HoCo By Design’s FLUM “identifies focused activity centers throughout the [Route 1] Corridor to create compact, walkable environments that serve broader economic, entertainment, and housing needs in the community.” Given HoCo By Design’s emphasis on character and the public realm, the design of future indoor storage facilities, relative to their respective character areas, will be important. Further, given the General Plan’s focus on character and built form over uses, as well as the recognized challenges of filling required commercial spaces, it may be appropriate to revisit the required amount of commercial space and allowable uses in the CAC zoning district in applicable character areas.

The demand for self-storage facilities has grown in recent years. In addition to serving a residential customer base, these facilities offer small and start-up businesses a variety of storage space options and flexible pricing plans unlike traditional warehousing. In general, indoor self-storage facilities are not employment generators themselves and do not typically include architectural elements that contribute to a vibrant street presence. These facilities may or may not be in conflict with the stated design vision for HoCo By Design designated Activity Centers, depending on their site design, building form, and location within these centers. Design guidance for the Route 1 Corridor, and CAC zoned land, is provided in the existing Route 1 Manual. Howard County’s Design Advisory Panel (DAP) provides design advice on projects when they are subject to the Route 1 Manual.

The Route 1 Corridor: A Plan for Washington Boulevard was adopted in 2023 and provides guidance on development along the corridor. Below are the relevant Route 1 goals and policies evaluated in the Route 1 Corridor: A Plan for Washington Boulevard.

**Policy RTE 1-3** recommends that the County “Foster revitalization in the Route 1 corridor” **Implementing Action 1** states to “Establish activity centers as identified on the FLUM that will concentrate future residential, commercial retail, light industrial, and traditional office development.” **Implementing Action 2** states “Implement zoning changes to achieve the vision of the Corridor:

- b. Consider more flexibility.

**Policy RTE 1-17** recommends “Catalyze the redevelopment of activity centers in the Route 1 Corridor and ensure they allow a mix of uses” and includes the following relevant **Implementing Actions**.

2. Develop a new industrial mixed-use zone (or combination of zones) that allows desired uses, including residential, commercial, and light industrial, in the Industrial Mixed-Use Activity Center character area.

3. Attract convenience commercial (including commercial pad sites) and eliminate auto-related uses on properties that front Route 1 in activity centers.
4. Ensure that the future zoning of the Mixed-Use Activity Center character area supports commercial uses.
5. Evaluate and revise the Corridor Activity Center (CAC), Corridor Employment (CE), and Continuing Light Industrial (CLI) Overlay Zoning Districts to ensure the zones are appropriately located within activity centers and the districts allow for a mix of uses that support the vision of each character area.

### Conclusion

Overall, the Comprehensive and Community Planning Division finds that adding indoor self-storage facilities as a by-right use, modifying commercial space requirements, and allowing residential uses within first floor spaces in the CAC District outside of HoCo By Design designated Activity Centers is not inconsistent with the policies and actions in the General Plan.

However, allowing indoor self-storage facilities in HoCo By Design's designated Activity Centers may conflict with the Plan's revitalization goal of creating vibrant, walkable places that prioritize pedestrians. Therefore, Design Advisory Panel evaluation should determine whether a self-storage development project proposes a site design, building form, and location that contribute to a cohesive walkable place and is compatible with the envisioned Activity Center.

Additionally, the proposed changes to first floor space requirements could result in reduced commercial space within HoCo By Design designated Activity Centers, further reducing the already diminished amount of commercial space within these areas along the Route 1 Corridor. However, commercial uses could be added in stand-alone structures to increase the mix of uses (i.e. horizontal mixed-use development).

### Environmental Policies and Objectives

The proposed ZRA 209 is not in conflict with the environmental policies and objectives in HoCo By Design.

5. **If the zoning regulation text amendment would impact eight parcels of land or less: (i) A list of those impacted parcels; (ii) The address of each impacted parcel; (iii) The ownership of each impacted parcel; and (iv) The contact information for the owner, if an individual, or resident agent or owner, if a corporate entity, of each impacted parcel.**

The zoning regulation text amendment will impact over 8 parcels. A map of impacted parcels is included in Attachment C.

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Petitioner: The Weinman Company

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DocuSigned by:

*Lynda Eisenberg*

5/23/2024

Lynda Eisenberg, Director

Date

**Exhibit A****Petitioner's Proposed Text****Section 127.5.B:**

40. SELF-STORAGE

**Section 127.5.E.2.a.(1):**

At least [[50%]] 20% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses serving the public.

**Section 127.5.3.:****3.Requirements for Residential Uses**

a. Residences are permitted only within Route 1 Corridor development projects encompassing at least two gross acres of CAC-zoned land or less than 2 gross acres if: (1) the subject property is contiguous along at least 75% of its perimeter to a CAC development that has received final approval of a Sketch Plan or Site Development Plan; (2) no additional CAC-zoned land directly adjoins the subject property; and (3) the development of the subject property shall be compatible with the land use, site planning and architectural character of the contiguous CAC development.

[[b. The first floor of buildings adjoining the right-of-way of Route 1 shall not include residential uses in the building space closest to the right-of-way of Route 1, with the exception that if the Director of the Department of Planning and Zoning finds that the building and streetscape design are in compliance with Chapter 5 of the Route 1 Manual concerning building design, particularly the sections concerning mass and articulation and door and window openings, such units may be approved in a development site that has 1,000 feet or greater frontage on the Route 1 right-of-way and is:

- (1) 20 acres or greater and residences occupy no more than 50% of the Route 1 frontage, or
- (2) 5 acres or greater and within 2,000 feet of a MARC Station.

Residences may occupy other portions of the first-floor space.]]

c. For every dwelling unit that is developed, 70 square feet of commercial space must be developed on the site provided, however, that for parcels providing moderate income housing under Section 127.5.e.3.f.(1), the commercial space requirement as set forth in Section 127.5.e.3.c. shall be determined based on eighty-five percent of residential units developed and for parcels providing moderate income housing under Section 127.5.e.3.f.(2), the commercial space requirement as set forth in Section 127.5.e.3.c. shall be determined based on seventy-five percent of residential units developed.

d. The Department of Planning and Zoning shall permit a reduction in the commercial space requirement provided that a fee of 25 dollars, or as specified in the fee schedule, for each square foot of the total reduction in commercial space below the baseline 70 square feet per dwelling unit amount is paid into a fund administered by the Howard County Economic Development Authority to promote commercial development in appropriate locations of the US Route 1 corridor, as allowed under Section 26.106 of the Howard County Code. If a fee is paid to reduce the commercial space requirement below the minimum otherwise required, an additional increase of residential density shall not be permitted. Instead, the unused commercial square footage shall be used as open space or an amenity area as described in Section 127.5 E.1 and shall be in addition to open space and amenity area requirements described in Section 127.5 E.1a and b and shall be at least the minimum square footage of commercial space that is being reduced by paying a fee in CAC developments. The new open space or amenity area square footage that replaces the commercial requirement can be located anywhere on site of the development.



The fee as provided for in this Subsection shall be paid at the time of approval of a site development plan for the non-residential portions of the development. The fee may be reduced as follows:

- (1) The fee shall be reduced one dollar per square foot for every percentage point of amenity area provided in excess of that required for the project limited to a maximum of five percent.
- (2) The total fee shall be reduced dollar-per-dollar for any amount of contributions paid by the developer for public improvements in excess of the proportional share required by Howard County.
- (3) The fee shall be reduced two dollars per square foot for projects in which over twenty-five percent of the residential units are LEED certified, four dollars per square foot for projects in which over twenty-five percent of the residential units are LEED Silver certified, six dollars per square foot for projects in which over twenty-five percent of the residential units are LEED Gold certified, and eight dollars per square foot for projects in which over twenty-five percent of the residential units are LEED Platinum certified.

In the event that the developer pays the fee as provided for in this subsection, no additional residential units may be received or constructed on the property pursuant to Section 127.5.F.

e. The phasing of residential and commercial construction and open space amenity areas should be proportional. No more than 50% of the residential units shall be constructed prior to commencing a proportional amount of commercial construction and open space amenity areas. For developments of 800 units or more or developments adjoining such larger developments, no more than 70% of the residential units shall be constructed prior to commencing the construction of the non-residential portions of the development unless the fee as specified in Subsection (d) above is provided.

f. Moderate Income Housing

- (1) At least 15% of the dwelling units shall be Moderate Income Housing Units, except that
- (2) At least 25% of the dwelling units shall be Moderate Income Housing Units if the CAC Development requires closing of a mobile home park existing on the property when CAC rezoning occurs.

**Example of how the text would appear normally if adopted:**

**Section 127.5.B:**

40. Self storage facilities

**Section 127.5.E.2.a(1):**

At least 20% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses serving the public.

**Section 127.5.3:**

3.Requirements for Residential Uses

a. Residences are permitted only within Route 1 Corridor development projects encompassing at least two gross acres of CAC-zoned land or less than 2 gross acres if: (1) the subject property is contiguous along at least 75% of its perimeter to a CAC development that has received final approval of a Sketch Plan or Site Development Plan; (2) no additional CAC-zoned land directly adjoins the subject property; and (3) the development of the subject property shall be compatible with the land use, site planning and architectural character of the contiguous CAC development.

b. For every dwelling unit that is developed, 70 square feet of commercial space must be developed on the site provided, however, that for parcels providing moderate income housing under Section 127.5.e.3.f.(1), the commercial space

requirement as set forth in Section 127.5.e.3.c. shall be determined based on eighty-five percent of residential units developed and for parcels providing moderate income housing under Section 127.5.e.3.f.(2), the commercial space requirement as set forth in Section 127.5.e.3.c. shall be determined based on seventy-five percent of residential units developed.

c. The Department of Planning and Zoning shall permit a reduction in the commercial space requirement provided that a fee of 25 dollars, or as specified in the fee schedule, for each square foot of the total reduction in commercial space below the baseline 70 square feet per dwelling unit amount is paid into a fund administered by the Howard County Economic Development Authority to promote commercial development in appropriate locations of the US Route 1 corridor, as allowed under Section 26.106 of the Howard County Code. If a fee is paid to reduce the commercial space requirement below the minimum otherwise required, an additional increase of residential density shall not be permitted. Instead, the unused commercial square footage shall be used as open space or an amenity area as described in Section 127.5 E.1 and shall be in addition to open space and amenity area requirements described in Section 127.5 E.1a and b and shall be at least the minimum square footage of commercial space that is being reduced by paying a fee in CAC developments. The new open space or amenity area square footage that replaces the commercial requirement can be located anywhere on site of the development.

The fee as provided for in this Subsection shall be paid at the time of approval of a site development plan for the non-residential portions of the development. The fee may be reduced as follows:

- (1) The fee shall be reduced one dollar per square foot for every percentage point of amenity area provided in excess of that required for the project limited to a maximum of five percent.
- (2) The total fee shall be reduced dollar-per-dollar for any amount of contributions paid by the developer for public improvements in excess of the proportional share required by Howard County.
- (3) The fee shall be reduced two dollars per square foot for projects in which over twenty-five percent of the residential units are LEED certified, four dollars per square foot for projects in which over twenty-five percent of the residential units are LEED Silver certified, six dollars per square foot for projects in which over twenty-five percent of the residential units are LEED Gold certified, and eight dollars per square foot for projects in which over twenty-five percent of the residential units are LEED Platinum certified.

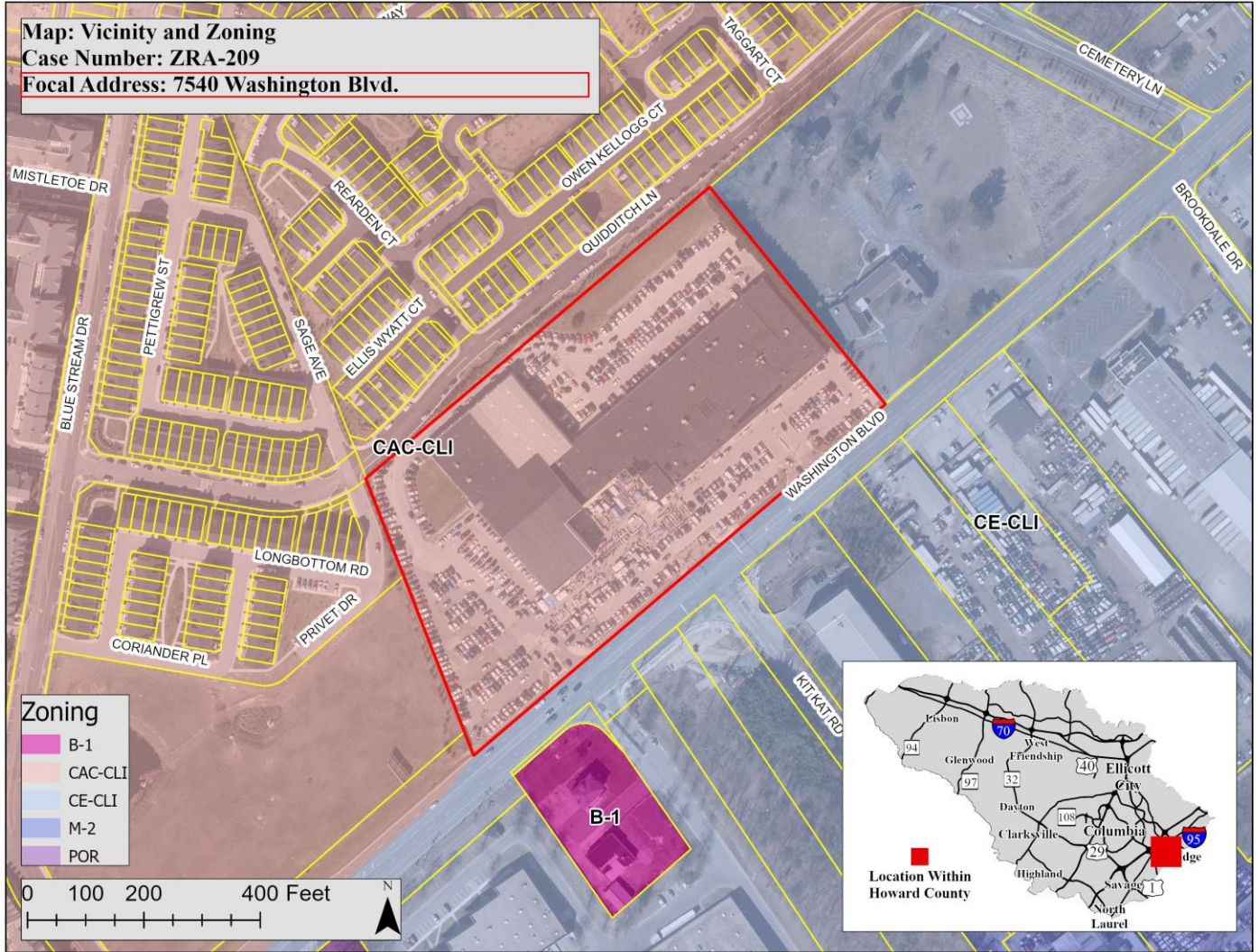
In the event that the developer pays the fee as provided for in this subsection, no additional residential units may be received or constructed on the property pursuant to Section 127.5.F.

d. The phasing of residential and commercial construction and open space amenity areas should be proportional. No more than 50% of the residential units shall be constructed prior to commencing a proportional amount of commercial construction and open space amenity areas. For developments of 800 units or more or developments adjoining such larger developments, no more than 70% of the residential units shall be constructed prior to commencing the construction of the non-residential portions of the development unless the fee as specified in Subsection (d) above is provided.

e. Moderate Income Housing

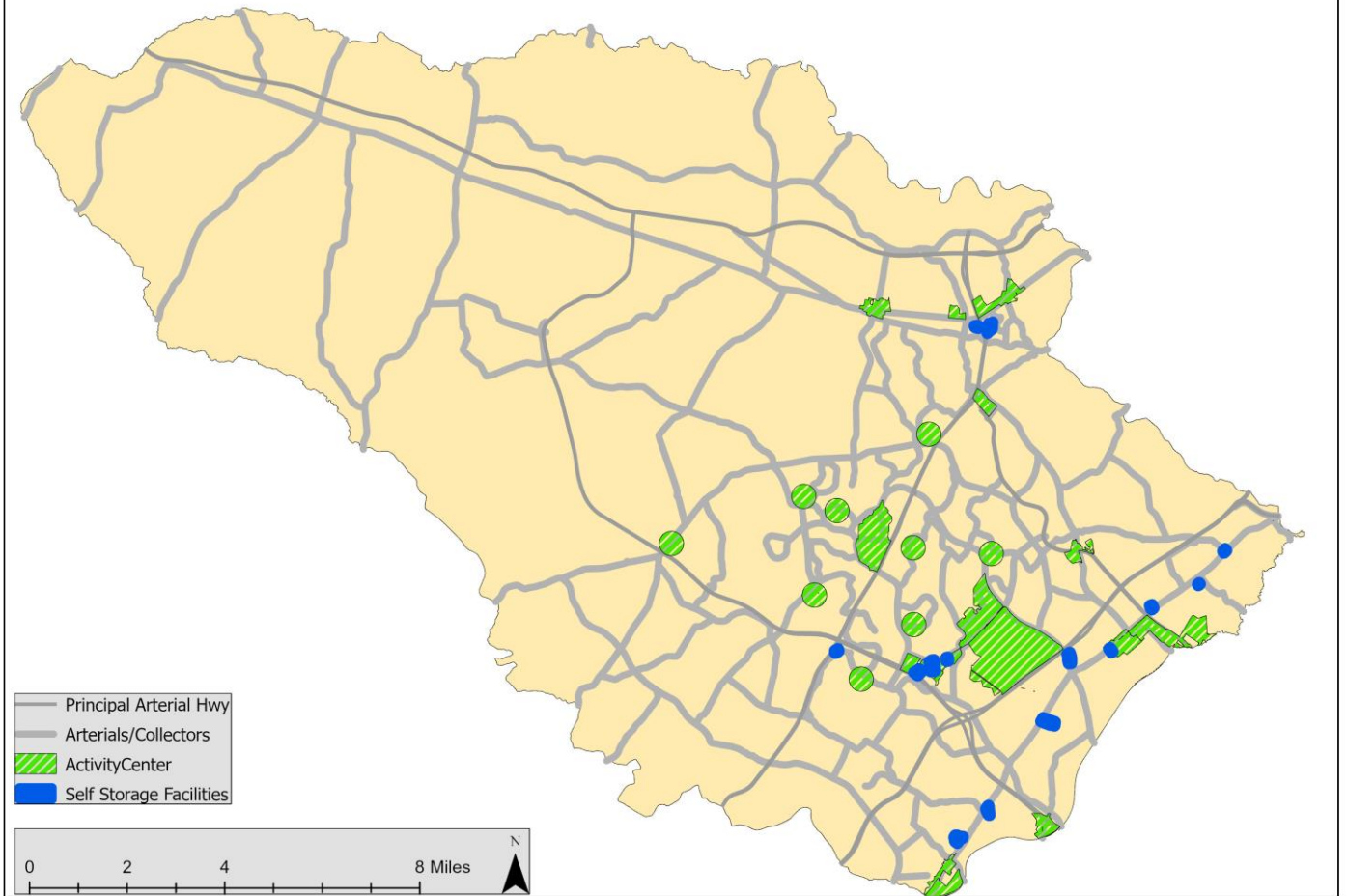
- (1) At least 15% of the dwelling units shall be Moderate Income Housing Units, except that
- (2) At least 25% of the dwelling units shall be Moderate Income Housing Units if the CAC Development requires closing of a mobile home park existing on the property when CAC rezoning occurs.

**Attachment A**



**Attachment B:**

**Map: Existing Self Storage Facilities and Activity Centers**  
**Case Number: ZRA-209**  
**Existing Self Storage Facilities: 18**



**Attachment C:**

