



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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TECHNICAL STAFF REPORT

*Petition Accepted on August 29, 2008
Planning Board Meeting of October 16, 2008
County Council Hearing to be scheduled*

Case No./Petitioner: ZRA-111 – Land Design & Development

Request: Zoning Regulation Amendment to amend Section 128.L.3. concerning Density Exchange for Neighborhood Preservation Parcels to add a new provision whereby residential development rights derived from Neighborhood Preservation Sending Parcels may be received as bonus density for Conditional Use Age-restricted Adult Housing developments.

To amend Section 131.N.1.a.(3) concerning the maximum density in Conditional Use Age-restricted Adult Housing developments to add a new provision whereby except in the RR and RC districts, an Age-restricted Adult Housing development may be developed as a receiving parcel in association with Neighborhood Preservation Parcel Sending Parcels at a bonus of up to 30% more dwelling units than would be achieved based on the Section 131.N.1.a.(3) density chart.

Department of Planning and Zoning Recommendation:

DENIAL

I. DESCRIPTION OF PROPOSAL

- # The Petitioner proposes two amendments to the Zoning Regulations. A basic description of the proposals is that the Petitioner is requesting amendments to allow density derived through the newly adopted Density Exchange for Neighborhood Preservation Parcels procedures to be sent to developments that are Age-restricted Adult Housing Conditional Use cases, and that the bonus density that may be sent to such a development would be up to 30 percent above the standard densities permitted for such a Conditional Use, except not in the RC and RR Districts.
- # The subsections proposed to be amended and the amendment text is attached as Exhibit A – Petitioner’s Proposed Text (CAPITALS indicates text to be added; text in [[brackets]] indicates text to be deleted).

II. EXISTING REGULATIONS

- # The existing regulations for Section 128.L. Density Exchange for Neighborhood Preservation Parcels just became effective September 9, 2008 as ZRA-95, after a very involved, detailed process.
- # The existing regulations for Section 131.N.1.a.(3) concerning the allowable densities for Age-restricted Adult Housing Conditional Use cases were adopted as part of the 2005 Continuation of the Comprehensive Zoning Process (“Comp Lite”), as part of a significant, long-considered revision to this Conditional Use category.

II. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

- # **As proposed, the amendments could apply to any property for which an Age-restricted Adult Housing Conditional Use is proposed, except in the RC and RR Districts.**
- # **It is unclear, because the Petitioner provides little explanation and no sound justification for the requested amendments, but as written, the Petitioner may be attempting to have the bonus density be applicable to previously approved Age-restricted Adult Housing Conditional Use cases.**

However, the Department of Planning and Zoning concludes that it would be impossible to allow any bonus to be applicable to previously approved Age-restricted Adult Housing Conditional Use cases, unless the case is re-approved by the Hearing Authority, because Conditional Use cases are always bound by the facts considered by the Hearing Authority at the time of approval, and any changes to those facts can only be authorized by the Hearing Authority.

IV. EVALUATIONS AND CONCLUSIONS

- # **As noted above, the newly effective ZRA-95 case concerning the various regulations associated with the Density Exchange for Neighborhood Preservation Parcels issue, was carefully evaluated by the Department of Planning and Zoning, by the Planning Board, and by the County Council. If the Department believed it was prudent and appropriate to allow bonus density derived through this process to be applied to Age-restricted Adult Housing developments, it would have advised the Planning Board and County Council accordingly.**
- # **The current density chart of allowable densities for Age-restricted Adult Housing was similarly well evaluated and established as part of the Comprehensive Zoning Plan process. It is these precise maximum density limits that are considered to be appropriate in each of the applicable zoning districts, and they already do include density bonuses above what would ordinarily be permitted in standard developments.**

To allow additional bonus density above these carefully determined maximum density limits would be a detriment to the integrity of the Age-restricted Adult Housing use category, because the true allowable density becomes uncertain as it would be adjustable.

- # **Under the current Density Exchange for Neighborhood Preservation Parcels regulations, density that is allowed to be sent to the R-20, R-12, R-SA-8, and R-A-15 developments can only be done up to a maximum 10 percent over the standard permitted density.**

The Petitioner's proposal for a bonus of up to 30 percent is exorbitant.

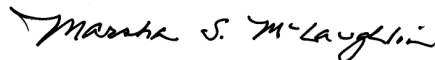
IV. EVALUATIONS AND CONCLUSIONS

- # **There is no public benefit to the proposed amendments. Whereas there was a recognized need years ago in the 2000 General Plan for more additional age-restricted or elderly housing, the market now is so over-saturated with such dwellings that previously approved Planned Senior Community Zoning Board cases have not only not developed, but there are proposals to have the land re-zoned to allow for a different type of residential development.**

Another example of this is ZRA-103, which is also under consideration at this time. It proposes to allow the PSC District to function as an overlay district, so that the underlying zoning can still be used to develop a property, even after it has been granted PSC approval.

V. RECOMMENDATION DENIAL

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-111 as noted above, be DENIED.



10/8/08

Marsha S. McLaughlin, Director

Date

MM/JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

Exhibit A – Petitioner’s Proposed Text

Section 128.L.3.:

3. Receiving Development Requirements

- a. Residential development rights derived from neighborhood preservation sending parcels may be received as bonus density for developments on parcels in the R-SA-8, R-A-15 and CAC Districts.
- b. Residential development rights derived from neighborhood preservation sending parcels may be received as bonus density for developments on parcels at least 11 acres in size in the R-20 and R-12 Districts.

C. RESIDENTIAL DEVELOPMENT RIGHTS DERIVED FROM NEIGHBORHOOD PRESERVATION SENDING PARCELS MAY BE RECEIVED AS BONUS DENSITY FOR DEVELOPMENTS ON PARCELS SUBJECT TO CONDITIONAL USE APPROVAL AS PROVIDED IN SECTION 131.N.1. AGE-RESTRICTED ADULT HOUSING.

D. [[c.]] Development rights shall be received in accordance with the following ratios :

Section 131.N.1.a.(3):

- (3) The maximum density shall be as follows:

Zoning District	Number of Dwelling Units in Development	Maximum Units Per Net Acre
RC and RR	20 or more	1
R-ED and R-20	20-49	4
	50 or more	5
R-12	20-49	5
	50 or more	6
R-SC	20-49	7
	50 or more	8
R-SA-8	20 or more	12
R-A-15	20 or more	25

EXCEPT IN THE RR AND RC DISTRICTS, AN AGE-RESTRICTED ADULT HOUSING DEVELOPMENT MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS OF UP TO 30% MORE DWELLING UNITS THAN WOULD BE ACHIEVED BASED ON THE ABOVE CHART.