

July 20, 2015

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The People's Voice, LLC

Testimony in opposition to Council Bill 36-2015

Madame Chair and Council Members,

There is concern regarding this bill removing the maximum apartment building length in the County's highest density district of R-APT of 25 units per acre. The existing building length limitation of 120' with exceptions available up to 300' is proposed to be removed, not increased, but simply removed, leaving no maximum whatsoever.

The Howard County Zoning Regulations for R-APT state that part of its purpose is to provide a land use transition between more intense uses and lower density residential districts. It's a tall order for the highest density zone in the County to provide a land use transition between more intense uses, but removing this regulation will make that even more impossible.

As we all know, the size of the whole parcel designates the amount of density that will be provided by a portion of the parcel containing the apartment buildings. When these regulations were drafted, that was certainly kept in mind, and planned out to limit each particular building's appearance to attain the overall goals.

The application for this zoning regulation change, ZRA-153, states that covered parking provided in the same building as the apartments, is creating the need for longer building lengths. It mentions two parcels being granted R-APT, a relatively new zone, but then states that the other parcel will not have the covered parking issue. Thus, this change is seemingly being made to accommodate a single project. It would be far more beneficial to future planning and the goals of this zone, to grant a variance where it is shown to be needed in a particular plan, rather than take the needs of one development and change the regulations, which is the very definition of what is referred to as "red-headed Eskimo" zoning and is not legal.

I understand that you may be looking at this parcel as an example of R-APT usage and believe it will be a need of any parcel in the future, but you could address the parking issue directly. If you do not then you are leaving far too much

responsibility to the Design Advisory Panel which is simply advisory and future plan oversight to ensure against eyesores and incompatible buildings. Long buildings wiggled into a parcel in the future, to capture the maximum allowable density on the lot without limit is not a good idea, and certainly doesn't follow the goals of the zone stated in the regulations.

You can accommodate the parking needs in a better way than eliminating the maximum length. If you want to accommodate covered parking in the same building as the apartments, then why not craft an appropriate maximum for parking. For instance, you could say that if a building, within the current maximums, has covered parking they could have a 25-50% increase for that purpose. You could amend the regulations to serve this need and keep the current maximums in place. Why remove all maximums instead because of a stated, specific parking issue that can and should be specifically addressed? That could lead to problems you are not anticipating regarding apartment buildings without attached covered parking.

It is hard to understand why the DPZ Technical Staff report discusses the validity of the parking issue, but then just approves elimination of the length maximum instead of providing a suggested amendment instead to create exception for accommodating the parking need.

The Planning Board recommendations include the same advisory suggestions from DPZ for buildings longer than 300' that the current regulations require for 120' TO 300', and then request an overall review of this at the next comprehensive rezoning. That's quite a roll of the dice to take for 8 years and then suggest to look back and see what damage has been done, that may need changing again. Instead, how about the regulations keep the damage from being done in the first place and define a maximum that makes sense in general, and abide by the goals of neighboring community transition. If developments can show that a variance from those rules is necessary, that shouldn't change the rules for everyone coming afterwards as well, who would then have unlimited lengths without having to show the need and its offsets of how it will abide by the intention of the regulations in return for the increased length, as they do now.

Please don't use parking needs as an excuse for limitless apartment building size, when you can amend the regulations to accommodate that need and keep the maximums in place. Or, better yet, leave it to the variance procedures to accommodate parcel needs for one parcel.

Thank you.