Howard County

Department of Planning and Zoning

Subject: ***Planning Board Recommendations on ZRA 102 – Wilde Lake Business Trust***

To: Mary Kay Sigaty, Chair, County Council
Jen Terrasa, Vice Chair
Calvin Ball, Council Member
Greg Fox, Council Member
Courtney Watson, Council Member

From: Dave Grabowski, Chair, Planning Board DTG

Date: May 4, 2009

Attached are copies of the Planning Board's recommendations on ZRA 102, which proposes amendments to the New Town (NT) zoning district to address redevelopment of Village Centers. While the Board has spent considerable time evaluating this petition, there was a split 2-2 vote. As a result, the Board's comments are comprised of four components:

1. Documentation of the Board's analysis and vote;

2. A subsequent amendment that provides additional rationale from the two members that voted for approval;

3. Exhibit C, which includes specific recommendations for amending the proposed zoning regulation language zoning petition; and,

4. A flow chart of the plan approval process if the process changes recommended in Exhibit C are approved. The Board found this diagram helpful in understanding the process differences for major vs. minor Village Center redevelopment proposals. We include it to help clarify the differences for the County Council as well.

The Planning Board found this to be a very significant and challenging case. I hope that our thoughts are helpful in your deliberations.

cc: Stephen LeGendre, Council Administrator
Marsha McLaughlin, Director, Planning & Zoning
File: ZRA 102 – Wilde Lake Business Trust

WILDE LAKE BUSINESS	*	**BEFORE THE**
TRUST, PETITIONER	*	**PLANNING BOARD OF**
ZRA 102	*	**HOWARD COUNTY, MARYLAND**
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MOTION: ***To recommend approval of the basic petition with revisions to the Department of Planning and Zoning recommended text as expressed in the Planning Board's recommended Exhibit C dated March 12, 2009.***

ACTION: ***Vote 2 to 2; No majority board advisory recommendation, split vote rationale included.***

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At a public meeting on December 4, 2008 and at worksessions held on January 15, 2009, February 4, 2009, February 24, 2009, March 12, 2009, March 19, and March 23, 2009 the Planning Board of Howard County, Maryland, considered the petition of Wilde Lake Business Trust for an amendment to the Zoning Regulations to amend Section 125 NT (New Town) District by establishing a new Section 125.F. entitled "Village Center Redevelopment" that includes provisions for allowing any property owner of any portion of a Village Center to petition to amend the approved New Town Preliminary Development Plan in order to permit a redevelopment of the Village Center.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation, and the comments of reviewing agencies, were presented to the Board for its consideration. The Department of Planning and Zoning ("DPZ") recommended approval of the petition on its basic premise to allow a new method for the redevelopment of any Village Center, but only with significantly revised regulations as

delineated in the proposed Exhibit B of the October 1, 2008 Technical Staff Report.

The Petitioner was represented by Scott Barhight, Esquire. Mr. Barhight stated that the amendments are intended to create a process for a property owner to be able to make a redevelopment proposal because under the current regulations this is not permitted. He also stated that the amendments would make it possible to have more of a mixed use concept in a Village Center.

There was a considerable amount of testimony on ZRA 102, and the complete details of the written testimony are part of the public record in the ZRA 102 official file. The major issues expressed, which were sometimes repeated in the overall testimony, are related as follows in the order of most recurring issue to least recurring issue. The greatest recurring issue is that many believe the amendments should include basic criteria for the minimum and maximum elements that would make up a valid Village Center, especially minimum types of uses within the Village Center, and bulk requirements addressing such items as building heights and residential density, but a few persons who testified were opposed to this concept because they believed it would be too limiting. The next most important issue was that many felt a Village Center redevelopment should be in compliance with a community-based master plan if one did exist although there would be no requirement for such a master plan, but others thought that a master plan should always be required. Many agreed that the Original Petitioner should not remain in the role of "gatekeeper" for the process, and there was no contrary testimony on this issue. The next recurring issue was that the boundaries of the Village Centers should be established by the village boards prior to any redevelopment proposal, but others expressed that such initial boundary definitions should instead be done by the Zoning Board or by DPZ. Some expressed that there should be some type of new, Columbia-based, separate approving authority such as a "Columbia Planning Board". There was testimony that any redevelopment proposal must be subject to Village Board approval, but an equal number spoke in opposition to such a requirement. Several stated that there should be a mandatory minimum time period of 45 days for a Village Board to respond to a request for a Community Response Statement, and that the Community Response Statement issues should either become actual criteria to be used in the County approval process, or that at least these issues should be afforded great weight in that process. A few noted that the Columbia Association should have no right to approve or disapprove a

redevelopment proposal; that the redevelopment must be in compliance with a County-approved master plan or with County-approved development guidelines; and that only the Zoning Board should have the authority to initiate the Preliminary Development Plan ("PDP") amendments. Other issues expressed were that there should be a minimum requirement of 30 days between the day the Technical Staff Report is first made available to the day of the first Planning Board meeting; that there should be specific parking requirements; that the required Pre-submission Community Meeting should be conducted by or staffed by DPZ; and that the Design Advisory Panel ("DAP") should have a greater role throughout all stages of the redevelopment proposal approval process.

Board Discussion

The Board began its discussion with the issues surrounding a Village Center's boundaries. The Board weighed the different proposals offered by the public, developer, and DPZ. The Board agreed with the citizen concerns about conflict of interest if prepared by the developer during the process. The Board concluded that the fairest, least bias process would be to have DPZ define the boundaries prior to the submission of any amendments to redevelop a Village Center. The Board is a tuned to DPZ's workload and therefore recommends beginning with the Village Centers most likely to seek redevelopment opportunities with the currently commercially successful or recently redeveloped Village Centers being done later.

The Board deliberated on the sufficiency of DPZ's Exhibit B, specifically the rationale of all amendments being under the review of the Zoning Board. The Board concluded that the amendments to the PDP were of a significant magnitude and community concern that it warranted review and approval by the Zoning Board. These cases the Board classified as Major Redevelopment Plan and would be seeking to add residential density or non-permitted uses. All the other petitions, classified as a Minor Redevelopment Plan, for changes in permitted uses or FDP alterations would be under the Planning Board's review. These distinctions were delineated as Exhibit C. A flowchart of Exhibit C's process is attached.

Rationale for changes incorporated in Exhibit C

In recognition of citizen worries about identifying and giving weight to their concerns pertaining to a proposed plan, the Board's long standing issues of sufficient notification, and the attempt to protect the integrity of the process and to streamline it, the Board recommends that:

- Pre-submission Community Meeting
  - Petitioner produce a point-by-point written response to all attendees' (citizens and other owners) comments from the Pre-submission Community Meetings and that the written response is mailed to all attendees and is also submitted with the petition to become part of the record.
  - Property posted
  - DPZ notifies Village Board and owners when petition is received.
- Community Response Statement (CRS)
  - Requests that the Village Board address issues that the Village Board would like to have the Zoning Board include as approval criteria
  - Requests that the Village Board comment on the proposal's sufficiency in addressing the criteria identified in the regulations that the Zoning Board will use to make its findings of fact in its decision and order.
  - The Village Board will have 45 days to complete its CRS if it wishes to have it addressed in DPZ's technical staff report.
- Evaluation Criteria

  The criteria proposed by DPZ are recommended and 3 additional criteria are added to better reflect the importance of several community issues.
- Open Space

  Unanimously, the Board supported citizens' call for no loss of open space within the Village Center Boundary.
- Residential Density

The public's comments were very, generalized with respect to residential density. Many expressed concern about the potential loss of commercial to residential. In response, the Board discussed how sufficient retail and commercial services would meet the needs of the Village residents. Members agreed, generally, that a varied mix of uses be provided. However, the Board split as to whether commercial must always be represent a majority or significantly substantial portion of the uses. Concern was expressed that the inclusion of residential density in a Major Redevelopment Plan would not overwhelm or replace entirely the principal commercial and service purposes of a Village Center. Some members recommend establishing an appropriate maximum density regulation while some members disagree.

- Affordable Housing

  No mention of affordable housing was made by citizens or the petitioner about an affordable housing requirement. DPZ did raise the issue during the Board's worksession. The Board recommends that the County Council assess the need for inclusion in the regulations or to require the situation to be evaluated by the Zoning Board as part of a case.

- Maximum Building Height Regulation

  The issue of height is one of considerable concern to the community. No height limitation is suggested by the petitioner or in DPZ's Exhibit B, rather they recommend that the Zoning Board determine height in each case. Some members supported this view and other did not. Instead they recommend establishing a maximum building height regulation to ensure all buildings in a Major Village Center Redevelopment proposal are compatible with the existing, surrounding development in a village, while some members disagree on height regulation.

- Evaluation

  The process proposed in this zoning regulation amendment will have a substantial impact. While the Board has attempted to recommend an efficient and effective process, until a proposal is submitted, it will not be known for certain. Therefore, the Board recommends that the County Council require the process be evaluated to determine if any aspect needs to be re-engineered for improvement.

To document many of these recommendations and recommended revisions, the Planning Board forwards the attached "Exhibit C" (Recommended additional or revised text is shown in ***DOUBLE-UNDERLINED, BOLD ITALIC TEXT.*** Recommended deleted text is shown in ~~DOUBLE-STRIKEOUT TEXT~~.) The **SINGLE-UNDERLINED, BOLD TEXT** is as recommended by the Department of Planning and Zoning, and the REGULAR TEXT is as proposed by the Petitioner.

Linda Dombrowski made the motion to recommend approval of the petition. Paul Yelder seconded the motion. The motion was deadlocked and did not pass by a vote of two (2) to two (2).

***Rationale for 2 votes in* SUPPORT *of Motion for Approval of Exhibit C*:**

At the Planning Board's final worksession on this zoning regulation there was significant disagreement as to the merits of proceeding with this petition to amend Section 125 NT. Several Board members are of the opinion that DPZ and the County has not undertaken the necessary steps to determine the future role of Village Centers in the evolution of Columbia. It was felt that the County's goal for the Village Centers needs to be clearly formulated as to whether or not it is to be preservation or major redevelopment. One Board member felt that this goal has been flushed out during public testimony and resulted in the clear definition of the Village Center, New Town. Significant time and energy had been placed in crafting the revised amendment and there appeared to be a consensus of all members at that time. Considerable compromises where reached during this process and Exhibit C adequately establishes a process to evaluate redevelopment projects proposed by village center property owners in the future with sufficient opportunities for public review and comment.

This zoning regulation Amendment to allow any property owner of any portion of a Village Center to petition to amend the approved New Town Preliminary Development Plan, a Comprehensive Sketch Plan, a Final Development Plan, and a Site Development Plan for the owner's property seeks to give these property owners the same rights afforded property owners in other zoning districts but at the same time provides adequate safeguards to maintain and enhance the Village Center as defined in Exhibit C. Support of this concept is spelled out in the DPZ Technical Staff Report .

Furthermore, Mr. Yelder wishes to note that the modified Exhibit C adequately establishes a process to evaluate redevelopment projects proposed by village center property owners in the future. It provides sufficient opportunities for public review and public comment, particularly if a village master plan is in place. However, if the County's goal is to ensure the preservation of the "Village Center" in its current state, an n alternate vehicle may be needed, such as the creation of a new zoning category with specific minimum/ maximum land use parameters.

Mr. Rosenbaum, Vice Chair, acting as Chair in Mr. Grabowski absence, originally sought to seek Mr. Grabowski's input via telephone but ensuing conversations took place and Mr. Rosenbaum failed to take further action on seeking Mr. Grabowski's input during discussions and for the Board's vote. If so desired, the County Council may desire to seek Mr. Graboski's input on this ZRA by having him provide written testimony either in support or opposition.

Rationale for 2 votes* AGAINST *Motion for Approval of Exhibit C:

ZRA 102 is a significant piece of legislation that serves to forever alter the fundamental premise of New Town Zoning. If not for ZRA 113, ZRA 102 would easily be the most momentous legislation before the Planning Board this past year. Our opposition on the ZRA 102 motion for approval should not be construed as in opposition of redevelopment of the Village Centers. As a matter of fact, we believe that redevelopment is necessary in order to ensure that the Village Centers' original vision and purpose continue. However, Petitioner's request to also add a residential land use is contrary to the intent that the Village Center serve as a gathering place and commercial center for its residents. The Petitioner's request to add a residential land use to the Village Centers must be carefully considered, reviewed and based on far more community input from all the Columbia stakeholders, including the Village Boards, residents and Columbia Association. The testimony we heard from these stakeholders was important. Most agreed that the original petitioner should not be the "gatekeeper" there was no consensus on whether the addition of a residential land use category to the PDP was necessary, warranted or essential to the revitalization of the Village Centers. This analysis, community input and consensus must precede a piece of legislation of this magnitude that has the potential to

significantly alter the Columbia vision and the Village Center concept. Accordingly, our opposition is rather a qualified one and we recommend that the County Council ensure that the following areas of concern be addressed and fully vetted before considering and approving this legislation.

Remove Original Petitioner Requirement

We support granting the Village Center property owner the ability to petition to amend the Preliminary Development Plan seeking a change to their property rather than maintaining the current requirement that all amendment requests to be brought to the County by the original petitioner. Such a process, while useful through the many years for securing and safeguarding the implementation of Rouse's vision, is no longer in the owner's and the county's best interest because a Village Center's redevelopment might not be of the same degree of priority to the original petitioner as it is to the owner. However, when vesting the right to amend the Preliminary Development Plan (PDP) by a Village Center property owner, that right must be narrowly tailored to ensure that the intended purpose of an original petitioner continues. Authority to seek amendments to the PDP has rested with the original petitioner because only the original petitioner was most suited to protect Columbia's comprehensive vision and the Village Centers' integral function and purpose for the last 40 years.

By granting open petitioning rights, the County assumes the role of guardian of the Village Center vision. As guardian, the County must strategically set forth policy to preserve and revitalize the Village Centers, whether they are successful, distressed or failing. The regulations become the means for doing so comprehensively, efficiently and effectively.

Petitioner's proposed process

We reject the petitioner's proposed ZRA; it is insufficient as written and is inadequate in protecting the interests of the County and the Columbia stakeholder's. In response to the petitioner's proposed legislation's shortcomings, the Department of Planning and Zoning (DPZ) itself proposed changes in the form of Exhibit B. With respect to Exhibit B, the Board considered the addition of decision making criteria worthwhile. However, the members agreed that Exhibit B's process was inefficient and burdensome to the

Zoning Board and insufficient in including and analyzing the Villages' vision, opinions and governing authority. Therefore, the Board developed Exhibit C.

We were active participants in reengineering DPZ's proposed process to better align and sequence its flow. As a result, the process described in the Planning Board's Exhibit C segments decision making authority by magnitude of a redevelopment plan, includes substantial opportunities for citizen and village leadership involvement, and elevates the conclusions of the effected village's Board by requiring them to be thoroughly addressed in any findings by the decision makers (Zoning Board and Planning Board).

While we believe the process proposed in Exhibit C is more effective and efficient than that of the petitioner's or DPZ's, we are unable to support approval of ZRA 102 in its entirety because of fundamental and essential questions that have been left unaddressed. At best, we can support the process outlined for a minor redevelopment plan with respect to decision making criteria and citizen and Village Board involvement but that is all. We strongly believe the following needs to be addressed now before legislation is enacted.

Root Causes of Village Center Distress and Failure Not Examined

Repeatedly, Planning Board heard testimony by the Village Boards, the Columbia Association and the citizens of the need to maintain the Village Center purpose and concept. In its current configuration, the Village Center fulfills solely a commercial function (except for Harper's Choice which includes some residential use) that facilitates public gathering and a Main Street identity.

Even though we heard that the Village Centers are failing; no analysis was presented by the petitioner or DPZ as to the causes of a Village Center's demise or how it would be classified as being distressed or failing. No analysis was presented as to what factors, besides age, impact whether a Village Center flourishes. According to the petitioner and DPZ the solution for economic vitality lays in permitting the Village Centers to become mixed-use centers with an undetermined level of residential density. Such a universal solution as the sole means for revitalization stands in contrast to the redevelopment successes of Kings Contrivance and Owen Brown which were accomplished without adding residential density.

A consequence of limited analysis is the potential for root cause factors of a Village Center's demise may remain even after residential density is added. Such factors may include poor location, access to a major thoroughfare, total size, or nearby proximity to other major retail choices.

Neither DPZ nor the petitioner provided any indication as to the financial impact of the proposed changes. How would revenue levels change? What County operational and capital expenditures might be needed? What would be the potential impact on the Howard County School System? We believe some type of financial assessment should be required before proceeding.

An obvious and troubling discrepancy exists between the degree and length of time taken for analysis for ZRA 102 and ZRA 113. While not the same in scale, both ZRAs are major land use philosophy change. ZRA 113 has had the benefit of exponentially great analysis and time. ZRA 102's unexamined elements may disrupt the revitalization or yield unintended consequences.

Residential Density and Commercial Uses

ZRA 102 has been marketed as land use policy that will ensure the preservation of the Village Center vision. However, it is actually a mechanism for evaluating changes not one that establishes the parameters in which change can occur and still satisfy the Village Center vision. If Village Centers are to provide for local commercial needs, then universally, the uses permitted need to be local commercial uses, residential should be capped as a total number of units or as a square foot percentage, building height maximums should be established to achieve a small town main street function. Without delineation such standards, the opposite could occur where the uses and residential intensity creates mini-downtowns.

Some community and Board members support a vaguer regulation to allow for a project's flexibility. Calls for flexibility are justified as long as there are safeguards. The process can be established to permit a petitioner to request relief from universal requirements provided the decision makers (Zoning Board and Planning Board) determine that the relief positively impacts the other Village Center uses and facilitates the Village Center vision.

The addition of the residential use component to the Village Center was not fully evaluated and vetted in either the petitioner's or DPZ's proposal. No analysis was used to determine the need and scope of a

residential use, or how a proper balance with the Village Centers' commercial function would be ensured. A specific concern in determining the residential density potential has to do the timing of boundary setting and the impact it has on the gross acreage multiplier. If boundaries are established when the petition is submitted, the boundaries could be manipulated to support a propose density. Therefore we recommend that the village center boundaries be established at one time and prior to the submittal of a petition to ensure this does not occur.

Furthermore, it is uncertain how well the zoning regulation amendment will prevent the intentional decline of a Village Center by a parcel owner or the majority parcel owner in order to obtain complete or a significant increase in residential density to the detriment of the Village Center concept.

Howard County's Mixed-use Projects are still in their infancy

To date, Howard County's mixed-use projects, Maple Lawn, Turf Valley, and Rt. 1 Revitalization, are not built-out and unable to showcase various models for commercial and residential uses mixes. Other jurisdictions' successful efforts could serve as models too. However, no such information was provided by the petitioner or DPZ when the Planning Board asked where had similar redevelopment efforts, which included a residential density infusion, been attempted and succeeded. Both did assure the Board that many existed.

Yet Howard County does have two successful Village Center redevelopment efforts, Owen Brown and Kings Contrivance. These two Village Centers serve as better models for establishing a revitalization template. An examination of those processes needs to be undertaken to determine what lead to the processes' success. Was it intense citizen and Village Board involvement? Were property owners willing to engage in lengthy discussions? Were property owners willing to work together? Where the local commercial uses still able to be delivered? Did the end result implement the Village Board's vision?

Examples of redevelopment successes are reasonable, necessary and fundamental principle of policy evaluations and an effective land use planning tool. Certainly other jurisdictions have successfully faced revitalization and redevelopment challenges. For example, what was the submittal process? What criteria were used for decision making? What if any financial incentives were employed? How were residential

density levels determined? What was the long term vision for the "Village Center" and/or was a Community Master Plan in place or required before redevelopment was considered? Such an analysis enables the processes which have already yielded tangible results to be customized to the unique characteristics of Columbia and NT zoning. Failure to engage in this type of analysis, study, and research circumvents the intent of the planning process and the long-term vision.

Exploration of Alternative Methods for Achieving Changes

A shortfall to the evaluation of ZRA 102 was the lack of discussion as to whether this proposed approach is better than all alternatives. At no time did Planning Board hear any information as to why other approaches were not considered acceptable. It appears that timing is the reason other approaches were not explored for pluses or minuses. Those other approaches include but are not limited to:

- Amending the original petitioner requirement to permit the property owner the authority to amend only the CSP, FDP and SDP for commercial revitalization for Village Centers and not add residential uses.
- A new zone designed to provide primarily local, commercial uses with a limited amount of residential density after a thorough evaluation process. This was the process followed for the Route 1 revitalization effort that took place during Comprehensive Rezoning.
- An overlay or floating zone that would require significant testimony and evidence as to the impact and outcome of allowing a commercial area to permit residential or new, previously unapproved uses.

A test case scenario needs to be applied to the proposed process to see if it would be an effective and efficient one. When the Planning Board ask (regardless of whether it was Wilde Lake or not), DPZ staff stated it would be inappropriate to do so since this was ZRA was merely a change in process. We, however, firmly disagree since the Petitioner also wants the flexibility to add a residential land use to an area intentionally restricted to serve as a commercial center for each village.

Allocation Process will be impacted but to What Degree is Unknown

Permitting employment land to become a hybrid of commercial and residential uses means that these parcels will compete for allocations against historically zoned residential parcels. The greater competition by more parcels for the same number of allocations will place greater pressure on the process.

The General Plans housing allocation process permits 2,150 units per year. Specifically, in Columbia Planning Region the number of allocations decreases over time with 490 units in 2011 to 14 units in 2016. Even if a new General Plan is adopted in 2012 or later with more allocations, numerous questions arise.

- How will the goals of ZRA 102 be accomplished when so few allocations exist in the Columbia Planning Region?
- Will there be enough critical mass of units available to build a project in a reasonable timeframe? Are we at risk of creating policy without the means to successfully implement?
- If the revitalization of the Village Center becomes a vital land use strategy, will it be necessary to award allocations to Village Center residential projects before purely residential parcel projects?
- Will the Village Center residential projects be required to combine allocations from multiple categories of Senior, Moderate Income Housing Units, and Green Neighborhood to meet their need? How will this increased demand impact the demand for these allocations countywide?
- With only 2,000+ units left in Columbia, will it be necessary to implement a policy that prioritizes projects based on their strategic or fiscal value? Will it be necessary to raise the density levels?
- Since the total number of housing allocations falls from 2,150 to 1,600 by 2016, will changes need to be made to the total number of units available in order to serve the demand generated by both ZRA 102 and ZRA 113?

Evaluation requirement is imperative to ensure success

Although an evaluation is recommended by the Board after the first plan completes the process, we believe the evaluation should be ongoing with specific milestones triggering review. Besides the process' effectiveness, outcomes related to the satisfaction levels of the Village Board and the general citizenry should be included. Most importantly, the policy impact of the ZRA should be evaluated to conclude whether the plan(s) did have any success in revitalizing a Village Center. It is important for the process to be efficient and effective and the outcomes successful. A sample of questions to be answered includes:

- Is there enough citizen participation?
- Are the Village's opinions, master plans, etc being considered and incorporated into the proposals?

- Are the proposals altering/impacting sufficient amounts of square footage to forestall and turn around a Village Center's decline?
- Should commercial revitalization receive priority of timing over the introduction of residential in sequencing?
- Are the boundaries established by DPZ working? Are parcels seeking inclusion? If so is it altering the definition of a village center? Are parcels seeking to be removed from the Village Center boundaries?

Linkage to ZRA 113

Planning Board raised the concern of how would ZRA 113 with the magnitude of development it proposes for downtown Columbia impacts the efforts to revitalize the Village Centers. The villages with immediate adjacency like Wilde Lake and Harper's Choice could be easily crushed by the proposed plans for downtown. The question of how does this legislation safeguard the goal of redeveloping the Village Centers has not been answered. The sheer quantity of commercial space proposed in ZRA 113 could easily drive the Village Centers into extinction. Waiting to reconcile this concern during our deliberations on ZRA 113, as recommended by DPZ, may result in the issue being lost.

Conclusion

In summary, with these fundamentally important questions left unanswered, we are unable to support Exhibit C as the best land use policy for revitalizing and redeveloping the Village Centers. This critical and complex piece of legislation requires a thorough evaluation. We believe the pressure to "get into worksession" on ZRA 113 has compromised the evaluation of ZRA 102. Being repeatedly told "it is only a recommendation and the Council can deal with the issues because everyone will be testifying again" diminishes Planning Board's role as mediator/reconciler of the County's land use policies and land use needs with those of the citizens and developers.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 23rd day of March 2009, has not approved a majority board advisory recommendation for ZRA 102, as described above. It is therefore, forwarding to the County Council the Planning Board's recommended revisions noted in Exhibit C but with the concerns, reservations and rationale for its support and opposition as fully expressed in this 2 - 2 split vote recommendation.

HOWARD COUNTY PLANNING BOARD

Absent

David Grabowski, Chairman

Gary Rosenbaum, Vice-Chair

Tammy J. CitaraManis

Linda A. Dombrowski

Paul Yelder

ATTEST:

Marsha S. McLaughlin, Executive Secretary

WILDE LAKE BUSINESS	*	**BEFORE THE**
TRUST, PETITIONER	*	**PLANNING BOARD OF**
ZRA 102	*	**HOWARD COUNTY, MARYLAND**
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MOTION: **To recommend approval of the basic petition with revisions to the Department of Planning and Zoning recommended text as expressed in the Planning Board's recommended Exhibit C dated March 12, 2009.**

ACTION: **Vote 2 to 2; No majority board advisory recommendation, split Vote rationale included.**

AMENDMENT TO PLANNING BOARD RECOMMENDATION

DATED MARCH 26, 2009

SUBMITTED BY GARY ROSENBAUM AND PAUL YELDER

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Rationale for 2 votes in SUPPORT of Motion for Approval of Exhibit C:

At the Planning Board's final worksession on this zoning regulation there was significant disagreement as to the merits of proceeding with this petition to amend Section 125 NT. Significant time and energy had been placed in crafting the revised amendment (Exhibit C) and there appeared to be consensus of all members at that time. Considerable compromises where reached during this process and Exhibit C adequately establishes a process to evaluate both major and minor redevelopment projects proposed by village center property owners in the future with sufficient opportunities for public review and comment.

This zoning regulation Amendment to allow any property owner of any portion of a Village Center the right to petition to amend the approved New Town Preliminary Development Plan, a Comprehensive

Sketch Plan, a Final Development Plan, and a Site Development Plan for the owner's property seeks to give these property owners the same rights afforded property owners in other zoning districts but at the same time provides adequate safeguards to maintain and enhance the Village Center as defined in Exhibit C. Support of this concept is spelled out in the DPZ Technical Staff Report .

The Petitioner in it's presentation to the Board indicated that when they prepared their petition they sought to be all encompassing and sought to prepare a mechanism that would be front ended loaded with more details rather than being general and leaving open much of the details. In crafting the petition they knew that it would need to be fined tuned during the DPZ staff review process and ultimately through the Planning Board's public meetings and advisory role recommendations. During their presentation they threw their full support behind the recommendations in the Technical Staff Report which included residential as part of a mixed use component in the redevelopment of a Village Center. The staff report included an Exhibit B which was fully vetted during the numerous Public Meetings and Board worksessions which ultimately became Exhibit C. All Board members had significant input in crafting the final version of Exhibit C. The Board took great pains to ensure that citizen comments and concerns where incorporated into it. Although the Petitioner's proposal would apply to all Village Centers within in New Town, the redevelopment of the Wilde Lake Village Center would most likely be the first where the new regulations would apply and be tested. Testimony from the Wilde Lake Village Board as well as other village boards was given significant weight in crafting Exhibit C. The Public Meeting and worksessions where open ended and provided ample opportunity for all concerned parties to participate and express their concerns. At no point in time was the public record closed without all of those seeking comment given their chance to testify either in person or in writing.

At the Public Meeting and Board worksessions, there was almost universal consensus that a Village Center property owner should have the right to petition the County to amend the Preliminary

Development Plan, a Comprehensive Sketch Plan, a Final Development Plan and a Site Development Plan. This is what this ZRA is all about

The ZRA provides the mechanism for both major and minor redevelopments to be initiated. It requires detailed documentation and public participation that would take place as part of the Preliminary Development Plan, Comprehensive Sketch Plan, Final Development Plan and Site Development Plan phases. The property owners and/or developer will ultimately determine from a financial perspective whether or not a redevelopment will make sense. In addition, the enhancements that might come from a redevelopment could reinforce many of the elements of smart growth initiatives.

When the Rouse Company and Howard Research and Development pursued a policy to expand retail activities in Columbia outside of the Village Centers, they embarked on a course of action that ultimately spelled dire consequences for the retail core of those centers. In addition, they knew that existing centers needed to be redesigned and turned outwards like traditional strip centers. Redevelopment of Harpers Choice, Long Reach, Oakland Mills, Kings Contrivance and Owen Brown are such examples. The development of Dobbin Center, Snowden Crossing, Gateway Crossing and Gateway Overlook although not Village Centers provide examples of the direction retailing was taking at the expense of the Village Centers. The formula used to create the Village Center of the late sixties, seventies and eighties was becoming obsolete. The original petitioner was no longer protecting and preserving the Village Center. When the Rouse Company sold their property in the Village Centers, their interest in future of the centers was clear. The ZRA as now written with Exhibit C shows how new property owners, with vested interest in these centers, can potentially bring new life and vitality to a Village Center in the twenty-first century. Mixed use developments that have a residential component have become the trend in many redevelopment

efforts. The Route 1 Corridor Redevelopment, The Savage Towne Center proposal and the revitalization of Downtown Columbia all have a residential component that can be the spark to ignite the engine of a successful commercial development. Even Jim Rouse said that one of the three principles guiding the building of Columbia is that it needs to be profitable.

Mr. Rosenbaum would also like to note the following as further rationale for his yes vote in support of the motion. He has been a resident of Howard County for over 32 rears. He has lived in numerous locations throughout the County over that time span. He lived in two of Columbia's Villages and had and continues to patronize many of the businesses and facilities in those centers. More importantly he owned a retail business in a Village Center that was developed by the Rouse Company and then sold to another real estate developer. He served on the Merchants Association Board and had dealings with the other merchants in that center as well as in the other centers. In addition, he also owned a retail business in a major regional center. His experiences in running those businesses pointed out the major difficulties in attempting to run a business in centers that have limited trade areas and the lack of residential densities to support the retail sales goals necessary to keep a business healthy. Design layouts, parking issues and the lack of certain amenities all come into play in the successes and failures of the Village Centers. In addition, within the shopping center industry, most successful centers look to remodel and reinvent themselves every 10 to 15 years. We have started to see this happen within some of the Village Centers. However, the redevelopment solution for each center needs to be unique to that center. This is why the mixed use opportunities provided by ZRA 102 are so important as well as the right of a new Village Center property owner be able to petition to amend.

Housing allocations is something that does need to be addressed as part of the overall redevelopment of the Village Centers and Downtown Columbia. However, it does not need to be a

limiting factor at this point in time. Allocations have a lot to do with preventing the overburdening of County public facilities. In the case of the Village Centers the basic infrastructure is in place. Once again, any redevelopment with a residential component would further the goals of smart growth in the County.

The linkage of ZRA 102 to ZRA 113 is very important. However, ZRA 102 should be able to proceed and the outcome of ZRA113 should not be an impediment to Village Center redevelopment. Given the scope and the magnitude of the downtown Columbia planning effort it would appear that any head start the Village Centers can obtain would be to their advantage. General Growth has stated in their General Plan Amendment that there should be a commercial balance. It states that downtown commercial activities should complement the evolution of the neighboring Village Centers and recognized each center's identity and role. This connectivity is very important and would be addressed by the processes that could be established as outlined by Exhibit C.

Furthermore, Mr. Yelder wishes to note that the modified Exhibit C adequately establishes a process to evaluate future redevelopment projects proposed by village center property owners. The process outlined in Exhibit C provides a better vehicle for resident input than currently exists, thereby empowering village residents to better determine outcomes for their village.

Allowing or restricting residential development in a Village Center should be a decision made on a village by village basis. Given the diversity of Columbia's Village Centers based on size, location, proximity to transit centers, access to retail/commercial services, adjacent residential density, and other factors, it is inappropriate to impose a "one size fits all" approach to the future development of all the Village Centers without accounting for this diversity across Village Centers. Moreover, development decisions in the other sections of the "New Town" area of Columbia, such as substantial increases in retail and commercial space in Columbia's regional shopping centers and the proposed redevelopment of the Downtown area of Columbia

(ZRA 113), will have an effect on the future viability or the future role of Village Centers. A more appropriate method of establishing development parameters for a village center would be for each village to undertake a master planning process which takes into account the various unique factors which will have an affect on the successful redevelopment of that particular village. Such a process would best determine the amount of retail/commercial space that can be supported by the village center instead of imposing pre-determined limits

As the "New Town" of Columbia continues to mature, this change in the development decision making process needs to be part of Columbia's evolution. Property owners should be granted the ability to propose new development as long as there is sufficient review and approval by village residents. The process that the Planning Board and DPZ crafted in Exhibit C of ZRA 102 contains adequate community safeguards to grant this ability to property owners.

Mr. Rosenbaum, Vice Chair, acting as Chair in Mr. Grabowski absence, originally sought to seek Mr. Grabowski's input via telephone but ensuing conversations took place and Mr. Rosenbaum failed to take further action on seeking Mr. Grabowski's input during discussions and for the Board's vote. If so desired, the County Council may desire to seek Mr. Graboski's input on this ZRA by having him provide written testimony either in support or opposition to the motion that was before this board.

The Planning Board of Howard County, Maryland, on this 30th day of April 2009, forwards to the County Council the above amendment.

HOWARD COUNTY PLANNING BOARD

Absent

David Grabowski, Chairman

Gary Rosenbaum, Vice-Chair

Tammy J. CitaraManis

Linda A. Dombrowski

Paul Yelder

ATTEST:

Marsha S. McLaughlin, Executive Secretary

Exhibit C – Planning Board Recommended Revisions, as of March 12, 2009

Note: DOUBLE-UNDERLINED ITALIC TEXT indicates new language added or revised based upon the Planning Board comments at the February 4, 2009 worksession, the February 24, 2009 worksession, and the March 12, 2009 worksession. ~~DOUBLE-STRIKETHROUGH TEXT~~ is deleted text.

Add new Sections 103.A.168 through 103.A.170, and renumber subsequent sections:

168. VILLAGE CENTER, NEW TOWN – A MIXED-USE DEVELOPMENT IN THE NEW TOWN DISTRICT WHICH IS IN A LOCATION DESIGNATED ON THE NEW TOWN PRELIMINARY DEVELOPMENT PLAN AS A "VILLAGE CENTER", WHICH IS DESIGNED TO ~~SERVE AS~~ *BE* A COMMUNITY FOCAL POINT AND GATHERING PLACE FOR THE SURROUNDING VILLAGE NEIGHBORHOODS BY INCLUDING THE FOLLOWING ITEMS:

A. AN OUTDOOR, PUBLIC, VILLAGE GREEN, PLAZA OR SQUARE, WHICH HAS BOTH HARDSCAPE AND SOFTSCAPE ELEMENTS. THIS PUBLIC SPACE SHALL BE DESIGNED TO FUNCTION AS AN ACCESSIBLE, PRIMARILY PEDESTRIAN-ORIENTED PROMENADE CONNECTING THE VARIOUS VILLAGE CENTER BUILDINGS AND SHALL INCLUDE PUBLIC SEATING FEATURES.

B. STORES, SHOPS, OFFICES OR OTHER COMMERCIAL USES WHICH PROVIDE OPPORTUNITIES TO FULFILL THE DAY-TO-DAY NEEDS OF THE VILLAGE RESIDENTS, SUCH AS FOOD STORES, SPECIALTY STORES, SERVICE AGENCIES, FINANCIAL INSTITUTIONS, PERSONAL SERVICES, MEDICAL SERVICES, AND RESTAURANTS.

C. SPACE FOR COMMUNITY USES AND/OR INSTITUTIONAL USES.

D. ~~RESIDENTIAL USES,~~ IF APPROPRIATE TO SUPPORT AND ENHANCE OTHER USES IN THE VILLAGE CENTER, *RESIDENTIAL USES*

169. VILLAGE CENTER REDEVELOPMENT, MAJOR - A REDEVELOPMENT OF A NEW TOWN VILLAGE CENTER THAT INCLUDES ANY PROPOSAL TO ADD RESIDENTIAL USES, OR TO ESTABLISH NEW USES THAT ARE NOT CURRENTLY PERMITTED, WITHIN THE BOUNDARIES OF A NEW TOWN VILLAGE CENTER, FOR WHICH AN AMENDMENT TO THE NEW TOWN PRELIMINARY DEVELOPMENT PLAN IS REQUIRED IN ACCORDANCE WITH SECTION 125.F.

170. VILLAGE CENTER REDEVELOPMENT, MINOR - A REDEVELOPMENT OF A NEW TOWN VILLAGE CENTER WHICH IS NOT A MAJOR VILLAGE CENTER REDEVELOPMENT, IN ACCORDANCE WITH SECTION 125.G., AND WHICH REQUIRES APPROVAL IN

ACCORDANCE WITH SECTIONS 125.C., 125.D., OR 125.E. AS APPROPRIATE.

F. VILLAGE CENTER REDEVELOPMENT***, MAJOR***

1. ANY PROPERTY OWNER OF ANY PORTION OF A VILLAGE CENTER MAY PETITION TO AMEND AN APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN AND/OR SITE DEVELOPMENT PLAN IN ACCORDANCE WITH THIS SECTION, FOR THAT PORTION OF LAND WHICH THEY OWN. THE OWNER ("PETITIONER") MAY PROPOSE AMENDMENTS TO THE APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN AND SITE DEVELOPMENT PLAN TO ALLOW ANY USE OR DENSITY, ~~EVEN IF THAT USE OR DENSITY IS NOT OTHERWISE ALLOWED BY THE NEW TOWN DISTRICT OR THE PREVIOUSLY APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN OR SITE DEVELOPMENT PLAN~~, **SUBJECT TO THE FOLLOWING LIMITATIONS:**

   A. THE AMENDMENT SHALL COMPLY WITH SECTION 125.A.5.A. CONCERNING M-2 AND R-MH USES.

   B. USES NOT CURRENTLY PERMITTED BY THE ZONING REGULATIONS ARE PROHIBITED.

   C. THE AMENDMENT SHALL COMPLY WITH SECTION 125.A.4. CONCERNING THE MAXIMUM RESIDENTIAL DENSITY *OF 2.5 DWELLING UNITS PER ACRE* IN THE NT DISTRICT.

2. **PRE-SUBMISSION COMMUNITY MEETINGS AND REQUESTS FOR COMMUNITY RESPONSE STATEMENTS**

   A. [[PRIOR TO PETITIONING TO AMEND THE PRELIMINARY DEVELOPMENT PLAN, THE PETITIONER IS REQUIRED TO HOLD A PRE-SUBMISSION COMMUNITY MEETING IN ACCORDANCE WITH HOWARD COUNTY CODE SECTION 16.128.]] **THE PETITION SHALL COMPLY WITH THE REQUIREMENTS AND PROVISIONS OF SECTIONS 16.204 THROUGH 16.207 OF THE COUNTY CODE AS THEY RELATE TO ZONING BOARD APPROVAL OF DEVELOPMENT PLANS.** IN ADDITION TO THE WRITTEN NOTICE REQUIREMENTS [[OF HOWARD CODE SECTION 16.128 (c)]] **IN SECTION 16.205**, THE PETITIONER SHALL ALSO NOTIFY IN WRITING ***BY CERTIFIED MAIL***:

      (1) ALL PROPERTY OWNERS IDENTIFIED IN THE RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION [[~~WHO ARE~~]] ***OF PROPERTIES*** WITHIN THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER [[~~AS IDENTIFIED IN THE PETITION~~]] ***AS PREVIOUSLY***

DETERMINED BY THE DEPARTMENT OF PLANNING AND ZONING, AND;

(2) THE [[VILLAGE BOARD]] **BOARD OF DIRECTORS OF THE VILLAGE (THE "VILLAGE BOARD")** OF SAID VILLAGE CENTER ~~BY FIRST CLASS MAIL~~.

THE PUBLIC NOTICE SIGNS AS REQUIRED BY SECTION 16.205 FOR PRE-SUBMISSION COMMUNITY MEETINGS SHALL BE POSTED AT EACH DRIVEWAY ENTRANCE INTO THE VILLAGE CENTER FROM A PUBLIC STREET. **ALTHOUGH SECTION 16.205 ORDINARILY REQUIRES ONLY ONE PRE-SUBMISSION COMMUNITY MEETING, A PETITIONER FOR A *MAJOR* VILLAGE CENTER REDEVELOPMENT PROPOSAL IS REQUIRED TO HOLD A MINIMUM OF TWO SUCH MEETINGS, THE SECOND OF WHICH SHALL BE HELD AT LEAST 30 DAYS AFTER THE INITIAL MEETING, ALLOWING THE PETITIONER TO ADDRESS ANY CONCERNS OR SUGGESTIONS EXPRESSED AT THE INITIAL MEETING .**

THE PETITIONER SHALL MAINTAIN A RECORD OF THE NAMES AND ADDRESSES OF ALL ATTENDEES TO THE PRESUBMISSION COMMUNITY MEETINGS, AND SHALL COMPILE A DETAILED ACCOUNTING OF ALL COMMENTS MADE BY PARTICIPANTS IN THESE MEETINGS. THE PETITIONER SHALL PREPARE A WRITTEN RESPONSE TO ALL OF THE COMPILED COMMENTS OF ALL MEETINGS ON A POINT-BY POINT BASIS. THE WRITTEN RESPONSE(S) SHALL BE MAILED BY THE PETITIONER, BY FIRST CLASS MAIL, TO ALL ATTENDEES ON THE MEETING RECORD, THE VILLAGE BOARD, AND ALL PROPERTY OWNERS OF PROPERTY WITHIN THE VILLAGE CENTER . A COPY OF THE COMPILED COMMENTS AND A COPY OF THE PETITIONER'S WRITTEN RESPONSE SHALL BE SUBMITTED TO THE COUNTY WITH THE PETITION FOR A MAJOR VILLAGE CENTER REDEVELOPMENT, AND SHALL BECOME PART OF THE OFFICIAL RECORD FOR THAT CASE.

B. WITHIN TWO DAYS AFTER ITS ACCEPTANCE OF A PETITION FOR A *MAJOR* VILLAGE CENTER REDEVELOPMENT, THE DEPARTMENT OF PLANNING AND ZONING SHALL SEND, *BY CERTIFIED MAIL*, A NOTICE TO THE VILLAGE BOARD OF THE VILLAGE IN WHICH THE VILLAGE CENTER PETITIONING FOR REDEVELOPMENT IS LOCATED. THE NOTICE SHALL REQUEST THAT THE VILLAGE BOARD SUBMIT A COMMUNITY RESPONSE STATEMENT OUTLINING ITS COMMENTS ON THE REDEVELOPMENT PROPOSAL. *THE NOTICE SHALL DIRECT THE VILLAGE BOARD TO:*

(1) *ADDRESS ITS COMMENTS IN TERMS OF ANY SPECIFIC APPROVAL CRITERIA THE VILLAGE BOARD RECOMMENDS BE ~~APPLIED TO~~ INCLUDED BY THE ZONING BOARD IN ITS DECISION ON THE MAJOR VILLAGE CENTER REDEVELOPMENT.*

(2) *PROVIDE ITS RESPONSES TO THE SECTION 125.F.3.A.(7) CRITERIA. ~~AND TO THE FOLLOWING SPECIFIC CRITERIA:~~*

(3) *IDENTIFY WHETHER THE PROPERTY IS SUBJECT TO ARCHITECTURAL REVIEW BY THE VILLAGE.*

C. *TO BE ELIGIBLE TO HAVE ITS COMMENTS ~~CONSIDERED~~ ADDRESSED IN THE TECHNICAL STAFF REPORT ON THE MAJOR VILLAGE CENTER REDEVELOPMENT, THE VILLAGE BOARD SHALL HAVE A MAXIMUM OF 45 DAYS TO SUBMIT ITS COMMUNITY RESPONSE STATEMENTTO THE DEPARTMENT OF PLANNING AND ZONING. THIS 45 DAY PERIOD BEGINS ON THE DAY THE VILLAGE BOARD RECEIVES THE DEPARTMENT OF PLANNING AND ZONING REQUEST, AS NOTED ON THE CERTIFIED MAIL RECEIPT.* **A SUBMITTED COMMUNITY RESPONSE STATEMENT BECOMES PART OF THE PUBLIC RECORD FOR THE *MAJOR* VILLAGE CENTER REDEVELOPMENT CASE, AND WILL BE FORWARDED TO THE PLANNING BOARD PRIOR TO ITS INITIAL MEETING ON THE ZONING BOARD CASE.**

3. **PETITION INFORMATION**

a. THE PETITION FOR AMENDMENT OF THE PRELIMINARY DEVELOPMENT PLAN SHALL BE TO THE ZONING BOARD AND SHALL CONTAIN THE FOLLOWING INFORMATION:

(1) THE INFORMATION SET FORTH IN HOWARD COUNTY ZONING REGULATIONS SECTIONS 125.B.1.a, b and c AND 125.B.2.

[[(2) A METES AND BOUNDS DESCRIPTION OF THE PETITIONER'S LAND WHICH IS THE SUBJECT OF THE PETITION.]]

([[3]]**2**) A SPECIFIC DESCRIPTION OF THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER WHICH IS THE SUBJECT MATTER OF THE PETITION*, AS PREVIOUSLY DETERMINED BY THE DEPARTMENT OF PLANNING AND ZONING.*

([[4]]**3**) A DESCRIPTION OF THE VILLAGE CENTER INCLUDING, THE NAMES OF ALL PROPERTY OWNERS WITHIN THE VILLAGE CENTER, THE *EXISTING* BUILDINGS AND USES WITHIN THE VILLAGE CENTER, *AND* THE ~~CURRENT AND~~ PROPOSED ~~FUNCTION~~ [[AND ROLE]] ~~OF THE VILLAGE CENTER~~ *BUILDINGS AND USES.*

([[5]]4) A CONCEPT PLAN THAT SETS FORTH AN INFORMATIVE, CONCEPTUAL AND SCHEMATIC REPRESENTATION OF THE PROPOSED REDEVELOPMENT IN A SIMPLE, CLEAR AND LEGIBLE MANNER THAT [[INDICATES]] **PROVIDES INFORMATION INCLUDING, BUT NOT LIMITED TO** THE GENERAL SITE LAYOUT, PROPOSED BUILDING TYPES AND USES, PROPOSED NUMBER OF **DWELLING** UNITS, SQUARE FOOTAGE FOR NON-RESIDENTIAL PROJECTS, PARKING AND TRAFFIC, ***PEDESTRIAN CIRCULATION***, PROPOSED OPEN SPACE, GENERAL LOCATION AND SIZE OF SIGNAGE, LANDSCAPE CONCEPT, ANY SIGNIFICANT CHANGES TO [[TYPOGRAPHY]] **TOPOGRAPHY** AND SURFACE DRAINAGE, AND THE GENERAL LOCATION OF NATURAL FEATURES. **IN ADDITION, THE CONCEPT PLAN SHALL ALSO COMPLY WITH THE PLAN INFORMATION REQUIREMENTS SPECIFIED IN SECTION 100.G.2.A OF THE ZONING REGULATIONS.**

([[6]]5) PROPOSED DESIGN GUIDELINES WHICH WILL BE IMPOSED UPON THE ***MAJOR*** VILLAGE CENTER REDEVELOPMENT.

(6). IDENTIFY WHETHER NEW RESIDENTIAL DEVELOPENTS WOULD HAVE VOTING RIGHTS IN THE VILLAGE COMMUNITY ASSOCIATION.

(7.) A JUSTIFICATION STATEMENT WHICH IDENTIFIES THE IMPACTS OF THE PROPOSED ***MAJOR*** VILLAGE CENTER REDEVELOPMENT ON THE NATURE AND PURPOSE OF THE VILLAGE CENTER **AND ITS RELATION TO THE SURROUNDING COMMUNITY. THE JUSTIFICATION STATEMENT SHALL ADDRESS THE FOLLOWING ~~ISSUES~~ *CRITERIA*:**

A. THE *MAJOR* VILLAGE CENTER REDEVELOPMENT WILL FOSTER ORDERLY GROWTH AND PROMOTE THE ~~FUNCTION~~ *PURPOSES* OF THE VILLAGE CENTER IN ACCORDANCE WITH THE PLANNED CHARACTER OF THE NT DISTRICT.

B. THE AMOUNT OF COMMERCIAL BUSINESS FLOOR AREA CONTAINED IN THE VILLAGE CENTER REDEVELOPMENT IS ~~SUFFICIENT~~ *APPROPRIATE* TO MAINTAIN A LEVEL OF RETAIL AND COMMERCIAL SERVICE APPROPRIATE TO THE VILLAGE CENTER ~~FUNCTION~~ *PURPOSE* AS A LOCATION FOR CONVENIENT, DIVERSE COMMERCIAL BUSINESS USES WHICH SERVE THE LOCAL NEIGHBORHOODS OF THE VILLAGE.

C. THE *MAJOR* VILLAGE CENTER REDEVELOPMENT WILL FOSTER THE ~~PLANNED FUNCTION~~ *PURPOSE* OF A VILLAGE CENTER AS A COMMUNITY FOCAL POINT PROVIDING GOOD OPPORTUNITIES FOR COMMUNITY INTERACTION AND COMMUNICATION.

D. THE LOCATIONS AND THE RELATIVE PROPORTIONS OF THE PERMITTED USES FOR COMMERCIAL BUSINESSES, DWELLINGS, AND OPEN SPACE USES, AND THE PROJECT DESIGN WILL ENHANCE THE EXISTING DEVELOPMENT SURROUNDING THE *MAJOR* VILLAGE CENTER REDEVELOPMENT.

E. THE *MAJOR* VILLAGE CENTER REDEVELOPMENT PROVIDES ACCESSIBLE USEABLE LANDSCAPED AREAS SUCH AS COURTYARDS, PLAZAS OR SQUARES.

F. THE *MAJOR* VILLAGE CENTER REDEVELOPMENT IS ~~CONSISTENT~~ *COMPLIANT* WITH ALL APPLICABLE ENVIRONMENTAL POLICIES AND REQUIREMENTS, AND PROVIDES NEW ENVIRONMENTAL IMPROVEMENTS TO THE REDEVELOPMENT AREA THROUGH THE USE OF METHODS SUCH AS, *BUT NOT LIMITED TO*, GREEN BUILDING STANDARDS, WATER CONSERVATION, NATURAL DRAINAGE SYSTEMS, THE PLANTING OF NATIVE VEGETATION, THE REMOVAL OF EXISTING INVASIVE PLANTS, THE IMPROVEMENT OF STORMWATER DEFICIENCIES, AND FOLLOWING LOW IMPACT DEVELOPMENT PRACTICES.

G. THE *MAJOR* VILLAGE CENTER REDEVELOPMENT FOSTERS PEDESTRIAN AND BICYCLE ACCESS.

H. PUBLIC TRANSIT OPPORTUNITIES ARE APPROPRIATELY INCORPORATED INTO THE DEVELOPMENT.

I. THE MAJOR VILLAGE CENTER REDEVELOPMENT REFLECTS THE VIEWS OF THE COMMUNITY AS STATED AT THE PRESUBMISSION MEETINGS AND/OR VILLAGE CENTER MASTER PLAN AND/OR DEVELOPMENT GUIDELINES.

J. THE MAJOR VILLAGE CENTER REDEVELOPMENT PRESERVES CERTAIN HISTORICAL AND/OR SIGNATURE ASPECTS OF THE ORIGINAL VILLAGE CENTER DESIGN.

K. THE MAJOR VILLAGE CENTER REDEVELOPMENT PROVIDES FOR RETAIL, INSTITUTIONAL AND RECREATIONAL ACTIVITIES DURING BOTH THE DAYLIGHT AND EVENING HOURS.

~~b. THE ZONING BOARD, IN ADDITION TO **MAKING FINDINGS ON** THE GUIDES AND STANDARDS SET FORTH IN HOWARD COUNTY ZONING REGULATIONS SECTION 125.B.3, **AND THAT THE PETITIONER HAS SUCCESSFULLY ADDRESSED THE VILLAGE CENTER REDEVELOPMENT STANDARDS** *CRITERIA* **IN SECTION 125.F.3.A.(6),** SHALL ALSO CONSIDER THE PROPER ROLE AND FUNCTION OF THE PARTICULAR VILLAGE CENTER IN THE NT~~

~~DISTRICT. THE PETITION SHALL BE GRANTED ONLY IF THE ZONING BOARD FINDS THAT THE PETITION COMPLIES WITH THESE REGULATIONS AND THAT THE AMENDMENT TO THE PRELIMINARY DEVELOPMENT PLAN SHALL BE PERMITTED AT THE PROPOSED SITE. THE DECISION AND ORDER OF THE ZONING BOARD SHALL [[DETERMINE THE PROPER BOUNDARIES OF THE VILLAGE CENTER,]] APPROVE DESIGN GUIDELINES FOR THE VILLAGE CENTER AND APPROVE THE CONCEPT PLAN. **THE DECISION AND ORDER SHALL ALSO ESTABLISH MINIMA, MAXIMA, PRECISE VALUES OR SPECIFIC REQUIREMENTS CONCERNING AMENITY AREAS, BUILDING HEIGHT(S), PARKING, DENSITY AND PERMITTED USES.** THE ZONING BOARD MAY MAKE ANY ***AMENDMENTS OR*** MODIFICATIONS TO THE [[PROPOSED]] BOUNDARIES OF THE VILLAGE CENTER, THE PROPOSED DESIGN GUIDELINES AND THE PROPOSED CONCEPT PLAN, [[**OR**]] ***AND MAY*** **ESTABLISH ANY OTHER CRITERIA** WHICH IT DEEMS, WITHIN THE STANDARDS AND GUIDELINES OF THIS SECTION, TO BE APPROPRIATE. ALL LATER APPROVALS AND DECISIONS ARE BOUND BY AND MUST BE CONSISTENT WITH THE DECISION AND ORDER OF THE ZONING BOARD.~~

B. ***IN ITS EVALUATION OF THE PROPOSED MAJOR VILLAGE CENTER REDEVELOPMENT, THE ZONING BOARD SHALL MAKE FINDINGS ON THE FOLLOWING:***

1. ***THAT THE PETITION COMPLIES WITH THE GENERAL GUIDES AND STANDARDS SET FORTH IN HOWARD COUNTY ZONING REGULATIONS SECTION 125.B.3.***

2. ***THAT THE PROPOSED MAJOR VILLAGE CENTER REDEVELOPMENT COMPLIES WITH THE SPECIFIC DEFINITION FOR A NEW TOWN VILLAGE CENTER.***

3. ***THAT THE PETITION COMPLIES WITH THE MAJOR VILLAGE CENTER REDEVELOPMENT CRITERIA IN SECTION 125.F.3.A.(7).***

4. ***THAT THE PETITION SPECIFICALLY ENSURES THAT THE PROPOSED MIX OF USES PROVIDES SUFFICIENT RETAIL AND COMMERCIAL SERVICES TO MEET THE NEEDS OF VILLAGE RESIDENTS.***

C. ***THE PETITION SHALL BE GRANTED ONLY IF THE ZONING BOARD FINDS THAT THE PETITION COMPLIES WITH THESE REGULATIONS AND THAT THE AMENDMENT TO THE PRELIMINARY DEVELOPMENT PLAN SHALL BE PERMITTED AT THE PROPOSED SITE.***

D. ~~***IN ADDITION TO ADDRESSING THE FINDING NOTED ABOVE,***~~ ***IF THE ZONING BOARD APPROVES THE PETITION, THE DECISION AND ORDER OF THE ZONING BOARD SHALL:***

1. ***APPROVE THE DESIGN GUIDELINES FOR THE VILLAGE CENTER; AND,***

2. APPROVE THE CONCEPT PLAN, AND,

3. ESTABLISH MINIMA, MAXIMA, PRECISE VALUES OR SPECIFIC REQUIREMENTS CONCERNING AMENITY AREAS, BUILDING HEIGHT(S), PARKING, DENSITY AND PERMITTED USES.

E. IN THE DECISION AND ORDER, THE ZONING BOARD MAY MAKE ANY AMENDMENTS OR MODIFICATIONS TO THE BOUNDARIES OF THE VILLAGE CENTER, THE PROPOSED DESIGN GUIDELINES AND THE PROPOSED CONCEPT PLAN AND MAY ESTABLISH ANY OTHER CRITERIA WHICH IT DEEMS TO BE APPROPRIATE. ALL LATER APPROVALS AND DECISIONS FOR THE PROPERTIES INCLUDED IN THECONCEPT PLAN ARE BOUND BY AND MUST BE CONSISTENT WITH THE DECISION AND ORDER OF THE ZONING BOARD.

~~c. IF THE PETITION IS GRANTED, THE ZONING BOARD SHALL BY DECISION AND ORDER APPROVE THE PRELIMINARY DEVELOPMENT PLAN, [[THE VILLAGE CENTER BOUNDARIES,]] THE DESIGN GUIDELINES, [[AND]] CONCEPT PLAN **AND THE OTHER ITEMS NOTED ABOVE.** [[AND]] A COPY OF SAID DOCUMENTS SHALL BE CERTIFIED AS APPROVED BY THE ZONING BOARD AND A VERIFIED COPY OF THE SAME SHALL BE FORWARDED TO THE DEPARTMENT OF PLANNING AND ZONING AND THE PETITIONER.~~

F. IF THE PETITION IS GRANTED, REPRODUCEABLE COPIES OF ALL APPROVED PLANS, AND COPIES OF ALL APPROVED SUPPORTING DOCUMENTS SUCH AS ANY DEVELOPMENT GUIDELINES AND STANDARDS AND THE DESIGN GUIDELINES, SHALL BE CERTIFIED AS APPROVED BY THE ZONING BOARD AND VERIFIED COPIES OF THE SAME SHALL BE FORWARDED TO THE DEPARTMENT OF PLANNING AND ZONING AND THE PETITIONER.

4. IF THE AMENDMENT OF THE PRELIMINARY DEVELOPMENT PLAN IS APPROVED BY THE ZONING BOARD, THEN THE PETITIONER [[SHALL]] **IS AUTHORIZED TO** ~~PROCEED~~ ***SUBMIT*** WITH [[THE]] AMENDMENTS TO THE COMPREHENSIVE SKETCH PLAN AND FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.C. **HOWEVER, PRIOR TO THE SUBMITTAL OF THE COMPREHENSIVE SKETCH PLAN TO THE PLANNING BOARD, THE PETITIONER SHALL PRESENT A SKETCH PLAN OR ITS EQUIVALENT TO THE DESIGN ADVISORY PANEL FOR ITS EVALUATION IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE COUNTY CODE. THE DESIGN ADVISORY PANEL RECOMMENDATIONS SHALL BE FORWARDED TO THE PLANNING BOARD FOR ITS CONSIDERATION OF THE COMPREHENSIVE SKETCH PLAN FOR THE *MAJOR* VILLAGE CENTER REDEVELOPMENT AND THE ASSOCIATED SUBSEQUENT PLANS.**

5. IF THE COMPREHENSIVE SKETCH PLAN AND FINAL DEVELOPMENT PLAN ARE APPROVED IN ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.F.5, THEN [[THE SITE DEVELOPMENT PLAN SHALL BE REVIEWED AND APPROVED]] **THE PETITIONER IS AUTHORIZED TO ~~PROCEED WITH~~ *SUBMIT* A SITE DEVELOPMENT PLAN** IN ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.E

6. ADDITIONAL PLANNING BOARD REVIEW CRITERIA FOR *MAJOR* VILLAGE CENTER REDEVELOPMENTS

IN ADDITION TO THE ESTABLISHED CRITERIA USED BY THE PLANNING BOARD IN ITS EVALUATION AND APPROVAL OF COMPREHENSIVE SKETCH PLANS, FINAL DEVELOPMENT PLANS, AND SITE DEVELOPMENT PLANS, FOR *MAJOR* VILLAGE CENTER REDEVELOPMENT PROPOSALS THE PLANNING BOARD SHALL MAKE FINDINGS ON WHETHER THE COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN, AND SITE DEVELOPMENT PLAN IS IN CONFORMANCE WITH ALL THE FINDINGS AND CONCLUSIONS OF THE ZONING BOARD DECISION AND ORDER FOR THE *MAJOR* VILLAGE CENTER REDEVELOPMENT.

G. VILLAGE CENTER REDEVELOPMENT, MINOR

1. UNLESS AN AMENDMENT TO THE APPROVED COMPREHENSIVE SKETCH PLAN AND THE APPROVED FINAL DEVELOPMENT PLAN IS REQUIRED UNDER SECTION 125.F, ANY PROPERTY OWNER OF ANY PORTION OF A VILLAGE CENTER MAY PETITION TO AMEND AN APPROVED SITE DEVELOPMENT PLAN FOR THAT PORTION OF LAND WHICH THEY OWN, SUBJECT TO PLANNING BOARD APPROVAL IN ACCORDANCE WITH SECTION 125.E.1 OF THE ZONING REGULATIONS AND SECTION 1.106 OF THE RULES OF PROCEDURE OF THE HOWARD COUNTY PLANNING BOARD.

2. ANY PROPERTY OWNER OF ANY PORTION OF A VILLAGE CENTER MAY PETITION TO AMEND AN APPROVED COMPREHENSIVE SKETCH PLAN OR FINAL DEVELOPMENT PLAN FOR THAT PORTION OF LAND WHICH THEY OWN, BUT ONLY INVOLVING THE OPEN SPACE, COMMERCIAL, OR OTHER USES LAND USE CATEGORIES AS DESCRIBED IN THE SECTION 125.A.8 CHART. SUCH AN AMENDMENT TO THE APPROVED COMPREHENSIVE SKETCH PLAN OR THE FINAL DEVELOPMENT PLAN SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

A. PRE-SUBMISSION COMMUNITY MEETINGS

THE PETITION SHALL COMPLY WITH THE SAME REQUIREMENTS AND PROVISIONS OF SECTIONS 16.204 THROUGH 16.207 OF THE COUNTY CODE AS THEY RELATE TO PRE-SUBMISSION COMMUNITY MEETINGS. IN ADDITION TO

THE WRITTEN NOTICE REQUIREMENTS IN SECTION 16.205, THE PETITIONER SHALL ALSO NOTIFY IN WRITING BY CERTIFIED MAIL:

(1) ALL PROPERTY OWNERS IDENTIFIED IN THE RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF PROPERTIES WITHIN THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER AS PREVIOUSLY DETERMINED BY THE DEPARTMENT OF PLANNING AND ZONING, AND:

(2) THE BOARD OF DIRECTORS OF THE VILLAGE (THE "VILLAGE BOARD") OF SAID VILLAGE ~~CENTER BY FIRST CLASS MAIL.~~

THE PUBLIC NOTICE SIGNS AS REQUIRED BY SECTION 16.205 FOR PRE-SUBMISSION COMMUNITY MEETINGS SHALL BE POSTED AT EACH DRIVEWAY ENTRANCE INTO THE VILLAGE CENTER FROM A PUBLIC STREET. ALTHOUGH SECTION 16.205 ORDINARILY REQUIRES ONLY ONE PRE-SUBMISSION COMMUNITY MEETING, A PETITIONER FOR A MINOR VILLAGE CENTER REDEVELOPMENT PROPOSAL IS REQUIRED TO HOLD A MINIMUM OF TWO SUCH MEETINGS, THE SECOND OF WHICH SHALL BE HELD AT LEAST 30 DAYS AFTER THE INITIAL MEETING, ALLOWING THE PETITIONER TO ADDRESS ANY CONCERNS OR SUGGESTIONS EXPRESSED AT THE INITIAL MEETING.

THE PETITIONER SHALL MAINTAIN A RECORD OF THE NAMES AND ADDRESSES OF ALL ATTENDEES TO THE PRESUBMISSION COMMUNITY MEETINGS, AND SHALL COMPILE A DETAILED ACCOUNTING OF ALL COMMENTS MADE BY PARTICIPANTS IN THESE MEETINGS. THE PETITIONER SHALL PREPARE A WRITTEN RESPONSE TO ALL OF THE COMPILED COMMENTS OF ALL MEETINGS ON A POINT-BY POINT BASIS. THE WRITTEN RESPONSE(S) SHALL BE MAILED BY THE PETITIONER, BY FIRST CLASS MAIL, TO ALL ATTENDEES ON THE MEETING RECORD, THE VILLAGE BOARD, AND ALL PROPERTY OWNERS OF PROPERTY WITHIN THE VILLAGE CENTER. A COPY OF THE COMPILED COMMENTS AND A COPY OF THE PETITIONER'S WRITTEN RESPONSE SHALL BE SUBMITTED TO THE COUNTY WITH THE PETITION FOR A MINOR VILLAGE CENTER REDEVELOPMENT, AND SHALL BECOME PART OF THE OFFICIAL RECORD FOR THAT CASE.

B. *REQUESTS FOR COMMUNITY RESPONSE STATEMENTS*

WITHIN TWO DAYS AFTER ITS ACCEPTANCE OF A PETITION FOR A MINOR VILLAGE CENTER REDEVELOPMENT, THE DEPARTMENT OF PLANNING AND ZONING SHALL SEND, BY CERTIFIED MAIL, A NOTICE TO THE VILLAGE BOARD OF THE VILLAGE IN WHICH THE VILLAGE CENTER PETITIONING FOR REDEVELOPMENT IS LOCATED. THE NOTICE SHALL REQUEST THAT THE VILLAGE BOARD SUBMIT A COMMUNITY RESPONSE STATEMENT OUTLINING ITS COMMENTS ON THE REDEVELOPMENT PROPOSAL. THE NOTICE SHALL DIRECT THE VILLAGE BOARD TO:

(1) ADDRESS ITS COMMENTS IN TERMS OF ~~THE ULTIMATE~~ ANY SPECIFIC APPROVAL CRITERIA THE VILLAGE BOARD RECOMMENDS BE ~~APPLIED TO~~ INCLUDED BY THE PLANNING BOARD IN ITS DECISION ON THE MINOR VILLAGE CENTER REDEVELOPMENT.

(2) PROVIDE ITS RESPONSES TO THE ~~FOLLOWING SPECIFIC CRITERIA~~ SAME CRITERIA USED FOR MAJOR VILLAGE CENTER REDEVELOPMENTS IN SECTION 125.F.3.A.(7).

~~*(A) THE MINOR VILLAGE CENTER REDEVELOPMENT REFLECTS THE VIEWS OF THE COMMUNITY AS STATED AT THE PRESUBMISSION MEETINGS.*~~

~~*(B) THE MINOR VILLAGE CENTER REDEVELOPMENT PRESERVES CERTAIN HISTORICAL AND/OR SIGNATURE ASPECTS OF THE ORIGINAL VILLAGE CENTER DESIGN.*~~

~~*(C) THE MINOR VILLAGE CENTER REDEVELOPMENT PROVIDES FOR RETAIL, INSTITUTIONAL AND RECREATIONAL ACTIVITIES DURING BOTH THE DAYLIGHT AND EVENING HOURS.*~~

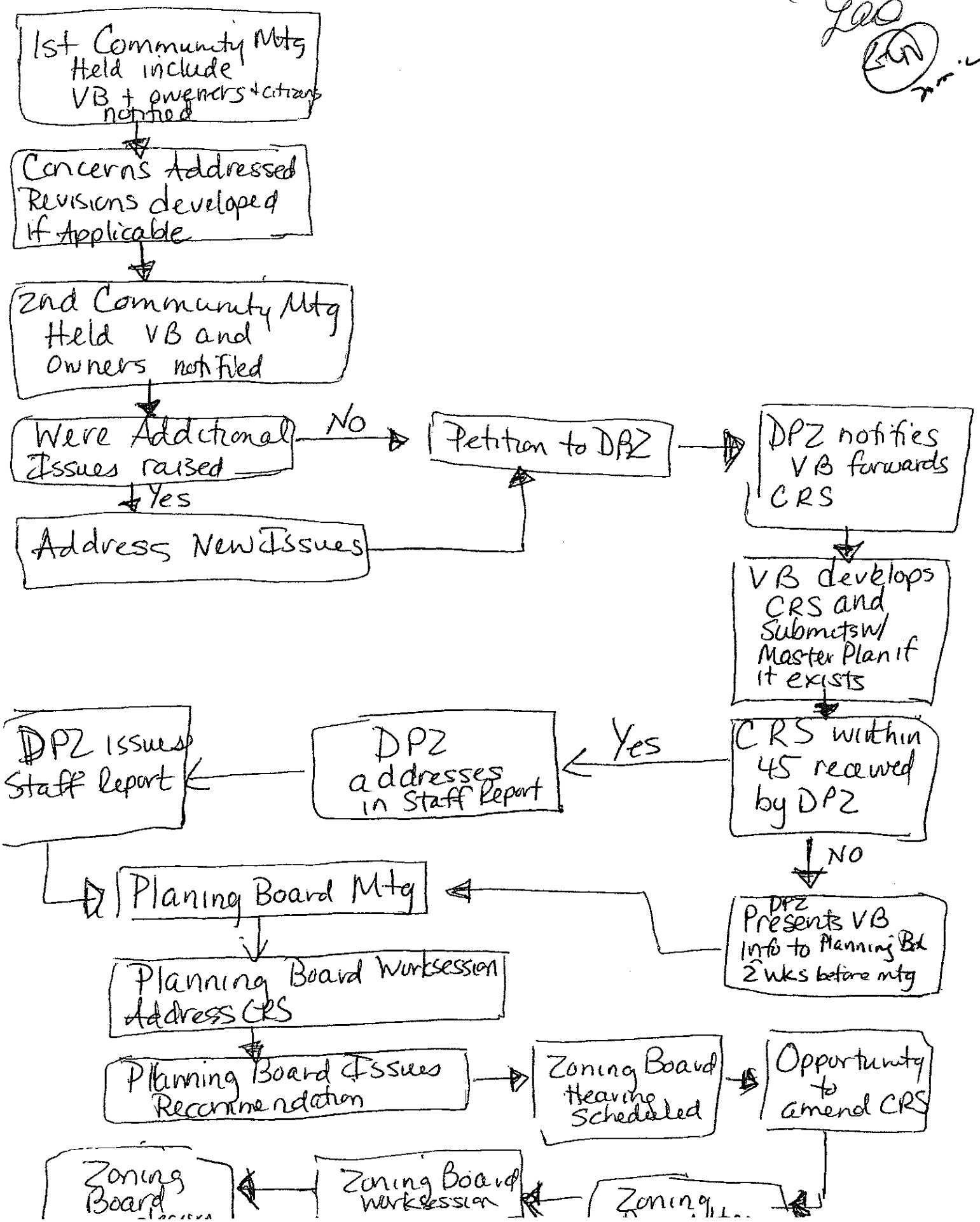
TO BE ELIGIBLE TO HAVE ITS COMMENTS ~~CONSIDERED~~ ADDRESSED IN THE TECHNICAL STAFF REPORT ON THE MINOR VILLAGE CENTER REDEVELOPMENT, THE VILLAGE BOARD SHALL HAVE A MAXIMUM OF 45 DAYS TO SUBMIT ITS COMMUNITY RESPONSE STATEMENTTO THE DEPARTMENT OF PLANNING AND ZONING. THIS 45 DAY PERIOD BEGINS ON THE DAY THE VILLAGE BOARD RECEIVES THE DEPARTMENT OF PLANNING AND ZONING REQUEST, AS NOTED ON THE CERTIFIED MAIL RECEIPT. A SUBMITTED COMMUNITY RESPONSE STATEMENT BECOMES PART OF

THE PUBLIC RECORD FOR THE MINOR VILLAGE CENTER REDEVELOPMENT ~~CASE~~ PETITION, AND WILL BE FORWARDED TO THE PLANNING BOARD PRIOR TO ITS INITIAL MEETING ON THE ~~CASE.~~ PETITION.

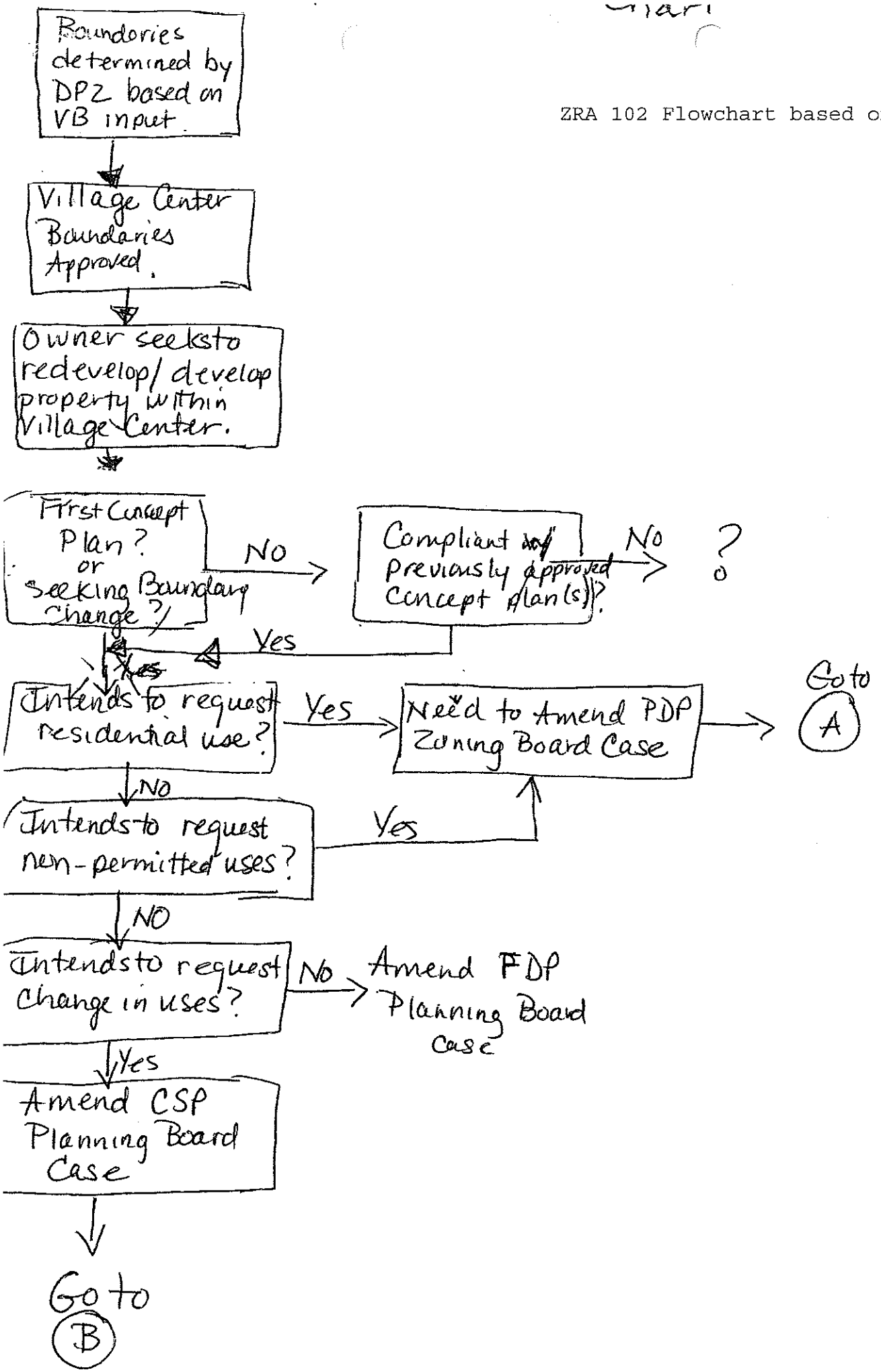
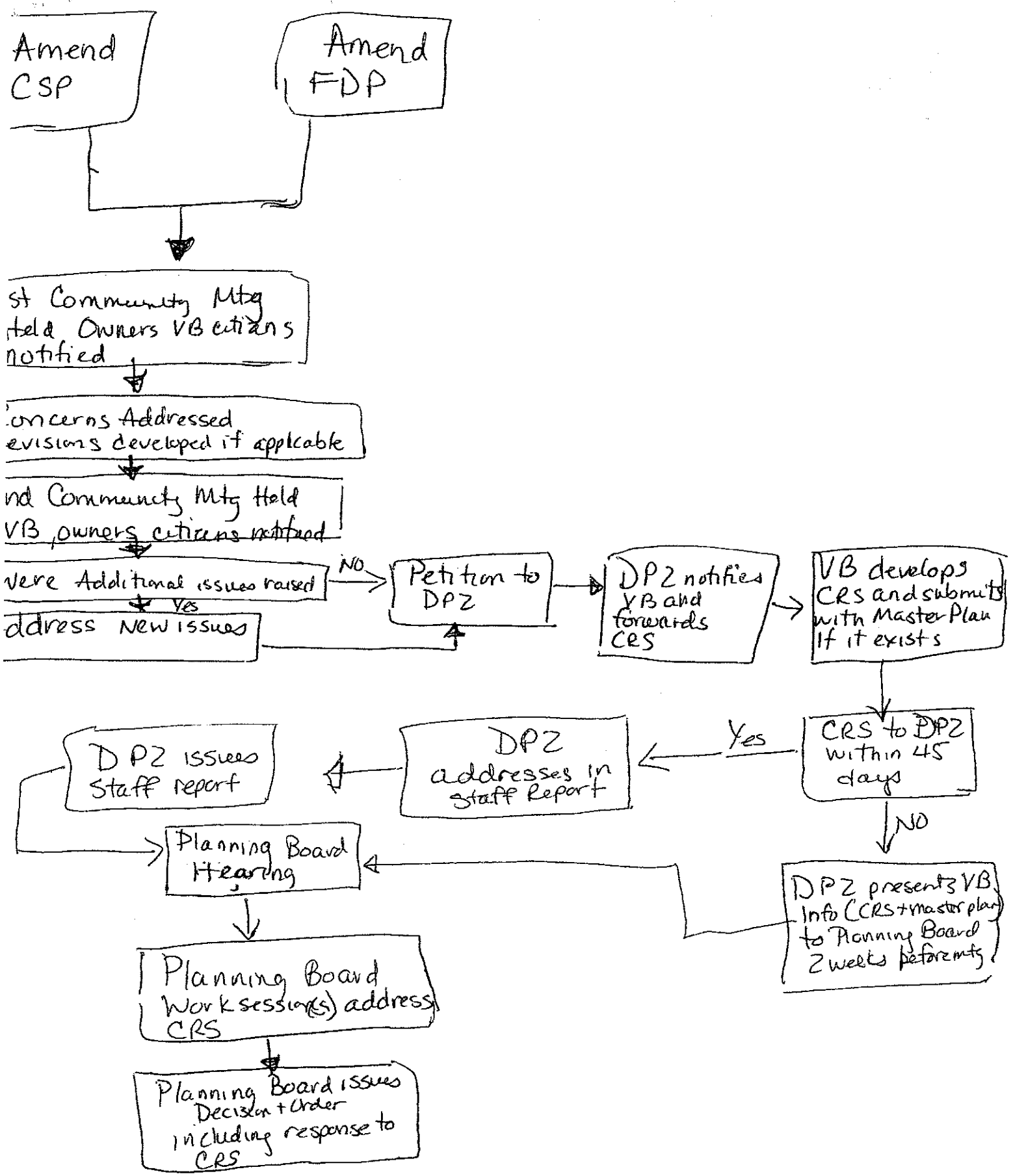
C. *PROCEDURES AND APPROVAL CRITERIA*

A REQUEST FOR AN AMENDMENT TO AN APPROVED COMPREHENSIVE SKETCH PLAN OR AN APPROVED FINAL DEVELOPMENT PLAN FOR A MINOR VILLAGE CENTER REDEVEOLPMENT SHALL BE REVIEWED IN ACCORDANCE WITH THE SECTION 125.C REQUIREMENTS, EXCEPT THAT THE CRITERIA TO BE USED IN THE PLANNING BOARD EVALUATION SHALL BE THE SAME AS THOSE IN SECTION 125.F.3.A.(7), (A) THROUGH ~~(H)~~ (K) THAT ARE NOT RELATED TO RESIDENTIAL USES~~, AND THE CRITERIA IN SECTION 125.G.2.B.(2) ABOVE.~~

(A) Zoning Board Cases



ZRA 102 Flowchart based on Exhibit C



Planning Board Case