DAVID MOXLEY, * BEFOR THE
PETITIONER * PLANNING BOARD OF
ZRA-179 * HOWARD COUNTY, MARYLAND

SUMMARY OF MOTIONS: To recommend partial approval and partial denial in accordance with the Department of Planning and Zoning recommendation

ACTIONS: Recommended partial approval and partial denial; Votes 3 to 0, except for Motion No. 8 the vote was 2-1.

RECOMMENDATION

On January 25 and February 15, 2018, the Planning Board of Howard County, Maryland, considered the petition of David Moxley to amend Section 127.6 TNC (Traditional Neighborhood Center) Overlay District of the Zoning Regulations.

The Planning Board considered the petition, the Department of Planning and Zoning (DPZ) Technical Staff Report and Recommendation, and the comments of reviewing agencies. The petition proposed several amendments that impact properties subject to the TNC Overlay District (TNC). DPZ recommended denial of the amendments, except for minor changes to permitted uses and bulk regulations consistent with the purpose of TNC and Route 40 Manual.

Sean Davis represented the Petitioner and testified that the TNC District is intended to allow for the redevelopment of the designated properties, but the Route 40 Corridor has not redeveloped as successfully as the Route 1 Corridor. He stated that TNC is very similar to the CAC District, therefore many of the proposed amendments are based on the CAC District regulations. The petitioner stated that the TNC requirements hinder development of the property and the proposed amendments will improve redevelopment potential consistent with the objectives for Route 40.

Testimony

Lisa Markovitz, representing the Normandy Home Owners Association, testified that the Petitioner and the other owners of the Normandy Shopping Center requested the current TNC designation, and later amended it to reduce some of the original requirements. She stated her opposition to allowing residential uses without the obligation to improve the existing shopping center. Ms. Markovitz concluded by saying that the Home Owners Association agrees with DPZ's recommendations except they believe nursing homes should be a Conditional Use and not by right.
Board Discussion and Recommendation

The Board disagreed with the Petitioner’s assertion that the TNC District is identical to the CAC District, noting that each district is unique to a particular corridor and redevelopment plan. The Board concurred with the recommendations in the DPZ technical staff report and considered each proposed amendment separately. The Board recommended Council approve proposed amendments to Howard County Zoning Regulations Sections 127.6.C.7, 127.C.17, 127.C.29, and 127.6.E.4, and deny the proposed amendments to Sections 127.B, 127.6.E.2, 127.6.E.3, 127.6.E.7, 127.6.F.2, 127.6.F.3.e, 127.6.F.3.e.(1), 127.6.F.3.e., 127.6.G.2.a and 127.6.G.2.b. The motions and votes are summarized as follows:

Motion 1 - Section 127.6.B Application of TNC District:
Mr. Coleman motioned to recommend denial. Mr. McAliley seconded.

Vote:
3 yea.
0 nay. The motion was carried.

Motion 2 – Section 127.6.C.7 and 127.6.C.17 Uses Permitted as a Matter of Right:
Mr. Coleman motioned to recommend approval with DPZ’s revisions as detailed in the staff report. Mr. McAliley seconded.

Vote:
3 yea.
0 nay. The motion was carried.

Motion 3 – Section 127.6.C.29 Uses Permitted as a Matter of Right:
Mr. McAliley motioned to recommend approval. Mr. Coleman seconded.

Vote:
3 yea.
0 nay. The motion was carried.

Motion 4 – Section 127.6.E.2, 127.6.E.3 and 127.6.E.7 Bulk Regulations:
Mr. Coleman motioned to recommend denial. Mr. McAliley seconded.

Vote:
3 yea.
0 nay. The motion was carried.

Motion 5 – Section 127.6.E.4 Bulk Regulations:
Mr. Coleman motioned to recommend approval with DPZ’s revisions as detailed in the staff report. Mr. McAliley seconded.

Vote:
3 yea.
0 nay. The motion was carried.

Motion 6 – Section 127.6.F.2 Requirements for TNC Development:
Mr. Coleman motioned to recommend denial. Mr. McAliley seconded.

Vote:
3 yea.
0 nay. The motion was carried.
Motion 7 – 127.6.F.3.c and 127.6.F.3.e.(1) Requirements for TNC Development:
Mr. Coleman motioned to recommend denial. Mr. McAliley seconded.

Vote:
3 yea.
0 nay. The motion was carried.

Motion 8 – Section 127.6.F.3.e Requirements for TNC Development:
Mr. Coleman motioned to recommend denial. Mr. McAliley seconded.

Vote:
2 yea.
1 nay. Ms. Adler dissented. The motion was carried.

Motion 9 – Section 127.6.G.2.a and 127.6.G.2.b Compliance with Route 40 Design Manual:
Mr. Coleman motioned to recommend denial. Mr. McAliley seconded.

Vote:
3 yea.
0 nay. The motion was carried.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 21st day of June 2018, recommends that amendments to ZRA-179, as described above, be partially approved and partially denied as recommended by DPZ.

HOWARD COUNTY PLANNING BOARD
ABSENT
Phillips Engelke, Chair
ABSENT
Erica Roberts, Vice-chair

Delphine Adler
Delphine Adler

Ed Coleman
Kevin McAliley

ATTEST:
Valdis Lazdins, Executive Secretary