MOTION: To recommend denial of the petition to rezone 10.84 acres from the R-20, R-12 and POR Districts to the R-A-15 District for a 115-unit townhouse development.

ACTION: Recommended Denial; Vote 4 to 0.

On September 7, 2017, the Planning Board of Howard County, Maryland, considered the petition of Maple Grove at St. Johns, LLC and Upton Properties, LLC to amend the Zoning Map to rezone 10.84 acres from the R-20, R-12 and POR Districts to the R-A-15 District, according to a site plan for a 115-unit townhouse development. Sang Oh represented the Petitioner. Also present for the Petitioners were Rob Vogel and Mickey Cornelius.

The Planning Board considered the petition, the Department of Planning and Zoning (DPZ) Technical Staff Report and Recommendation, public testimony, and comments of reviewing agencies. DPZ's recommendation to approve the petition was based upon findings that the rezoning request is justified under the Mistake Rule, complies with the Site Plan Documentation Factors in Section 100.G.2.d. of the Zoning Regulations, and is consistent with PlanHoward 2030 policies concerning the Route 40 Corridor.

Testimony

Mr. Oh explained that during the 2013 Comprehensive Zoning Plan (2013 CZP), County Council established the current zoning based on the assumption that the properties could not be assembled into a unified development. He stated that this assumption was incorrect since the Petitioner has assembled the properties and is proposing a single unified townhouse development, therefore, the rezoning is justified under the Mistake Rule.

Lisa Markovitz testified on behalf of The People’s Choice, that there is a substantial difference between what was proposed for the Upton Road properties in the 2013 CZP and the current proposal, which also will have a significant impact on the neighborhood.

John Nichols, president of the St. John’s Elementary PTA, stated that he is opposed to the petition because of school overcrowding. He noted that the proposed development has the potential to add at least 230 children.

Others that testified in opposition to the petition were Michael Thompson, Caroline Bodziak, Brandon Thurson, Peter Fahery, Carolyn Weibel, Brian Scully, William Nichols, Lisa Soto, Stacey Williams, Breeanne Chadwick, David Lenz, Jerry Jrany, Jodi Cosgrove, Melissa Metz, Sara Schroeder, and Mark Leibowitz.
Board Discussion and Recommendation

In work session, the Planning Board expressed concerns about the potential impact of the proposal, conformance with PlanHoward 2030, and justification under the Mistake Rule. They stated that the potential impacts of the proposed development were significantly greater than the Age-restricted Adult Housing project previously proposed on the property and the other rezoning proposals of the 2013 CZP. The Board determined that the County Council did not make a mistake in establishing the current zoning of the properties during the 2013 CZP. Additionally, they stated that the proposal was not envisioned in PlanHoward 2030. They recommended that any development on the property should include a gradual transition from the residential neighborhood to the north. Ms. Roberts made the motion to recommend denial of the petition. Mr. Coleman seconded the motion. The motion passed by a vote of 4 to 0.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 19th day of October, 2017, recommends that Zoning Board Case No. ZB-1111M, as described above, be DENIED.

H  OWARD COUNTY PLANNING BOARD

Phillips Engelke, Chair

Erica Roberts, Vice-chair

Delphine Adler

Ed Coleman

ATTEST:

Valdis Lazdins, Executive Secretary