

Zoning Case 1119M - HRVE

Applicant/Protestant

Exhibit # 82 Date 7/29/20

Orchard Development Corp. et al., * Before the Howard County Zoning Board

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Petitioner * Zoning Board Case No. 1121M

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DECISION AND ORDER

On May 7, 14, and 16, 2018, the Zoning Board of Howard County (the "Board") considered the petition of Orchard Development Corp.; Howard County, Maryland; LRVC Business Trust; Joon H. Nam, Kim Nam and S. Nam; Columbia Association. Inc.; and Sang Ki Ki and Yong Bok Ko (collectively "Petitioner" or "Orchard") proposing a Major Village Center Redevelopment through a petition to amend the Preliminary Development Plan for the Long Reach Village Center ("LRVC"), located on approximately 18.07 acres of land in the New Town Zoning District. The subject property is located generally southwest of the Cloudleap Court intersection with Tamar Drive (Tax Map 36, Grid 12, parcel 6, lots B-1, E-1, F-1, G-1, and -3, and Tax Map 36, Grid 11, Parcel 6, Lot D-1, and Tax Map 36, Grid 12, Parcel 344, Lot 1.)

The notice of the hearing was advertised, the subject property was posted and the adjoining property owners were notified of the hearing, in a manner which the Board found to be legally sufficient, the documentation for which was made part of the record. Pursuant to the Zoning Board's Rules of Procedure, the reports and official documents pertaining to the petition, including the petition, the Technical Staff Report of the Department of Planning and Zoning ("DPZ") and the Planning Board's Recommendation, were made part of the record of the case. Additional documents specific to Village Center Redevelopment cases were also made part of the record including the Design Guidelines, the Concept Plan, and the Village

Board Community Response Statement. Both the DPZ and the Planning Board recommended approval of the petition.

The Petitioner was represented by Todd D. Brown, Esq., Shulman, Rogers, Gandal, Pordy, Ecker, P.A. Several witnesses, including witnesses called by Petitioner and several members of the community, testified in favor of the petition. No one testified in opposition to the petition.

After consideration of all the information presented, the Zoning Board makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Petitioner proposes an amendment to the existing Preliminary Development Plan applicable to the Long Reach Village Center in the New Town Zoning District of Columbia in Howard County, hereafter referred to as the Village Center Redevelopment (“VCR”). The petition has been requested and will be evaluated and decided upon pursuant to the process provided for in Section 125J. of the Howard County Zoning Regulations.

2. The Technical Staff Report of the Department of Planning and Zoning, dated February 22, 2018 (“TSR”), set forth a description of the redevelopment, which is incorporated herein by reference as if fully set forth. The TSR also delineated DPZ staff’s evaluation of and conclusions regarding the Petition, based upon the applicable criteria in the Howard County Zoning Regulations. This evaluation and these conclusions are set forth on pages 4-11 of the TSR, and, in summary, DPZ finds the Petition sufficient under the regulations. The Board adopts and incorporates these findings as its own, except to the extent modified herein.

3. Petitioner amended its proposal at the start of the Zoning Board hearing, on May 7, 2018 (Exhibit 2), seeking approval for a maximum non-residential square footage of 134,000 rather than 99,000. Petitioner also amended its proposal to seek a maximum of 5 stories rather than 3 for the exclusively non-residential structure identified in its proposal as Building "B". These amendments were not opposed.

4. In support of its case, Petitioner began with an opening statement/introduction by Mr. Brown. Mr. Brown requested admission of several exhibits into evidence, which the Board accepted without objection.

5. Petitioner then offered testimony from its witnesses: Cecily Bedwell (from architecture firm Design Collective), Bruce Harvey (from Williamsburg Homes, the builder for the proposed townhomes), Michael Trappen (from engineering firm Gutschick, Little & Weber, P.A.), and Scott Armiger (Orchard Development).

6. Also in support of the redevelopment, non-party witnesses testified of their own accord, including: Josh Friedman, Virginia Thomas, Neil Gordon, Janet Evans, Kevin Inghram, Leonardo McClarty (on behalf of Howard County Chamber of Commerce), Milton Matthews (on behalf of the Columbia Association), Chris Alleva, Nina Basu, Anne Mistta, Michele Krupka, Reginald Farmer, Joel Hurwitz, and Ed Coleman.

7. Testimony addressed all of the required elements of a Major Village Center Redevelopment under the applicable regulations, and covered a variety of elements of the proposed redevelopment in greater detail, including but not limited to: parking; residential and non-residential structures including minimum and maximum square footage; community amenities including specific uses such as a vertical garden, food or economic incubator,

village green and pavilion; connectivity, paths, and streets; environmental features; and design.

8. The Board asked numerous questions covering topics including but not limited to: assurances regarding construction of the non-residential structures and the proposed amenities, adequacy of the planned parking, timetables for construction of all the components, environmental and energy conservation features, and boundaries of the Village Center.

9. Petitioner's testimony showed that, as provided in Section 125J.3.a. of the HCZR, the Petitioner submitted its Concept Plan and Design Guidelines for the VCR to the DAP and the community after the first pre-submission community meeting and before the second pre-submission community meeting. The DAP provided its recommendations in response. The Petitioner's final plan submitted to the Board responded to the recommendations by the DAP.

10. Testimony reflected that the Long Reach Village Board, pursuant to Section 125J.3.b of the HCZR, provided a Community Response Statement outlining its comments on the redevelopment proposal. That CRS, which was made a part of the record, is incorporated herein by reference as if fully set forth.

11. Specific to parking, Petitioner's witnesses testified in support of including the count of both on- and off-street parking spaces within the redevelopment area towards meeting the parking requirements.

12. Petitioner's witnesses testified that, despite the environmental standards it had presented prior to the Zoning Board hearing, the best environmental standard Petitioner could promise to meet would be National Green Building Standard Silver. Petitioner also provided testimony from Mr. Armiger that, despite discussion and presentations prior to the Zoning

Board hearing, a net zero energy community, while a desirable goal, would not be economically feasible for Petitioner to develop in this VCR.

13. Petitioner's witnesses testified that while Petitioner amended the petition to raise the maximum allowable non-residential square footage it was seeking, Petitioner wished to have no minimum value required by the Zoning Board, but to let the market determine the amount it develops. After much discussion, both in response to numerous questions from the Board and testimony from the non-party witnesses in support of the VCR, including a representative of the Village Board, Petitioner ultimately committed that it would construct a minimum of 17,500 square feet of retail, restaurant, and office space, excluding institutional space to be occupied by the Columbia Association, Inc. and/or the Long Reach Community Association, in the Building identified as "A" in the Concept Plan (Exhibit 11), if it is constructed. Petitioner also committed that it would construct a minimum of 17,500 square feet of retail, restaurant, and office space, excluding institutional space to be occupied by the Columbia Association, Inc. and/or the Long Reach Community Association in the Building identified as "B" in the Concept Plan (Exhibit 11), if it is constructed. Petitioner testified that it would commit that between Building "A" and "B," it would construct a minimum of a combined total of 17,500 square feet of retail/restaurant space.

14. Petitioner also provided testimony as to the order and timing of the construction phases that it proposes to carry out. After extensive questioning by the Board, and testimony from the non-party witnesses in support of the VCR, Petitioner testified that it would commit, prior to seeking issuance of a building permit for the 26th townhouse unit, to obtain a building permit for at least one of its two buildings that includes non-residential uses.

15. Testimony from both Petitioner and the Columbia Association identified the plans of the Association as a significant factor in the timing and scope of the VCR. The Columbia Association, which is a co-petitioner, testified that it may relocate from facilities it owns within the existing Long Reach Village Center to Petitioner's Building B, if constructed, or to facilities elsewhere, or that it might remain in its existing facilities on site. Which of these occurs and when it occurs are major factors in both the scope of residential and non-residential structures that could and would be constructed in the proposed VCR. If the CA relocates and sells its property to Petitioner, Petitioner would be able to construct all of its proposed townhouse units. If CA does not, Petitioner will not have adequate space for several townhomes. If CA will relocate to Petitioner's Building B, Petitioner intends to construct Building B as a four or five story building, rather than three, using the additional floors to accommodate the CA.

16. Petitioner provided testimony that while its presentations regarding the project prior to the Zoning Board hearing included plans for a 6,500 square foot Vertical Garden, Petitioner has concerns regarding feasibility of the Vertical Garden which have caused it to request that the Board not impose any minimum requirements on this amenity, even as Petitioner indicated a continuing desire to carry through with its earlier vision as presented, including the garden. Several non-party supporters of the petition expressed faith and hope that Petitioner would carry out the project as it had been presented in this respect.

17. Ed Coleman, who testified as a non-party supporter, and who testified that he serves as a member of the Long Reach Village Board and on the Planning Board, testified that while the Vertical Garden as described remains desirable, if it were not feasible, some other similar suitable innovative, signature community element might fulfill the same goals.

18. Testimony from both Nina Basu, a member of the Long Reach Village Board, Mr. Coleman and others including Petitioner, described the discussion and results of a Village Board meeting which was held in between Zoning Board hearing dates on the VCR and which Petitioner attended. Based upon that meeting, the Village Board further proffered terms which, after discussion with the Petitioner, the Village Board believed would be acceptable. The Petitioner likewise proffered further acceptable terms based upon this discussion. Petitioner's proffer is set forth in the record testimony as well as Exhibit 12. The Village Board's proffer is set forth in correspondence to the Board dated May 16, 2018, which was incorporated into the record by the Board.

19. The Zoning Board finds that DPZ's evaluation of the general guides and standards are reasonable to the extent they could be applicable and adopts them as its own for their limited applicability. However, as in previous Zoning Board cases applying the standards of Section 125.B.3. to proposed PDP amendments, the Board finds that the applicable guide and standard to be applied in this case is "that the Preliminary Development Plan constitutes a general land use plan for the area covered thereby, designed to meet the objectives set forth in these Regulations". Section 125.B.3.c. of the HCZR. The Board finds that Petitioner presented substantial evidence upon which the Board could find, and it does find that the proposed Preliminary Development Plan does in fact constitute a general land use plan for the area covered thereby, designed to meet the objectives set forth in these Regulations", namely the preservation and promotion of the community's health, safety and welfare by the guiding of future growth and development of the County representing the most beneficial and convenient relationships among the residential, non-residential and public areas within the County considering the suitability of each area for such uses under Section 100A of the HCZR.

20. The Planning Board recommended approval of the petition “with the condition that prior to issuance of building permit for the 26th townhouse unit, a building permit must be issued for a building that includes non-residential uses.” The Board finds that all of the Planning Board’s concerns were addressed in Petitioner’s presentation to the Zoning Board.

21. The criteria for deciding whether approval of a proposed amendment to an already approved PDP and Criteria for a VCR is justified are contained in Section 125J.5. of the HCZR. It is the petition’s compliance with these criteria or standards for approval which will be applied as provided below in deciding the petition. The Board makes its findings below based on the findings of DPZ, as noted in Board Finding 19 above, the recommendations of the LRVB as expressed in the testimony of their designated representatives, and the testimony of and evidence presented by Petitioner’s various witnesses, which the Board’s accepts as convincing and persuasive, as specifically noted above and below, and the Board adopts the findings of DPZ and the LRVB as its own except as otherwise noted in this decision. Based on these findings, the Board finds that the Petitioner provided substantial evidence for the Board to determine, and the Board does determine that the Petitioner has met all of these standards of approval, thereby justifying the grant of PDP amendment, and makes the specific findings of fact on these criteria as follows:

- a. The Zoning Board shall make a decision on the Village Center boundaries.

Section 125J.5.b of the HCZR requires that the Zoning Board determine the boundaries of the proposed Village Center, in this case the Long Reach Village Center. The Zoning Board finds that the Petitioner, DPZ and the Village Board all agreed that the boundaries of the Long Reach Village Center shall be the area delineated by the Village Center Boundary in Petitioner’s Exhibit 11 (Concept Plan for PDP Amendment) and augmented by

the additional area shown on page 5 of Petitioner's Exhibit 5, the approved 2012 LRVC Master Plan. The Board further notes that, pursuant to Section 125J.5.a(4), the subject property is within the boundaries of the proposed LRVC.

- b. Whether the petition complies with the applicable general guides and standards set forth in Howard County Zoning Regulations Section 125.B.3.

Based on the findings as set forth herein, the Board finds that the petition complies with the applicable guides and standards of Section 125.B.3 of the HCZR, and consequently finds that the proposed VCR as shown on the Preliminary Development Plan constitutes a general land use plan for the area covered thereby, designed to meet the objectives set forth in these Regulations.

- c. Whether the proposed Major Village Center Redevelopment complies with the specific definition for a New Town Village Center.

Based upon DPZ's findings on these criteria, as incorporated herein by reference in Findings 2 and 19, above, and the recommendations of the Long Reach Village Board, as referenced herein, and the substantial evidence presented by Petitioner as to the design details of the improvements and amenities, including the pedestrian areas, seating and other proposed improvements, the Board finds that this definition was substantially met by the Petitioner's VCR, and the Board finds that the Major Village Center Redevelopment complies with the specific definition for a New Town Village Center as provided in Section 103A.201. of the Howard County Zoning Regulations.

- d. Whether the petition complies with the Major Village Center Redevelopment criteria in Section 125.J.4.a.(8).

- 1. The Village Center Redevelopment will foster orderly growth and promote the purposes of the Village Center in accordance with the planned character of the NT District.

Based on DPZ's findings on this criterion as noted in Findings 2 and 19 above, the recommendations of the Long Reach Village Board, and the substantial evidence presented by Petitioner, the Board finds that the VCR, as amended and modified by the Decision & Order, will foster orderly growth and promote the purposes of the Village Center in accordance with the planned character of the NT District. The Board notes that the Petitioner provided sufficient detailed answers as to the phasing of the proposed development to answer the concerns about phasing raised by the LRVB, DPZ and the Planning Board.

2. The amount of commercial business floor area contained in the Village Center Redevelopment is appropriate to provide retail and commercial service to the village as a location for convenient, diverse commercial business uses which serve the local neighborhoods of the village and surrounding local community.

Based on DPZ's findings on this criterion, as noted in Findings 2 and 19 above, and the Village Board's testimony and proffer, and the substantial evidence presented by Petitioner as to the minima and maxima of non-residential development which will be provided as part of the VCR, the Board finds that the amount of commercial business floor area contained in the Village Center Redevelopment, as amended and modified by the Decision & Order, is appropriate to provide retail and commercial service to the village as a location for convenient, diverse commercial business uses which serve the local neighborhoods of the village and surrounding local community.

3. The Village Center Redevelopment will foster the purpose of a Village Center as a community focal point providing good opportunities for community interaction and communication.

Based on DPZ's findings on this criterion, as noted in Findings 2 and 19 above, and the Village Board's testimony and proffer, and the substantial evidence presented by Petitioner, the Board finds that Village Center Redevelopment, as amended and modified by

the Decision & Order, will foster the purpose of a Village Center as a community focal point providing good opportunities for community interaction and communication.

4. The location 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 Village Center Redevelopment.

Based on DPZ's findings on this criterion, as noted in Findings 2 and 19 above, and the LRVB's testimony and proffer, and the substantial evidence presented by Petitioner supporting the design of the project, the Board finds that the location and the relative proportions of the permitted uses for commercial businesses, dwellings, and open space uses, and the project design, as amended and modified by the Decision & Order, will enhance the existing development surrounding the Village Center Redevelopment.

5. The Village Center Redevelopment provides accessible useable landscaped areas such as courtyards, plazas or squares.

Based on DPZ's findings on this criterion, as noted in Findings 2 and 19 above, and the LRVB's testimony on this criterion, and the substantial evidence presented by Petitioner on this criterion, the Board finds that the Village Center Redevelopment provides accessible useable landscaped areas such as courtyards, plazas or squares, particularly through the creation of the Village Green and its transfer as provided herein to the ownership and management by the CA.

6. The Village Center Redevelopment is 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.

Based on DPZ's findings on this criterion, as noted in Findings 2 and 19 above, and the LRVB's testimony and proffer, and the substantial evidence presented by Petitioner on

this criterion, the Board finds that the Village Center Redevelopment, as amended and modified by the Decision & Order, is 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. Petitioner's commitment and obligation, as provided herein, to all of the environmental and sustainability components of this VCR are important, particularly the LEED Silver standard that shall apply, at a minimum, as described herein.

7. The Village Center Redevelopment fosters pedestrian and bicycle access.

Based on DPZ's findings on this criterion, as noted in Findings 2 and 19 above, and the LRVB's testimony, and the substantial evidence presented by Petitioner on this criterion, the Board finds that the Village Center Redevelopment fosters pedestrian and bicycle access.

8. Public transit opportunities are appropriately incorporated into the Village Center Redevelopment.

Based on DPZ's findings on this criterion, as noted in Findings 2 and 19 above, and the LRVB's testimony, and the substantial evidence presented by Petitioner on this criterion, the Board finds that public transit opportunities are appropriately incorporated into the Village Center Redevelopment.

9. The Village Center Redevelopment is compatible with the surrounding community.

Based on DPZ's findings on this criterion, as noted in Findings 2 and 19 above, and the LRVB's testimony, and the substantial evidence presented by Petitioner on this criterion,

the Board finds that the Village Center Redevelopment is compatible with the surrounding community.

10. The Village Center will continue to meet the definition of a New Town Village Center. Based on Finding 21.c., above, this criterion has been addressed.

- e. 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.

Based on the findings herein, the Board finds that the petition complies with these regulations and that the amendment to the Preliminary Development Plan, as modified and amended by the Decision & Order, shall be permitted at the proposed site.

CONCLUSIONS OF LAW

Based upon application of the relevant law to the facts as the Board finds them to be, the Board has reached the following legal conclusions:

- a. the petition complies with the applicable general guides and standards set forth in Howard County Zoning Regulations Section 125.0.B.3;
- b. the proposed Major Village Center Redevelopment complies with the specific definition for a New Town Village Center;
- c. the petition complies with the Major Village Center Redevelopment criteria in Section 125.0.J.4.a.(8), and;
- d. the petitioner's property is within the appropriate boundaries of the New Town Village Center.

1. Pursuant to Sections 125J.5.b and 125J.5.a.4 of the HCZR, the Zoning Board is required to make a decision on the proposed Village Center boundaries and whether the Petitioner's property is within those boundaries. The Petitioner has met its burden of convincing the Board, based on the Board's Findings herein, and pursuant to the applicable

decision-making criteria noted above, that the LRVC boundaries are those as described below, and that the subject property is within that defined LRVC boundary as well.

2. It is Petitioner's burden, pursuant to Rule 2.403D.3. of the Board's Rules of Procedure, to establish by a preponderance of the evidence that the petition in this case, the proposed amendments to the PDP and the proposal approval of the VCR, meet the criteria for approval in Section 125J.5.a. (1) through (3) of the HCZR. If the Board determines that Petitioner has met that burden, the Board may grant the petition.

3. The Petitioner has met its burden, based on the Board's Findings herein, of proving that the petition complies with the applicable general guides and standards set forth in Howard County Zoning Regulations Section 125.B.3. as required by Section 125J.5.a.(1) of the HCZR.

4. The Petitioner has met its burden, based on the Board's Findings herein, of proving that the proposed Major Village Center Redevelopment complies with the specific definition for a New Town Village Center as required by Section 125J.5.a.(2) of the HCZR.

5. The Petitioner has met its burden, based on the Board's Findings herein, of proving that the petition complies with the Major Village Center Redevelopment criteria in Section 125J.4.a.(8) of the HCZR as required by Section 125J.5.a.(3) of the HCZR.

6. The Petitioner has met its burden, based on the Board's Findings herein, of proving that the petition complies with these regulations and that the amendment to the Preliminary Development Plan shall be permitted at the proposed site.

7. Based on the Board's determination that all of the applicable criteria for approval of the petition have been met, and that the Board is approving the petition, that Board makes the following conclusions on the matters covered by Section 125J.5.d. of the HCZR:

a. The Board approves the Petitioner's proposed Design Guidelines;

b. The Board approves the Petitioner's proposed Concept Plan, as modified and amended herein;

c. The Board establishes the minima, maxima, precise values and specific requirements concerning the Village Amenity Areas, building heights, bulk requirements, parking, density and permitted uses, as proposed on the Concept Plan as described and modified herein;

d. The Long Reach Village Center boundaries are established as provided in this decision. The Village Center boundaries for Long Reach Village Center Boundaries shall be those boundaries as delineated by the Village Center Boundary in Petitioner's Exhibit 11 (Concept Plan for PDP Amendment) and augmented by the additional area shown on page 5 of Petitioner's Exhibit 5, the approved 2012 LRVC Master Plan.

e. The Board approves 315 dwelling units and requests that DPZ compute the additional density represented by those dwelling units approved in this decision and reflect it on the New Town PDP, based on the existing density of dwelling units per gross acre as it exists prior to this decision.

The Board further finds that the petition complies with the applicable Regulations and the amendment to the Preliminary Development Plan shall be permitted at the proposed site.

WHEREFORE, the Board HEREBY APPROVES the petition, as amended and as modified herein. The Board approves the Petitioner's proposed design guidelines, concept plan, minima, maxima, precise values and specific requirements concerning, but not limited to, Village Center Amenity Areas, building heights, bulk requirements, parking, density and permitted uses with the following amendments and modifications and establishes the following criteria, which the Board deems appropriate.

Specifically:

The Purchase and Sale Agreement for 8775 Cloudleap Court, Columbia, Maryland by and between Howard County, Maryland and Orchard Development Company dated September 11, 2017, as amended by the First Amendment to Purchase and Sale Agreement dated January 18, 2018 is incorporated by reference as if fully set forth herein. Compliance with the terms, conditions, and provisions of that agreement are deemed appropriate and are required criteria for the VCR pursuant to this Decision & Order.

The Village Green, as shown on the Concept Plan and set forth in the approved Environmental Concept Plan, must be substantially completed prior to issuance of a use and occupancy permit of the eleventh townhouse developed. To the extent that the provisions of the Purchase and Sale Agreement require a more expedited delivery, the contract requirement should be enforced.

The Bulk Regulations shall be as set forth in the Petitioner's Concept Plan as supplemented by the proposed Design Guidelines.

If the building designated on the Concept Plan as "A" is constructed, it must include a minimum 2,000 square feet of Vertical Garden, unless the Planning Board finds that the Vertical Garden is not viable and the Planning Board approves a comparable, signature community element with a sustainability component in its place. This does not preclude the Planning Board from finding that a Vertical Garden is required.

Townhouses must meet or exceed National Green Building Standard ("NGBS") Silver. Non-residential and mixed-use development, regardless of building square footage (excluding the proposed pavilion structure in the Village Green), should endeavor to meet at least Leadership in Energy and Environmental Design ("LEED") Gold standard but must meet

or exceed LEED Silver standard. Should the environmental and sustainability requirements in applicable County, State, or Federal laws, rules, regulations, codes, or ordinances change, all residential, non-residential, and mixed-use structures may be required to include environmental and sustainability elements in excess of the legally required minimums. The Department of Planning and Zoning shall advise and the Planning Board shall evaluate the appropriateness and viability of the level of sustainability proposed for each structure during the planning review process.

Prior to issuance of a building permit for the 26th townhouse unit, a building permit must be issued for a building that includes non-residential uses. If the building designated on the Concept Plan as "A" is constructed, it must contain a minimum of 17,500 square feet of retail, restaurant, and office space, excluding institutional space to be occupied by the Columbia Association, Inc. and/or the Long Reach Community Association. If the Building designated on the Concept Plan as "B" is constructed, it must contain a minimum of 17,500 square feet of retail, restaurant, and office space, excluding institutional space to be occupied by the Columbia Association, Inc. and/or the Long Reach Community Association. Between Building "A" and "B" there shall be at a minimum of a combined total of 17,500 square feet of retail/restaurant space.

The allowable uses, which shall apply solely within the area of the proposed Concept Plan and not to the entirety of the Village Center boundaries, shall be as follows:

1. Ambulatory health care facilities.
2. Animal hospitals, completely enclosed.
3. Antique shops, art galleries, craft shops.

4. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
5. Banks, savings and loan associations, investment companies, credit unions, brokers, and similar financial institutions.
6. Bicycle repair shops.
7. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
8. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
9. Carpet and floor covering stores.
10. Catering establishments and banquet facilities.
11. Child day care centers and nurse schools.
12. Clothing and apparel stores with goods for sale or rent.
13. Commercial communication antennas.
14. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E.2. and 128.0.E.3.
15. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
16. Convenience stores.
17. Convents and monasteries used for residential purposes.
18. Day treatment or care facilities.
19. Drug and cosmetic stores.

20. Farmers markets and farm produce stands.
21. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
22. Food incubators, commercial kitchens and associated product packaging and sales.
23. Food stores.
24. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
25. Governmental structures, facilities and uses, including public schools and colleges.
26. Hardware stores.
27. Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper, and building materials and supplies related to home improvements, provided such building materials and supplies are enclosed in a building.
28. Laundry and/or dry cleaning establishments.
29. Liquor stores.
30. Motor vehicle parts or tire stores, without installation facilities.
31. Museums and libraries.
32. Nonprofit clubs, lodges, community halls.
33. Nursing homes and residential care facilities.
34. Offices, professional and business.
35. Personal service establishments.
36. Pet grooming establishments and daycare, completely enclosed.

37. Religious facilities, structures and land used primarily for religious activities.
38. Repair of electronic equipment, radios, televisions, computers, clocks, watches.
Jewelry, and similar items.
39. Restaurants, carryout, including incidental delivery service.
40. Restaurants, standard, and beverage establishments, including those serving beer,
wine and liquor.
41. Retail greenhouses, garden centers and nurseries, including incidental sale of
firewood.
42. Seasonal sale of Christmas trees or other decorative plant materials, subject to the
requirements of Section 128.0.D.
43. Schools, Commercial.
44. Schools, private academic, including colleges and universities.
45. Service agencies.
46. Specialty stores.
47. Swimming pools, commercial or community.
48. Underground pipelines; electric transmission and distribution lines; telephone,
telegraph and CATV lines; mobile transformer units; telephone equipment boxes;
and other similar public utility uses not requiring a Conditional Use.
49. Volunteer fire departments.
50. Dwellings: apartment, multi-family, single family attached.
51. Age restricted housing.
52. Vertical garden.
53. Solar facility.

54. Recreational facility.
55. Dance and/or exercise studios.
56. Parks, green space, and recreational space.
57. Adult day care.
58. Health clubs, tennis clubs, athletic centers.
59. Amphitheater.
60. Alcoholic beverage production, including wineries, breweries and distilleries.
61. Movie theaters, cinemas, or theaters.
62. Art studios.
63. Economic development incubators.

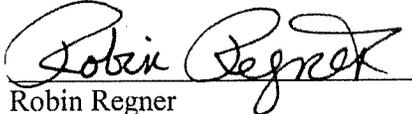
Areas that are not within the proposed Concept Plan area but that are within the Village Center boundaries as established by this Decision & Order shall be subject to the allowed uses permitted by their zoning prior to this PDP amendment.

The County off-street parking and loading requirements shall apply during construction and at build out, including the County shared parking methodology. The parking required for guest and non-residential uses may be met through on- or off-street parking within the proposed redevelopment area.

The Department of Planning and Zoning shall update the Columbia PDP to reflect the additional 315 dwelling units pursuant to approval of this Petition.

For the foregoing reasons, the Zoning Board of Howard County, Maryland on this 25th day of June, 2018, hereby GRANTS Petitioner's petition for approval of a Major Village Center Redevelopment and PDP amendment, as described herein, for the 18.07 acre NT-zoned subject property, subject to the conditions outlined above.

ATTEST: ZONING BOARD OF HOWARD COUNTY


Robin Regner
Board Administrator

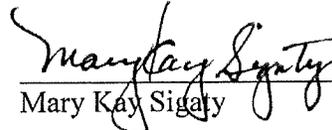
See attached dissenting opinion
Jennifer Terrasa, Chairperson

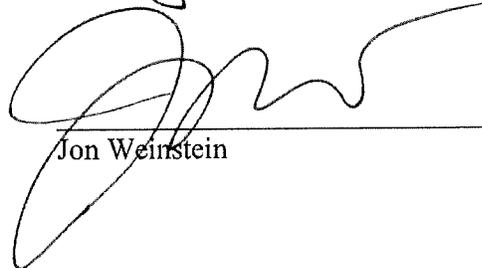
PREPARED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR


Calvin Ball, Vice Chairperson


Greg Fox


David R. Moore
Senior Assistant County Solicitor


Mary Kay Sigaty


Jon Weinstein

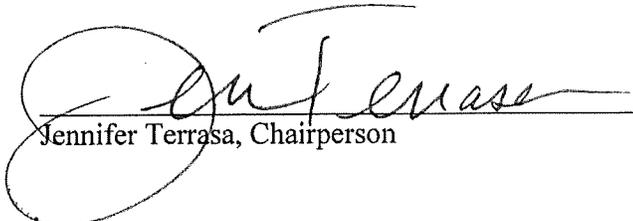
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DISSENTING OPINION

I respectfully dissent from the Decision & Order of the Zoning Board. As a child of Columbia, I have great love and concern for Columbia as a whole and the Village Centers, in particular. The plan as proposed by Petitioner, if fulfilled as imagined, is a great plan for the community and could rescue a location that the County Council has found to be blighted. However, the redevelopment plan as approved lacks sufficient teeth to guard against the conversion of what could be a vibrant center for commerce and community into nothing more than additional housing with at most token commerce and amenities.

In fact, the promised amenities, including a vertical garden, food incubator, and net zero energy usage, together with a return of the commerce that has been lost in this Village Center over time, are exactly the elements to reinvigorate a lively community that wants nothing more than to continue attracting new families and bringing them together. Regrettably, this Decision & Order does not assure that these amenities will be anything more than goals or aspirations.

Rather than surrender this Village Center to a new housing development, I would require meaningful phasing, restrictions, and mandates to allow the Petitioner the housing necessary to make their plans economically viable, but also to assure that the vision the Petitioner presented to the community is the vision that is built. Because the Petitioner has retreated from offering any certainty that this vision will be built, and because this Decision & Order does not adequately provide assurances that they will not simply build the profitable housing and walk away, or be replaced by some other developer who has less commitment than this Petitioner may have, I respectfully DISSENT from this approval.


Jennifer Terrasa, Chairperson