

Subject: Closing Statement on Zoning Board Case ZB 1118M

14 July 2021

To: Howard County Zoning Board

From: David W. Elsaesser, in Opposition

**I urge you NOT TO APPROVE ZB 1118M** for the reasons discussed below.

In my testimony on April 7<sup>th</sup> 2021 I showed that Security Development Corporation (SDC) and Erickson Living (the ZB 1118M petitioner) claims that they are improving MD108 and Sheppard Lane is not true and that these changes are not a community enhancement. The CEF zone criteria states that the necessary enhancement must be 'beneficial to the community ... and ... exceed minimum standards required by county regulations.' However, the realignment of Sheppard Lane onto the Limestone Valley Farm, which is included in the land under consideration for this CEF, was proposed in order to provide a signalized entrance for the River Hill Square (RHS) being developed by the SDC, on the south side of the proposed CEF Development. In order to achieve this objective, as Sheppard Lane approaches MD108 it must first bend to the West, go up a steep hill then turn back to the East, which introduces substandard horizontal and vertical curvature into the realigned road. The Department of Planning and Zoning (DPZ) waved the county's curvature standards in its Highway Design Guide Manual, established for public safety, in order to provide SDC's signalized entrance for the RHS. In addition, the petitioner claims that their intent is to realign Sheppard Lane from 55 degree angle to what they say is the SHA minimum of 70 degrees, while the International Traffic Engineering (ITE) Highway manual specifies a minimum of 75 degrees. This target angle of 70 degrees is certainly not 'exceeding' standards. In moving Sheppard to the West onto the proposed CEF land the petitioner also violated the county's soil conservation and water runoff regulations and again the DPZ waved the minimum requirements of providing a 100 ft buffer between a development and a stream, as specified in Howard County Code, for the benefit of the Security Development Corporation and its RHS Shopping Center.

As I pointed out in my testimony, the DPZ waivers for realigning Sheppard to the West were improperly granted because a far superior realignment of Sheppard Lane had already been envisioned and provided for by County Planners who reserved a curved right-of-way on the East side of Sheppard during the development of Clearview Estates. This right of way would allow Sheppard to be gently bent to the East on less steep terrain and be brought into a standard and safe 90 degree intersection. There would have been no excessive horizontal or vertical curvature. This realignment of Sheppard to the East would have been far safer for Howard County residents and much less expensive to construct. In addition, the wider rights-of-way on MD108 at this point would have allowed 2 through lanes to the East as well as 2 through lanes to the West to alleviate traffic congestion caused by the current bottleneck at Sheppard Lane, resulting from 20,000 vehicular trips per day. While the petitioner is claiming community enhancement for providing two through lanes on MD108 Westbound through Sheppard lane their own traffic study showed that an extra through lane to the East was more urgently required. In my testimony, I pointed out that the 2015 DPZ-sponsored Clarksville Multimodal Traffic Study conducted by Sabra Wang recommended a second through lane on MD108 Eastbound at Sheppard and did not recommend a second through lane to the West at the Sheppard intersection.

Sheppard Lane was in-fact relocated to the West as proposed in the original CEF petition. The county and the developer did not hold a public hearing as required by Section 18.200 of Howard County Code. Before the Department of Public Works (DPW) could accept the 2/3 rd of an acre of the land provided by the petitioner, this code requires a public hearing and determination by the Board of Public Works that acquisition of land is in the public interest. That meeting did not happen before Sheppard Lane was relocated. Citizens were not provided an opportunity to insist that the county relocate Sheppard Lane to provide a safer standard intersection and provide higher throughput on MD108 Eastbound.

Conclusions:

The intent of the petitioner's dedication of the 2/3 rd acre for relocation of Sheppard Lane was clearly to allow for the same developer's (i.e., SDC) development of a very intensive 6.3 acre shopping center on the opposite side of MD108 from the proposed CEF. Hence, this land should have been included in the CEF proposal. **This proposal should be disapproved because it did not accurately account for land being developed under the CEF.**

In addition, now that the petitioner has moved Sheppard Lane for their own **private interest** and permanently crippled MD108 Eastbound they are proposing to build a mini-city in the same location with up to 2500 additional residents. This will drastically increase the population of River Hill and will bring even more traffic congestion to MD108. Consequently, the Zoning Board **should not approve the CEF request by the petitioner because the MD108 can no longer support such a large-scale development and because the negative effect of the realignment of Sheppard Lane that this CEF proposal has already enabled, and for which the petitioner claims credit, far outweigh any community enhancement offered by proposed new facilities, such as, playgrounds or dog parks.** Those facilities might be used by a couple dozen residents per day, whereas, MD108 is used by 20,000 residents per day.

Thank you for your service to Howard County,

*David W. Elsaesser*

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