

Howard Research and Development
Corporation,

Petitioner

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BEFORE THE ZONING BOARD

OF HOWARD COUNTY, MARYLAND

Zoning Board Case No. 1113M

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DECISION AND ORDER

On July 19, 2017, the Zoning Board considered the petition of Howard Research and Development Corporation to amend the existing New Town Preliminary Development Plan to increase the density of the NT District from its current density limit to the density limit necessary to permit one additional dwelling unit, assigning it to the 11.00 acre property located on the north side of Little Patuxent Parkway, north of the intersection with Dark Fire Way, identified as tax Map 35, Grid 10, parcel 393, Lot PAR F-1, 11600-11674 Little Patuxent Parkway ("Poplar Glen").

The notice of the hearing was advertised, the subject property was posted with notice of the hearing, and the adjoining property owners were mailed notice of the hearing as evidenced by the certificates of posting, advertising, and mailing to adjoining property owners which were entered into the record. Pursuant to the Zoning Board's Rules of Procedure, all 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 entered or incorporated into the record of the hearing. Both DPZ and the Planning Board recommended approval of the petition.

Daniel H. Scherr, Esq. appeared to represent the owner of the Poplar Glen Apartments, Clary's Forest Limited Partnership, and HRD. No one appeared in opposition to the petition.

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

FINDINGS OF FACT

1. Daniel Scherr, Esq., representing Clary's Forest Limited Partnership, proffered that the PDP amendment to increase the overall density of the New Town District was necessary for his client's planned conversion of an existing office to 1 residential apartment unit. Mr. Scherr explained that his client's proposal was submitted concurrently in ZB Case 1112M but was also proposed separately in this case, so that of the decision in ZB 1112M was appealed, his client's petition, if approved, would be able to move forward independently from ZB 1112M. Mr. Scherr explained that an office used in the Poplar Glen Apartments had been relocated so that the current office was no longer necessary but that a PDP amendment was necessary to allow one additional residential unit so that the conversion of the office to a residential unit could occur.

2. The Department of Planning and Zoning in its Technical Staff Report noted that PDP amendment have been evaluated according to the following criteria in past cases, and these criteria are applicable in this case. The Board agrees with DPZ that these are the correct criteria for evaluation of these PDP amendments:

- a. The appropriateness of the proposal in relation to the General Plan;
- b. The effect of the proposal on properties in the surrounding vicinity;
- c. The most appropriate use of land; and
- d. The petition complies with the Zoning Regulations.

3. As to the Poplar Glen Apartments property, DPZ made the following evaluations as to the compliance with the above-stated criteria, evaluations which the Board agrees with and adopts as its own:

a. The proposed amendments are in harmony with Policy 10.1 of PlanHoward 2030, which is to “protect and enhance established communities through compatible infill.” This proposal to create one unit of residential density, to facilitate the conversion of a no longer needed office to a residential apartment unit in an existing 191-unit apartment complex, enhances the longstanding Poplar Glen Apartments community;

b. The Property is developed with 191 apartment dwelling units so adding one more unit is consistent with the PDP and will not impact surrounding properties;

c. The addition of one apartment unit to an existing 191 unit apartment complex, for an area that has been designated as an Apartments land use area since 1983, is appropriate for the site;

d. The conversion of the office use to one apartment unit will not affect the NT PDP land use percentages chart since there is no land use change being proposed.

4. Through the course of the proceedings in this case, questions arose as to both the overall residential density limit currently existing for NT and the amount of density increase necessary to accommodate the proposed development described herein. Therefore, in order to avoid having to continue these proposals, the Board found that the most efficient course was to instead approve the one unit assigned to the property requesting it in this case, to approve the density increase necessary to accommodate those units, and direct DPZ to calculate the existing density prior to this case, the density necessary for the proposed development, and the density limit including this increase, and report this back to the Zoning Board.

CONCLUSIONS OF LAW

1. 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 proposed amendment to the PDP meets the criteria for approval in Section 125B.3 of the HCZR. If the Board determines that Petitioner has met that burden, the Board may grant the petition.

2. The Board, in order to grant the petition, is required to find that the PDP, with the proposed amendment, meets the criteria for approval as provided in Finding of Fact 2. Based on Finding of Fact 3, the Board finds that the Petitioner has met these criteria.

3. The Petitioner has met its burden of convincing the Board, based on the Board's above findings of fact, and pursuant to the decision-making criteria noted above in Conclusions of Law 2, that the proposed PDP amendment constitute a general land use plan for the area covered by the PDP that meets the guides and standards of Section 125.B.3. of the HCZR.

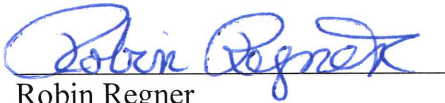
For the foregoing reasons, the Zoning Board of Howard County, Maryland on this 6th day of NOVEMBER, 2017, hereby GRANTS Petitioner's request for the following amendment to the Preliminary Development Plan for the Columbia New Town District:

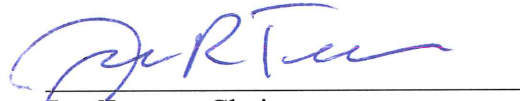
To increase the overall residential density in NT by that amount necessary to accommodate the conversion of an office use to one apartment unit in the Poplar Glen Apartments, and to assign that density to the property described herein, namely density for 1 unit to 11600-11674 Little Patuxent Parkway (Poplar Glen Apartments). The Board notes that it granted the same request as part of ZB Case 1112M, so that if that case becomes final, the grant in this case will become duplicative and unnecessary.

The Board further directs the Department of Planning and Zoning to calculate the overall residential density for the New Town District prior to this amendment, determine the amount of density increase necessary to accommodate this petition, and report the results to the Zoning Board as soon as practicable.


ATTEST:


ZONING BOARD OF HOWARD COUNTY

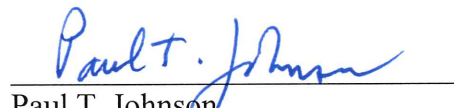

Robin Regner
Administrative Assistant


Jen Terrasa, Chairperson

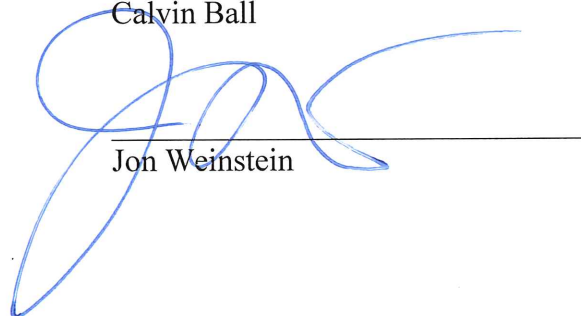
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