

IN RE:	*	BEFORE THE
COLUMBIA CONCEPTS, LLC	*	HOWARD COUNTY
	*	ZONING BOARD
ZONING COUNSEL	*	CASE NO.: ZB-1132M

MEMORANDUM OF LAW

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Comes now Zoning Counsel for Howard County’s (“Zoning Counsel”) Memorandum of Law filed herein pursuant to § III.D.11 of the Rules of Procedure of the Zoning Board Hearing Examiner (“Hearing Examiner”) in Case No.: ZB-1132M, submitted by Columbia Concepts, LLC (“Petitioner”) which is a request to amend the existing Preliminary Development Plan (“PDP”) and Major Village Center Redevelopment related to a portion of Long Reach Village Center.

STATEMENT OF FACTS

Long Reach Village Center (“LRVC”) is located at the southwestern quadrant of the intersection of Tamar Drive and Foreland Garth in the New Town (“NT”) Zoning District. Petitioner submits this request to redevelop 16.04 acres of the LRVC with mixed-use development that would be constructed over five (5) phases (“Subject Property”). At full build-out, the Subject Property would be improved with:

- Fifty (50) three-story townhomes (Buildings A1-A6),
- A two-story commercial building totaling 28,700 sq. ft. (Building B),
- A seven-story mixed-use building with 20,000 sq. ft. of ground floor retail/commercial space and 255 multi-family apartment dwelling units (Building C),
- A two-story multi-sports complex and retail building totaling 136,300 sq. ft. (Building D), and
- A seven-story mixed-use building with 42,000 sq. ft. of retail space, 31,900 sq. ft. of commercial space, and 200 age-restricted adult housing apartments (Building E).

Department of Planning and Zoning Technical Staff Report (“TSR”), pg. 2. The Subject Property would be improved with a total of 505 dwelling units, and approximately 258,900 sq. ft. of nonresidential space. Petitioner’s proposed uses would be in addition to an existing motor vehicle fueling facility at the northeastern corner of LRVC, and a two-story church at the southeastern corner of LRVC. Both the motor vehicle fueling facility and the church front to, and, have direct vehicle access to Foreland Garth. The existing uses are not part of the case *sub judice*.

The Petitioner also proposes 6.02 acres of public open space, semi-public open space, private amenities, public amenities and areas of natural open space. At full build-out this would consist of:

- Two (2) areas of public open space totaling 1.19 acres, including a community park/event space along Tamar Drive and a pocket park or plaza between Buildings D and E.
- Two (2) areas of semi-natural open space totaling 2.22 acres, including a parking lot serving Building E and a playground/putting green area west of Building B.
- Two (2) areas of private amenity space totaling 1.12 acres, located around Buildings A1-A6 and a portion of the rooftop of Building C.
- One (1) area of public amenity space totaling 0.59 acres which involves a landscaped street and public seating, located along a portion of proposed Street A.
- One (1) area of natural open space totaling 1.55 acres located to the western side of the site and is currently non-credited open space on the Final Development Plan.

TSR, pg. 4. According to Petitioner’s Concept Plan, a total of 943 parking spaces and five loading spaces would be provided. The parking spaces would be provided mostly through structured parking and ninety-five (95) surface parking spaces that are currently shared with the adjoining church.¹

NEW TOWN ZONING DISTRICT

In May 1965, the Board of County Commissioners for Howard County, amended the Howard County Zoning Regulations (“HCZR”) to create and adopt the New Town (“NT”) Zoning District. *See Howard Research & Dev. Corp. v. Howard Cnty.*, 46 Md. App. 498, 500 (1980). NT is a floating zone, which occupies the far end of the flexibility continuum of zoning categories from Euclidean zones. *City of Hyattsville v. Prince George’s Cnty.*, 254 Md. App. 1, 43 (2022). Among the requirements for a NT District is the approval of a Preliminary Development Plan (“PDP”) that lays out a general, but flexible, plan for development within the district. *In Re HRVC LP*, 266 Md. App. 391, 405 (2025) (citing HCZR § 125.0B.1c.). The PDP provides, among other things, a conceptual location for nine (9) Village Centers. Pet’r’s. Ex. 6. Village Centers are mixed-use developments designed to be community focal points for the surrounding village neighborhoods. HCZR § 103.0.V. “Village Centers have various requirements for their characteristics and use, including outdoor spaces, various commercial uses for the needs of village residents, community uses, and . . . residential uses.” *HRVC, LP*, 266 Md. at 406. (paraphrasing HCZR § 103.0.V). In 2009 ZRA-102 via Council Bill (CB) 29-2009 (attached hereto as Zoning Counsel’s Ex. 1) was adopted to allow for the redevelopment of Village Centers, said redevelopment being either Minor or Major. The Major Redevelopment process governs the case *sub judice*.

¹ Given the focus on parking, it is discussed in Section V *infra*.

The 2009 Council Bill revolutionized how Village Centers can be redeveloped after it became apparent that the rigid 1960s regulations had become outdated. For example, as drafted only the “Original Petitioner” had the legal authority to submit amendments to the PDP—Howard Research and Development Corporation and its successors. Given the radical nature of the planning for, and creation of, Columbia through the NT District in the 1960s, it is easy to understand why a single comprehensive plan under a single entity’s control was necessary. But changing economic environments and markets required greater flexibility to allow Village Centers to evolve. However, without a single entity driving the whole of Columbia and its nine (9) Village Centers, CB-29-2009 installed guard rails to ensure the philosophies underlying and driving the NT District remained alive. Thus, prospective redevelopment of a Village Center required specific information to be included on the application:

- Formal boundaries of the Village Center, which had heretofore been left ambiguous and general under the approved PDP,
- A concept plan at the first stage in the four step approval process to inform citizens and the Zoning Board of how the site is to be developed,
- Proposed design guidelines, and
- Detailed outreach requirements and the opportunity for the Village Center Board to reply.

See October 1, 2008, Technical Staff Report in ZRA-102 – Wilde Lake Business Trust (attached hereto as Zoning Counsel’s Ex. 2); HCZR § 125.0.J.4. In addition to the information that must be included on the application, a justification statement is mandatory to ensure that the proposed Major Redevelopment conforms with planning principles and concepts underlying the purpose of the Village Center. Finally, the Zoning Board must make a decision on the Major Redevelopment petition based on certain enumerated criteria discussed in more detail below.

LONG REACH VILLAGE CENTER COMMENT RESPONSE

Pursuant to HCZR § 125.0.J.3.b, following acceptance of a petition for a Major Village Center Redevelopment, the Village Board may submit a Community Response Statement (“CRS”) outlining its comments on the redevelopment proposal. The Long Reach Community Association (“LRCA” or “Village Board”) submitted their CRS to the Department of Planning and Zoning as required by the Zoning Regulations. The CRS provides the Village Board’s current position on the redevelopment and important background regarding the previous proposal. The CRS finds the petition to generally comport with the 2025 LRVC Village Center Master Plan and provides general recommendations. Most of the recommendations were not directly responsive to Petitioner’s proposal, but rather to general improvements the Village Board would like to see as part of this (or any) future redevelopment. Relevant to the present application, the LRVC recommended that the non-residential uses and community amenities be built first, before any stand-alone residential units may be built. CRS, pg. 1. Of particular import, the CRS includes comments regarding the application’s conformance with HCZR § 125.0.J.4.a (8) criteria, which is discussed *infra*. Overall, the LRVC CRS was supportive of the redevelopment proposal.

CONFORMANCE WITH ZONING REGULATIONS

I. CONFORMANCE WITH LIMITATIONS PURSUANT TO HCZR § 125.0.J.1:

Major Village Center redevelopment is subject to certain limitations, which are described in greater detail below:

- a. *The amendment shall comply with Section 125.0.A.5.a. concerning M-2 and R-MH uses;*

RESPONSE: No uses in the M-2 or R-MH District are proposed.

b. *Uses not currently permitted by the Zoning Regulations are prohibited;*

RESPONSE: Only permitted uses are proposed.

c. *The amendment shall comply with Section 125.0.A.4. concerning the maximum residential density of 2.5 dwelling units per acre in the NT District; and*

RESPONSE: In 2018 through Case No.: ZB-1121M previously approved 315 dwelling units for the Subject Property, but this development failed to materialize after it had been approved. Petitioner's request would add an additional 190 dwelling units for a total of 505 dwelling units within Long Reach Village Center. If approved the density for the entirety of the NT District would be 2.4372 dwelling units/acre, which is below the maximum permitted density of 2.5 dwelling units/acre. As stated in the TSR on page 7, the NT District permits a total of 35,680 dwelling units, and there are currently 34,594 dwelling units existing. This includes the 315 dwelling units already approved. If this proposal is approved the NT District could support an additional 896 dwelling units.

d. *Any Major Village Center mixed-use Redevelopment shall be considered to be a "Commercial" use in the chart contained in Section 125.0.A.8. of the Regulations for purposes of calculating compliance with the chart's requirements as to the minimum and maximum percentage of "Commercial" in the total area of the New Town District. The Village Center Redevelopment shall not result in a net loss of open space.*

RESPONSE: The redlined PDP has been updated accordingly.

II. CONFORMANCE WITH INFORMATION PURSUANT TO HCZR § 125.0.J.4:

The subject application conforms with the specific information that must be submitted to the Zoning Board for approval of a Preliminary Development Plan Amendment.

1. *The information set forth in Howard County Zoning Regulations Sections 125.0.B.1.a, b and c and 125.0.B.2:*

§ 125.0.B.1:

- a. The exact name and address of the petitioner and a reference to the liber and folio of the Land Records of Howard County at which the deed conveying the property in question to the petitioner is recorded. If the petitioner is not the legal as well as beneficial owner of the property, the petition shall:
 1. So state;
 2. List the exact name and address of the legal title holder and give a reference to the liber and folio of the Land Records of Howard County at which the deed conveying the property to the legal title holder is recorded, and
 3. Contain a written assent to the petition signed by the legal title holder.
- b. A metes and bounds description of the property covered by the petition and a survey thereof demonstrating that the same meets the requirements of Section 125.0.A.3.
- c. A Preliminary Development Plan of the property covered by the petition. As used in this Section the term "Preliminary Development Plan" shall mean a generalized drawing or series of drawings of the proposed New Town, with appropriate text materials, setting forth:
 1. The major planning assumptions and objectives, including the projected population, the planned development schedule, the method of assuring that all open space uses will be permanently maintained and devoted to open space uses, the proposed public transit system routes and method of operation, and the facilities for the proposed cultural activities of the New Town;
 2. The proposed general layout of major roads and highways stating projected average daily traffic flows;
 3. A statement of the number of acres within the proposed NT District intended to be devoted to:
 - (a) Residential uses, broken down into the number of acres to be used for each of the following specific residential uses: Single-family—low density areas; Single-family—medium density areas; Apartment areas;
 - (b) Employment uses (i.e. any use involving the employment of individuals, including office buildings, private schools, hospitals, institutions, commercial undertakings, industrial enterprises, and all other forms of business, professional or industrial operations); and
 - (c) Open space uses.

4. The general location of the uses referred to in subparagraph (3) above, including proposed sites for recreational uses, schools, parks and other public or community uses and, to the extent the petitioner has determined locations for commercial uses at the time of the filing of the Preliminary Development Plan, including a separate designation of commercial areas;
5. A description of the proposed drainage, water supply, sewerage and other utility facilities including projected flows; and
6. A statement of the intended overall maximum density of population of the proposed NT District, expressed in terms of the average number of dwellings per acre.

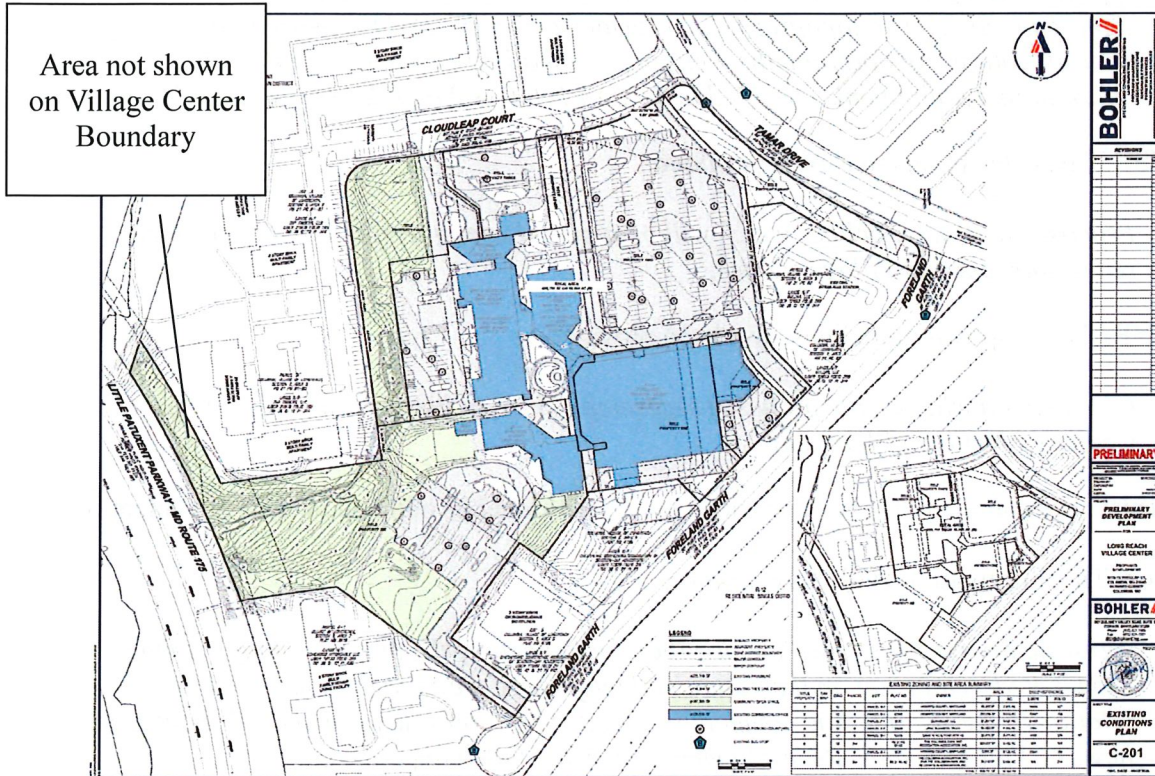
RESPONSE: This information has been provided (with one possible exception) and can be found within the Covenants and Deed Restrictions provided by Petitioner, metes and bounds description, as well as a redlined version of the PDP. However, the Petitioner is not the owner of the Subject Property, but rather the contract purchaser. As such the application must “[c]ontain a written assent to the petition signed by the legal title holder.” HCZR § 125.0.B.1.a.(3). Zoning Counsel’s file does not appear to include explicit written assent by the owners; however, it includes letters documenting ownership interests for the various parcels. This information should be clarified prior to final approval of the subject petition.

§ 125.0.B.2: The Preliminary Development Plan shall indicate the location and nature of any commercial uses in relation to residential areas. All proposed and identified commercial or industrial uses shall be indicated on the drawings in areas marked "Employment Centers," defined as those areas shown on the Preliminary Development Plan which the petitioner proposes to develop for employment uses.

RESPONSE: This information is provided on the redlined PDP. The subject application concerns a Village Center, which is generally shown on the redlined PDP.

2. *A general description of the geographic boundaries, as proposed by the petitioner, of the Village Center which is the subject matter of the petition.*

RESPONSE: Long Reach Village Center Master Plan 2012 page 5 (Pet'r's. Ex. 10) mirrors the boundaries of the Long Reach Village Center proposed by Petitioner with one omission. Petitioner's concept plan includes a strip of open space on the north side of Rouse Parkway (MD 175) and to the west and south of garden style apartments not included within this application.



Presumably, the Petitioner means to adopt the Village Center boundary depicted in the 2012 Master Plan with the additional green area shown on the concept plan. The Zoning Board should confirm the boundaries of the Village Center and approved as necessary.

3. *A copy of any covenants and/or deed restrictions of record.*

RESPONSE: This information has been submitted.

4. *A description of the Village Center including, the names of all property owners within the Village Center, the existing buildings and uses within the Village Center, and the proposed buildings and uses.*

RESPONSE: This information has been provided.

5. *A concept plan that sets forth an informative, conceptual and schematic representation of the proposed redevelopment in a simple, clear and legible manner that provides information including, but not limited to the general site layout, proposed building types and uses, proposed number of dwelling units, square footage for non-residential projects, parking and traffic, pedestrian/bicycle circulation, proposed Village Center Amenity Area(s), exterior lighting and public transportation opportunities, general location and size of signage, landscape concept, any significant changes to topography and surface drainage, and the general location of natural features. In addition, the concept plan shall also comply with the plan information requirements specified in Section 100.0.G.2.a of the Zoning Regulations.*

RESPONSE: The concept plan has been provided.

6. *Proposed design guidelines which will be imposed upon the Major Village Center redevelopment and Village Center;*

RESPONSE: The proposed guidelines have been provided.

7. *Comment on whether the proposed redevelopment is in harmony with the Village Center Community Plan; and*

RESPONSE: This comment has been provided by the Petitioner as outlined in their Statement of Justification. This information is discussed *supra*.

8. *A justification statement which identifies the impacts of the proposed Major Village Center Redevelopment on the nature and purpose of the Village Center and its relation to the surrounding community. The justification statement shall demonstrate how the Village Center Redevelopment meets the following criteria:*

RESPONSE: This comment is addressed *infra*.

III. CONFORMANCE WITH MAJOR VILLAGE CENTER REDEVELOPMENT PURSUANT TO HCZR § 125.0.J.4.A.(8).

The subject application conforms with the criteria for approval for the reasons explained in greater detail below.

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;*

RESPONSE: Before a decision can be made on whether the proposed Village Center Redevelopment is in accordance with the planned character of the NT District, Zoning Counsel believes it is important to expound upon the nature of the NT District. There are few broad goals governing the creation and growth of the NT District—and by extension Columbia:

1. Provide a real, comprehensive, balanced city,
2. Respect the land and allow the land to impose itself as a discipline on the form of the community,
3. Provide the best possible environment for the growth of people, and
4. Realize a profit.

Downton Columbia Plan, A General Plan Amendment, Adopted February 1, 2010, and Amended November 9, 2016, pg. 5, excerpt attached hereto as Zoning Counsel’s Ex. 3. Moreover, in dreaming up the planning philosophy for what would become Columbia, one important concept for the planners was how to differentiate Columbia from other planned communities in post-war America. “[H]aving both apartments and single-family homes, and recreational and cultural amenities, would surely differentiate the new town from other large suburban projects like the Levittowns, which had been so harshly criticized in recent years.” Joshua Olsen, Better Places, Better Lives: A Biography of James Rouse 155 (2003). The Columbia Association (“CA”)² professes certain principles for the growth of Columbia that it believes align with Jim Rouse’s vision for Columbia discussed below:

1. Land Use Mix. Residential, shopping, recreational, cultural, and employment choices in Columbia must continue to evolve to meet the desires of its diverse population and changing regional and national economic trends.

² A nonprofit membership corporation that was incorporated in on December 10, 1965 “for the promotion of the common good and social welfare of the people of the community of Columbia.” *Columbia Park & Recreation Association v. Olander*, 287 Md. 1, 2 (1980) (Columbia Association was formerly organized as “Columbia Park and Recreation Association until the name was changed in the 1991). Columbia is not a municipality, but the Columbia Association able to govern

2. Employment. Columbia should continue to be Howard County's employment hub.
3. Design and Architectural Excellence. New buildings and associated civic spaces and public art should create a sense of place and exemplify excellence in design.
4. Redevelopment. Accommodating new residents and jobs in Columbia is important to create the critical mass needed to support desired services, amenities and multi-modal transportation opportunities. Future growth in Columbia will be predominantly through on-going redevelopment, a key component of reinvigorating and enhancing the community.
5. New Housing. The addition of new housing is vital to the viability and attractiveness of Columbia for existing and new residents. Residential options will range from the more urban Downtown Columbia setting to traditional suburban neighborhoods.

Relationship to Rouse's Vision: Rouse imagined and planned for a "complete city", not just a residential community. The focus on livable neighborhoods in close proximity to a significant amount of employment and shopping areas set it aside from other developments. He also planned for the long-term, understanding that Columbia would continue to grow and evolve over time.

CA Guiding Principles, Columbia Association (March 28, 2026),

<https://columbiaassociation.org/open-space/development/planned-community-of-columbia/ca-guiding-principles/>. (Attached hereto as Zoning Counsel's Ex. 4). Only through these general

principles for the NT District as a whole, can the purpose of the Village Centers be understood.

The CA elaborates on Village Centers more specifically below:

To maintain the vitality of Columbia's village centers as important local destinations and service and social hubs, village centers within highly competitive environments should be repositioned with alternatives to an anchor grocery store and with the potential addition of residential uses. For the other village centers, incremental change should include enhancements to the mix of retail and food and beverage offerings, and the potential addition of residential uses. It is important to maintain and enhance the village centers as mixed use community focal points that provide places for

people to gather and socialize as well as live, shop and access programs and services.

CA Guiding Principles, Columbia Association (March 28, 2026),

<https://columbiaassociation.org/open-space/development/planned-community-of-columbia/ca-guiding-principles/>. Zoning Counsel believes LRVC is one of the village centers located in a highly

competitive environment explained above. From a legal standpoint, HCZR § 103.0 defines a New

Town Village Center as:

A Mixed-Use Development in the New Town District which is in a location designated on the New Town Preliminary Development Plan as a "Village Center", which is designed to be a community focal point and gathering place for the surrounding village neighborhoods by including the following items:

- a. An outdoor, public, village green, plaza or square, which has both hardscape and softscape elements. This public space shall be designed to function as an accessible, primarily pedestrian-oriented promenade connecting the various village center buildings and shall include public seating features;
- b. Stores, shops, offices or other commercial uses which provide opportunities to fulfill the day-to-day needs of the village residents, such as food stores, specialty stores, service agencies, financial institutions, personal services, medical services, and restaurants;
- c. Space for community uses and/or institutional uses; and
- d. Residential uses, to the extent appropriate to support and enhance, but not overwhelm, other uses in the village center.

Regarding this specific criterion and the Village Center in the context of the subject application, the TSR states:

The areas surrounding the Long Reach Village Center contain a mix of commercial, institutional, and residential land uses. The proposed redevelopment also provides a mix of uses such as cultural and arts, commercial/retail, a sports complex and a variety of housing types, including multifamily, age-restricted adult housing, and

townhouses. The redevelopment aims to foster orderly growth by implementing the Plan in four phases.

TSR, pg. 8. Zoning Counsel finds that the subject application will foster orderly growth and promote the purposes of the Village Center. Outside of Downtown Columbia, the Village Centers are the second most important concept to the overall success of the NT District. The need to provide greater flexibility into how Village Centers can, and should be, redeveloped is key to their continued success. But the Village Center should not sacrifice its core principle of being a place to gather; instead, the reason and purpose for gathering is what needs to be reconsidered. It is clear from its existing condition that relying solely on retail and community-oriented uses is insufficient for this Village Center to maximize its goals and fulfill its purpose. Long Reach Community Association (“LRCA”) agrees that the current Village Center “is underutilized and suffering from disinvestment.” CRS, pg. 5. “Moreover, the purpose of the Village Center, this specific Zoning Board process, and, we believe, the real intent of the RD is not simply to take an underutilized area and make it profitable, but instead to re-envision the core community and design principles of the concept of a Village Center and recast it from the 1960s and 1970s into the 2020s and beyond.” CRS, pg. 5.

Thus, Petitioner provides a mix of residential uses in addition to new retail, community and open space. According to testimony from Ms. Julia Sauer, Division Chief for Public Service and Zoning Administration, the proposed development transitions from residential properties interior to the site towards commercial/retail uses on the exterior. Placing the community building along Tamar Drive, the main retail at the heart of the center, and the sports complex along Forland Garth and near the traffic circle will get people’s attention and draw them towards LRVC. With the

proliferation of active recreational space in and around these buildings, commingling of residents will occur organically.

It is important to stress that not all Village Centers face the same challenges, and redevelopment proposals should be tailored to the specific Village Centers based on their strengths and weaknesses. LRVC is located in close proximity to competing shopping centers characterized by big box stores, restaurants and retail space. It is arguable that no other Village Center faces the same competition from retail centers—excepting Wilde Lake Village Center, which not coincidentally has already undergone Major Redevelopment. Moreover, LRVC lacks visibility or access from a major roadway further weakening its economic potential. Hence, the balance of commercial, retail, community and residential spaces will, and should be, different for this Village Center compared to other Village Centers in order for it to fulfill its purpose. Notwithstanding the conformance demonstrated above, Zoning Counsel has slight concerns regarding the proposed multi-sports complex and what will prevent it from devolving into a destination for out-of-town competitions rather than an asset to the local community. But, as a general principle, a sports complex will contribute to the goals of a Village Center.

Finally, the residential uses in a Village Center must “support and enhance, but not overwhelm, other uses in the village Center.” HCZR § 103.0. This concept was critical to the Maryland Appellate Court’s opinion concerns the redevelopment of the Hickory Ridge Village Center in *In re HRC Ltd. P’ship*, 266 Md. App. 391 (2025). The Appellate Court of Maryland ruled that the Zoning Board did not use the wrong legal conclusion to decide if the proposed residential uses

overwhelmed the other uses. Furthermore, the Zoning Board's finding that the residential uses would overwhelm the other uses was fairly debatable and therefore upheld by the Court.

Zoning Counsel finds the facts of the present case distinguishable from *Hickory Ridge* and submits that the residential uses would not overwhelm the other uses. In *Hickory Ridge*, the proposed residential structure was situated between Cedar Lane blocks view of the retail core from the street. Likewise, no commercial or retail square footage was proposed as part of the residential building, while the proposed height of the residential structure at the front of the property, and overall residential square footage compared to the rest of the Village Center supported a finding that it overwhelmed the other uses. *In re HRVC*, 266 Md. App. at 416. As mentioned previously, in the case *sub judice*, the residential uses are oriented towards the rear of the site, thereby promoting the commercial, retail and community uses by providing visibility thereto from Tamar Drive and Foreland Garth. Except for the proposed townhomes—which lie adjacent to three- and four-story garden style apartments—no building is limited solely to residential uses. Building C is worth discussing given its prominent position within the proposed redevelopment. Building C with its distinctive architecture, central location, and multi-use composition would strengthen the non-residential uses at LRVC as a focal point or landmark to draw interest into the Village Center—not to mention providing visibility into the Center from Rouse Parkway (MD 175) currently absent. Overall, the configuration is thoughtful and exemplary of mixed-use planning concepts to ensure uses promote, rather than compete with each other.

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;*

RESPONSE: The subject application conforms with this requirement. As mentioned previously, LRVC is close to major centers of commercial and retail development with a variety of end users. Users within approximately one (1) mile of the center of LRVC include, but are not limited to: Target, Wal-Mart, REI, Dick's Sporting Goods, Advance Auto Parts, while restaurants include Victoria Gastro Pub, Columbia Ale House, BJ's Brewhouse, Red Robin, Longhorn Steakhouse, Cava and countless others. The decrease in commercial and retail gross floor area is reasonable to ensure that certain neighborhood services can be accommodated at ground floor locations, while not oversaturating the site with vacant storefronts that could include a café, coffee shop, dry cleaners, salon or convenience store. The ground floor locations for retail can be seen on Pet'r's Ex. 5, slide 21. The retail space in Building C is oriented towards the sports complex. The sports complex proposes lobby/amenity space so that when combined the streetscape is activated to create a "main street" feeling along the central spine road. Additional retail and commercial space is proposed on the ground floor of Building E across from the townhomes. Zoning Counsel recommends this area be considered for auto-oriented or quick trip uses given the prevalence of on-street parking and direct access from Foreland Garth. Alternatively, uses that support the age-restricted residents of Building E would be appropriate.

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;*

RESPONSE: The Village Center Redevelopment proposal supports this finding. Instead of relying upon a grocery store, or other anchor tenant, the Petitioner envisions a mix of uses that will create interest from residents, thereby fostering a focal point for community interaction. The anticipated neighborhood service retail, the communal open space, sports complex and community building support active public spaces. Likewise, the density of residents proposed encourages a base line of

activity in, and around, the center to add vibrancy and life to LRVC. Particular attention should be given to the programming of these spaces to ensure they provide unique and comfortable experiences for residents and visitors.

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;*

RESPONSE: The subject application conforms with this requirement. Zoning Counsel incorporates the findings from the TSR, which states:

The location of new outdoor community spaces, playgrounds, and green spaces are accessed by walkways. The walkways include landscaped shoulders and seating and provide connections off-site. The semi-public and public open spaces adjacent to the primary access of Tamar Drive provide civic engagement areas at the start of the development. More intense uses and structures are found as a traveler goes deeper into the village center. The Petitioner indicates the proposal was strategically designed to blend harmoniously with the existing neighborhood by placing new residential uses near existing apartments and commercial uses concentrated along roadways, increasing retail visibility while buffering neighborhoods.

TSR, pg. 8.

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

RESPONSE: The subject application conforms with this requirement. Zoning Counsel incorporates the findings from the TSR, which states:

The redevelopment features playgrounds, a putting green, community park, pocket park and civic promenade, which are accessible throughout the village center. Walkways will have landscaped shoulders with native plantings, flowering trees and seating. Walkways and crosswalks are incorporated throughout the development to promote pedestrian safety and walkability and to connect with existing trail network.

TSR, pg. 9. Moreover, the CRS states:

The Village Board supports the RD's design of usable landscaped areas, including substantial planting and street furnishings plans. These areas are crucial to creating a welcoming and usable space for residents and visitors to the Village center. The Village Board recommends consideration of internal micro mobility. The Village Board opposes the use of cobblestones and asks that the Zoning Board require more accessible materials that respect the needs of those with mobility concerns

CRS, pg. 7. If approved, particular attention should be given to the programming of these spaces to ensure they remain viable and attractive throughout the year.

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;*

RESPONSE: The subject application conforms with this requirement. Zoning Counsel incorporates the findings from the TSR, which states:

The Petitioner asserts that the redevelopment project will be fully compliant with all applicable environmental policies and requirements and will provide new environmental improvements to the redevelopment area. The Plan includes integrated stormwater management in landscape areas and will incorporate green infrastructure practices. Please refer to the Development Engineering Division (DED) and the Division of Land Developments (DLD) agency's comments for a full analysis of compliance with environmental policies, including stormwater management.

TSR, pg. 9.

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

RESPONSE: Zoning Counsel finds the subject application conforms with this requirement.

Pet'r's. Ex. 5, slide 34 shows the various paths for non-motorized vehicles and pedestrians into, and around the site. External pedestrian paths are shown on slide 21, which includes connections

to Elkhorn Bridge Trail. LRCA recommends further offsite connections and wayfinding to Blandair and Howard Community College Trail. CRS, pg. 8.

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

RESPONSE: There is currently an existing bus stop that serves RTA Route 408 between Columbia Mall to the west and MD Food Center to the east. Petitioner's Statement of Justification references offering a new bus stop at the main entrance to promote additional users. MTA Commuter Bus Route 345 serves the Subject Property and connects it with Washington, D.C. with four (4) stops weekday mornings between 5:15 am and 7:23 am. Return service stops in the afternoons between 4:45 pm and 7:20 pm. Zoning Counsel supports Petitioner's proposed bus stop improvements to enhance the comfort of existing and future users.

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

RESPONSE: Zoning Counsel finds that the subject application conforms with this requirement. In addition to the information already provided, the LRCA addresses the proposal in relation to existing conditions.

The Village Board notes that the surrounding community includes substantial high-density housing units, including Sierra Woods, Timbers at Long Reach, Shalom Square, and Longwood Elderly Apartments. The Village Center parcel, however, has been relatively empty for many years. The RD seeks to bring back the Village Center for community use, rather than its current uses, which are not substantial, as much of the Village Center is currently defunct. The housing stock may be elevated immediately adjacent to the Village Center. The retail uses provide a substantial increase in active retail use.

CRS, pg. 8.

10. *The Village Center will continue to meet the definition of a New Town Village Center.*

RESPONSE: Zoning Counsel finds the subject application conforms with the definition of a New Town Village Center for the reasons previously discussed.

IV. CONFORMANCE WITH ZONING BOARD ACTION CRITERIA PURSUANT TO HCZR § 125.0.J.5.A.

In its evaluation of the proposed Major Village Center Redevelopment proposal, the Zoning Board shall make findings on the following:

1. *Whether the petition complies with the applicable general guides and standards set forth in Howard County Zoning Regulations Section 125.0.B.3;*

RESPONSE: The general guides and standards set forth in this section concern the implementation of the NT District as a matter of law. It is unequivocal that the NT District was established by Howard County and that the Subject Property is in the NT District. There is no reason to find (let alone evidence to support) that the proposed application violates or contravenes any of these general guides or standards.

2. *Whether the proposed Major Village Center Redevelopment complies with the specific definition for a New Town Village Center;*

RESPONSE: Evidence in support of this finding is discussed *supra*.

3. *Whether the petition complies with the Major Village Center Redevelopment criteria in Section 125.0.J.4.a.(8); and*

RESPONSE: Evidence in support of this finding is discussed *supra*.

4. *Regardless of the Zoning Board's findings on Subsections 5.a. (1) through (3) above, whether the petitioner's property is within the appropriate boundaries of the New Town Village Center.*

RESPONSE: Except for the limited extension that fronts onto MD 175, the redevelopment area is located wholly within the boundaries of the Long Reach Village Center as established by the 2012 Long Reach Village Center Master Plan. Pet'r's. Ex. 10

V. CONFORMANCE WITH CRITERIA PURSUANT TO HCZR § 125.0.J.5.D.

If the Zoning Board approves the petition, the Decision and Order of the Zoning Board shall:

1. *Approve design guidelines for the village center;*

RESPONSE: Petitioner submitted Design Guidelines dated October 2025, which included detailed information related to landscaping, connectivity, public space, uniformity of design, signage and other site and design elements. Petitioner shall ensure that final development plans maintain high-quality materials throughout the development process. The Petitioner should continue to coordinate with the Long Reach Village Board and Design Advisory Panel (“DAP”) to ensure these elements are implemented and maintained throughout the approval and development process. For example, regarding architecture, DAP “responded positively to the proposed brick palette, but cautioned against the over prevalence of arches. DAP liked the sense of grandeur the arches conveyed but found them too aggressive, out of context with Columbia’s Village Centers, and likely to date the project prematurely.” The goal is to ensure this Village Center remains a pleasing community focal point for the next fifty (50) years or more.

2. *Approve a concept plan;*

RESPONSE: Zoning Counsel finds the proposed layout, mix of uses, open space and amenities to be carefully considered and planned. The concept plan is responsive to changes in market conditions since Long Reach Village Center was first constructed in 1971 and offers a forward-thinking proposal that harmonizes with the community and surrounding uses. Of particular interest to Zoning Counsel is Building C, which serves as a landmark and focal point for the community, as well as the entire Village with its height and unique architecture. The Village Centers are a key part of the NT District and subservient only to Downtown Columbia in terms of community interest, economic activity and placemaking. The Petitioner should continue to coordinate with the Long Reach Village Board and DAP to ensure the development lives up to the promises being

made. This includes the phasing plan proposed by Petitioner in Pet'r's. Ex. 5, slide 31. Zoning Counsel recommends restricting Building D to nonresidential uses or additional open space in the event the sports complex proves infeasible.

3. *Establish 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; and*

RESPONSE: As a general matter, Zoning Counsel recommends the Zoning Board adopt the design characteristics and specific requirements as presented in Petitioner's concept plan and design guidelines. However, this recommendation would be remiss if it did not include further discussion on parking.

- Parking:

Petitioner provided a summary of parking information that was included as part of the October 17, 2025 Long Reach Village Center Parking Needs Study ("Parking Study") developed by Grove Slade. Traffic Engineer Katie Wagner, PE, PTOE, testified to this information and was available to ask questions. Nevertheless, there is conflicting information regarding the amount of parking required and the actual number of parking spaces proposed. This information is summarized in the table below:

Methodology	Parking Needs Study ³	Presentation ⁴
Howard County Requirements	2432 spaces	2445 spaces
ITE ("Institute of Transportation Engineers")	970 spaces with no reductions 830 spaces with reductions	1089 spaces
ULI ("Urban Land Institute")	1007spaces	1007 spaces

³ Parking Study, pgs. 5-11.

⁴ Pet'r's. Ex. 5, slide 49.

Despite the conflicting information, the Petitioner stated that they would be providing 1007 on-site parking spaces through a combination of structured and surface parking. Pet'r's. Ex. 5, slide 49. Yet the TSR says Petitioner will provide 949 parking spaces, TSR, pg. 4, whereas the concept plan says 943 parking spaces. Concept Plan, C-301.

Protestant, Mr. Joel Hurewitz, disputed the parking study because certain surface parking spaces would be shared with the adjoining church. When Zoning Counsel asked Mr. Hurewitz if the Zoning Board should impose minimum or maximum limits on the number of parking spaces, Mr. Hurewitz's response was limited to him being unaware of the Zoning Board imposing a maximum number of parking spaces. Additional protestants, Todd Zimmerman, Amy Bennett and Karin Emery believed the proposed number of parking spaces would be insufficient and lead to parking overflowing into adjoining residential developments.

Final parking counts are not required at this stage of the development so the confusion over the number of required and provided parking is not necessary for the Zoning Board to approve the subject application. However, the parking discussion is important because the Zoning Board can impose minimum and maximum requirements.

Zoning Counsel believes the Petitioner should be entitled to utilize the minimum number of shared parking spaces as calculated by the ULI, albeit updated to reflect the parking needs of the adjoining church. Thus, Petitioner must update their shared parking calculations to ensure that the church's needs are considered part of the minimum number of parking spaces for the entire development. Precedent to use ULI parking calculations have been set through the Wilde Lake Village Center Redevelopment. Zoning Counsel's Ex. 5 pg. 19 (attached hereto).

In addition to parking standards, Zoning Counsel recommends the Zoning Board limit surface parking except in the existing lot shared with the adjoining church and on-street parking spaces. Petitioner should not be permitted to convert any proposed building to surface parking without seeking an amendment to the PDP.

4. *Establish the Village Center boundaries.*

RESPONSE: Village Center boundaries were previously adopted; however, consideration should be made whether to amend the Village Center boundaries to incorporate the redevelopment area proposed by the Petitioner.

CONCLUSION

For all the above-referenced reasons, Zoning Counsel respectfully submits the Hearing Examiner's report should approve Petitioner's request to amend the existing Preliminary Development Plan (PDP) to effectuate Major Village Center Redevelopment related to a portion of Long Reach Village Center with the additional considerations described herein.

Respectfully submitted,

By: 
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Zoning Counsel for Howard County

Introduced June 1, 2009
Public hearing June 15, 2009, July 20, 2009
Council action Sept 1, 2009
Executive action Sept 4, 2009
Effective date NOV 5, 2009

County Council of Howard County, Maryland

2009 Legislative Session

Legislative day # 7

BILL NO. 29-2009 (ZRA - 102)

Introduced by: The Chair
at the request of the Wilde Lake Business Trust

AN ACT amending the Howard County Zoning Regulations to allow the owner of any portion of a Village Center in the New Town zoning district to petition to amend certain approved development plans for the owner's property; establishing public notice, information, and justification requirements for such petitions; establishing standards to be used by the Zoning Board in evaluating and considering such petitions; and generally relating to the New Town zoning district.

Introduced and read first time June 1, 2009. Ordered posted and hearing scheduled.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on June 15, 2009 and concluded on July 20, 2009.

Tabled July 6, 2009
Extend life 30 days and
retabled July 30, 2009

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

This Bill was read the third time Sept 1, 2009 and Passed Passed with amendments Failed

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this 2nd day of September, 2009 at 2 p.m.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

Approved vetoed by the County Executive on September 4, 2009.

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. Strikethrough indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that new*
2 *Numbers 168 through ~~170~~ 171 172, of Subsection A, of Section 103 "Definitions", and new*
3 *Subsections F "Village Center Redevelopment, Major" and Subsection G "Village Center*
4 *Redevelopment, Minor" of Section 125 "NT (New Town) District", are hereby added to the*
5 *Howard County Zoning Regulations, to read as follows:*

6
7
8 **Howard County Zoning Regulations**

9
10 **SECTION 103: Definitions**

11
12 168. VILLAGE CENTER, NEW TOWN AMENITY AREA – A USABLE OUTDOOR LANDSCAPED
13 AREA SUCH AS A PLAZA, COURTYARD, GARDEN OR SIMILAR AREA WHICH IS DESIGNED TO
14 BE OPEN TO THE PUBLIC AND EASILY ACCESSIBLE.

15
16 ~~168~~ 169. VILLAGE CENTER COMMUNITY PLAN – AN ADVISORY PLAN WHICH HAS BEEN
17 DEVELOPED BY THE COMMUNITY AND ENDORSED BY THE VILLAGE BOARD.

18
19 ~~168~~ ~~169~~ 170. VILLAGE CENTER, NEW TOWN – A MIXED-USE DEVELOPMENT IN THE NEW
20 TOWN DISTRICT WHICH IS IN A LOCATION DESIGNATED ON THE NEW TOWN
21 PRELIMINARY DEVELOPMENT PLAN AS A "VILLAGE CENTER", WHICH IS DESIGNED TO BE
22 A COMMUNITY FOCAL POINT AND GATHERING PLACE FOR THE SURROUNDING VILLAGE
23 NEIGHBORHOODS BY INCLUDING THE FOLLOWING ITEMS:

24
25 A. AN OUTDOOR, PUBLIC, VILLAGE GREEN, PLAZA OR SQUARE, WHICH HAS BOTH
26 HARDSCAPE AND SOFTSCAPE ELEMENTS. THIS PUBLIC SPACE SHALL BE
27 DESIGNED TO FUNCTION AS AN ACCESSIBLE, PRIMARILY PEDESTRIAN-ORIENTED
28 PROMENADE CONNECTING THE VARIOUS VILLAGE CENTER BUILDINGS AND
29 SHALL INCLUDE PUBLIC SEATING FEATURES;

30
31 B. STORES, SHOPS, OFFICES OR OTHER COMMERCIAL USES WHICH PROVIDE
32 OPPORTUNITIES TO FULFILL THE DAY-TO-DAY NEEDS OF THE VILLAGE
33 RESIDENTS, SUCH AS FOOD STORES, SPECIALTY STORES, SERVICE AGENCIES,

1 FINANCIAL INSTITUTIONS, PERSONAL SERVICES, MEDICAL SERVICES, AND
2 RESTAURANTS;

3
4 C. SPACE FOR COMMUNITY USES AND/OR INSTITUTIONAL USES; AND

5
6 ~~D. IF APPROPRIATE TO SUPPORT AND ENHANCE OTHER USES IN THE VILLAGE~~
7 ~~CENTER, RESIDENTIAL USES.~~

8
9 D. RESIDENTIAL USES, TO THE EXTENT APPROPRIATE TO SUPPORT AND
10 ENHANCE, BUT NOT OVERWHELM, OTHER USES IN THE VILLAGE CENTER.

11
12 ~~169 170~~ 171. VILLAGE CENTER REDEVELOPMENT, MAJOR - A REDEVELOPMENT OF A NEW
13 TOWN VILLAGE CENTER THAT INCLUDES ANY PROPOSAL TO ADD RESIDENTIAL USES, OR
14 TO ESTABLISH NEW USES THAT ARE NOT CURRENTLY PERMITTED; MAKE A CHANGE IN
15 THE PERMITTED LAND USE CATEGORIES SET FORTH IN THE CHART CONTAINED IN
16 SECTION 125.A.8 OF THE REGULATIONS, WITHIN THE BOUNDARIES OF A NEW TOWN
17 VILLAGE CENTER, FOR WHICH AN AMENDMENT TO THE NEW TOWN PRELIMINARY
18 DEVELOPMENT PLAN IS REQUIRED IN ACCORDANCE WITH SECTION 125.F.

19
20 ~~170 171~~ 172. VILLAGE CENTER REDEVELOPMENT, MINOR - A REDEVELOPMENT OF A NEW
21 TOWN VILLAGE CENTER WHICH IS NOT A MAJOR VILLAGE CENTER REDEVELOPMENT, IN
22 ACCORDANCE WITH SECTION 125.G., AND WHICH REQUIRES APPROVAL IN ACCORDANCE
23 WITH SECTIONS 125.C., 125.D., OR 125.E. AS APPROPRIATE.

24
25
26 **SECTION 125: NT (New Town) Districts**

27
28
29 F. VILLAGE CENTER REDEVELOPMENT, MAJOR

30
31 ~~1. ANY PROPERTY OWNER OF ANY PORTION OF A VILLAGE CENTER MAY PETITION TO~~
32 ~~AMEND AN APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH~~
33 ~~PLAN, FINAL DEVELOPMENT PLAN AND/OR SITE DEVELOPMENT PLAN IN ACCORDANCE~~

1 ~~WITH THIS SECTION, FOR THAT PORTION OF LAND WHICH THEY OWN. THE OWNER~~
2 ~~("PETITIONER") MAY PROPOSE AMENDMENTS TO THE APPROVED PRELIMINARY~~
3 ~~DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN AND~~
4 ~~SITE DEVELOPMENT PLAN TO ALLOW ANY USE OR DENSITY, SUBJECT TO THE FOLLOWING~~
5 ~~LIMITATIONS:~~

6 1. A PROPOSAL FOR A MAJOR VILLAGE CENTER REDEVELOPMENT IS NOT ELIGIBLE
7 FOR CONSIDERATION UNDER THE PROCESS PROVIDED BY SUBSECTION B, C AND D
8 OF THIS SECTION 125 AND SHALL BE FILED ONLY IN ACCORDANCE WITH THE
9 PROCEDURES OF THIS SUBSECTION F. THE OWNER OF ANY PORTION OF A VILLAGE
10 CENTER MAY PROPOSE A MAJOR VILLAGE CENTER REDEVELOPMENT BY FILING A
11 PETITION TO AMEND AN APPROVED PRELIMINARY DEVELOPMENT PLAN,
12 COMPREHENSIVE SKETCH PLAN, OR FINAL DEVELOPMENT PLAN FOR THE OWNER'S
13 PROPERTY IN THE VILLAGE CENTER. THE OWNER ("PETITIONER") MAY PROPOSE
14 AMENDMENTS TO ALLOW ANY USE OR DENSITY, SUBJECT TO THE FOLLOWING
15 LIMITATIONS:

- 16
- 17 A. THE AMENDMENT SHALL COMPLY WITH SECTION 125.A.5.A. CONCERNING M-2
18 AND R-MH USES;
- 19
- 20 B. USES NOT CURRENTLY PERMITTED BY THE ZONING REGULATIONS ARE
21 PROHIBITED; ~~AND~~
- 22
- 23 C. THE AMENDMENT SHALL COMPLY WITH SECTION 125.A.4. CONCERNING THE
24 MAXIMUM RESIDENTIAL DENSITY OF 2.5 DWELLING UNITS PER ACRE IN THE NT
25 DISTRICT; AND
- 26
- 27 D. ANY MAJOR VILLAGE CENTER MIXED-USE REDEVELOPMENT SHALL BE
28 CONSIDERED TO BE A "COMMERCIAL" USE IN THE CHART CONTAINED IN SECTION
29 125A.8. OF THE REGULATIONS FOR PURPOSES OF CALCULATING COMPLIANCE
30 WITH THE CHART'S REQUIREMENTS AS TO THE MINIMUM AND MAXIMUM
31 PERCENTAGE OF "COMMERCIAL" IN THE TOTAL AREA OF THE NEW TOWN
32 DISTRICT. THE VILLAGE CENTER REDEVELOPMENT SHALL NOT RESULT IN A NET
33 LOSS OF OPEN SPACE.

1
2 2. VILLAGE CENTER COMMUNITY PLANNING PROCESS

3
4 A. NOTICE OF INTENT TO DEVELOP - AT LEAST 60 DAYS PRIOR TO THE REQUIRED
5 INITIAL PRE-SUBMISSION MEETING, THE PETITIONER SHALL DELIVER TO THE
6 BOARD OF DIRECTORS OF THE COMMUNITY ASSOCIATION (THE "VILLAGE
7 BOARD") OF SAID VILLAGE CENTER AND THE DEPARTMENT OF PLANNING AND
8 ZONING A NOTICE OF INTENT TO DEVELOP.

9
10 B. VILLAGE CENTER COMMUNITY PLAN - WITHIN THE ENSUING 60 DAY PERIOD
11 FROM THE NOTICE OF INTENT TO DEVELOP, THE VILLAGE BOARD MAY CREATE OR
12 UPDATE A VILLAGE CENTER COMMUNITY PLAN, AS FOLLOWS :

13
14 (1.) A VILLAGE CENTER COMMUNITY PLAN MAY INCLUDE BUT IS NOT
15 LIMITED TO:

16
17 A. THE BOUNDARIES OF THE VILLAGE CENTER ;

18 B. PLANNING AND DESIGN CONCEPTS;

19 C. MINIMA, MAXIMA, PRECISE VALUES, AND SPECIFIC REQUIREMENTS
20 CONCERNING, BUT NOT LIMITED TO, VILLAGE CENTER AMENITY
21 AREAS, BUILDING HEIGHTS, BULK REQUIREMENTS, PARKING,
22 DENSITY, AND PERMITTED USES;

23 D. WHETHER THE VILLAGE BOARD HAS ARCHITECTURAL REVIEW AS
24 DESIGNATED IN THE VILLAGE COVENANTS; AND

25 E. IDENTIFICATION OF ANY HISTORICAL OR SIGNATURE ASPECTS OF THE
26 VILLAGE CENTER.

27
28 (2.) THE VILLAGE BOARD MAY REQUEST ASSISTANCE FROM HOWARD COUNTY
29 GOVERNMENT .

30
31 (3.) A VILLAGE CENTER COMMUNITY PLAN MAY BE SUBMITTED TO THE
32 DEPARTMENT OF PLANNING AND ZONING AND, IF SUBMITTED, IS AVAILABLE

1 TO THE PUBLIC IN ACCORDANCE WITH THE MARYLAND PUBLIC
2 INFORMATION ACT.

3
4 (C.) VILLAGE CENTER CONCEPT PLANNING WORKSHOP - AT LEAST ONE WEEK AFTER
5 THE NOTICE OF INTENT TO DEVELOP AND AT LEAST 30 DAYS BEFORE THE FIRST
6 PRE-SUBMISSION COMMUNITY MEETING, THE PETITIONER SHALL INITIATE AND
7 PARTICIPATE IN A VILLAGE CENTER CONCEPT PLANNING WORKSHOP, AS
8 FOLLOWS:

9
10 (1.) THE WORKSHOP WILL BE HELD IN ACCORDANCE WITH THE PROCEDURAL AND
11 NOTICE PROVISIONS OF HOWARD COUNTY CODE SECTION 16.128; AND

12
13 (2.) THE PURPOSE OF THE VILLAGE CENTER CONCEPT PLANNING WORKSHOP IS TO
14 FACILITATE A COLLABORATIVE PLANNING DISCUSSION WHICH MAY INCLUDE
15 BUT NOT BE LIMITED TO THE FOLLOWING:

- 16
17 A. VILLAGE CENTER BOUNDARIES;
18 B. ANY COMMUNITY REDEVELOPMENT VISIONS OR EXISTING VILLAGE
19 CENTER COMMUNITY PLANS;
20 C. PLANNING AND DESIGN CONCEPTS; AND
21 D. APPROPRIATE USES.

22
23 (D) THE RESULTS OF THE WORKSHOP SHOULD BE USED BY THE PETITIONER TO CREATE
24 THE CONCEPT PLAN AND BY THE VILLAGE BOARD TO CREATE OR UPDATE ITS
25 VILLAGE CENTER COMMUNITY PLAN.

26
27 (E) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO PRECLUDE A VILLAGE
28 BOARD FROM ADOPTING A VILLAGE CENTER COMMUNITY PLAN PRIOR TO THE
29 FILING OF A NOTICE OF INTENT TO DEVELOP.

1 2 3. PRE-SUBMISSION COMMUNITY MEETINGS AND REQUESTS FOR
2 COMMUNITY RESPONSE STATEMENTS

3
4 A. PRIOR TO PETITIONING TO AMEND THE PRELIMINARY DEVELOPMENT PLAN, THE
5 PETITIONER IS REQUIRED TO HOLD A PRE-SUBMISSION COMMUNITY MEETING IN
6 ACCORDANCE WITH HOWARD COUNTY CODE SECTION 16.128. IN ADDITION TO
7 THE WRITTEN NOTICE REQUIREMENTS OF HOWARD COUNTY SECTION 16.128(c),
8 THE PETITIONER SHALL ALSO NOTIFY IN WRITING:

9
10 (1) ALL PROPERTY OWNERS IDENTIFIED IN THE RECORDS OF THE STATE
11 DEPARTMENT OF ASSESSMENTS AND TAXATION OF PROPERTIES WITHIN
12 THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER AS PROPOSED
13 BY THE PETITIONER; AND

14
15 (2) THE BOARD OF DIRECTORS OF THE COMMUNITY ASSOCIATION (THE
16 "VILLAGE BOARD") OF SAID ALL VILLAGE CENTER CENTERS.

17
18 ALTHOUGH SECTION 16.205 ORDINARILY REQUIRES ONLY ONE PRE-SUBMISSION
19 COMMUNITY MEETING, A PETITIONER FOR A MAJOR VILLAGE CENTER
20 REDEVELOPMENT PROPOSAL IS REQUIRED TO HOLD A MINIMUM OF TWO SUCH
21 MEETINGS, THE SECOND OF WHICH SHALL BE HELD AT LEAST 30 DAYS AFTER THE
22 INITIAL MEETING, ALLOWING THE PETITIONER TO ADDRESS ANY CONCERNS OR
23 SUGGESTIONS EXPRESSED AT THE INITIAL MEETING.

24
25 SUBSEQUENT TO THE FIRST PRE-SUBMISSION COMMUNITY MEETING AND PRIOR
26 TO FILING THE PETITION, THE PETITIONER SHALL PRESENT THE CONCEPT PLAN
27 AND PROPOSED DESIGN GUIDELINES TO THE DESIGN ADVISORY PANEL FOR
28 EVALUATION IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN SECTION
29 16.1500 OF THE COUNTY CODE. THE DESIGN ADVISORY PANEL
30 RECOMMENDATIONS SHALL BE FORWARDED TO THE PLANNING BOARD AND THE
31 ZONING BOARD FOR THEIR CONSIDERATION OF THE MAJOR VILLAGE CENTER
32 REDEVELOPMENT.
33

1 B. WITHIN TWO DAYS AFTER ITS ACCEPTANCE OF A PETITION FOR A MAJOR VILLAGE
2 CENTER REDEVELOPMENT, THE DEPARTMENT OF PLANNING AND ZONING SHALL
3 SEND A NOTICE TO THE VILLAGE BOARD OF THE VILLAGE IN WHICH THE VILLAGE
4 CENTER PETITIONING FOR REDEVELOPMENT IS LOCATED. THE NOTICE SHALL
5 REQUEST THAT THE VILLAGE BOARD SUBMIT A COMMUNITY RESPONSE
6 STATEMENT OUTLINING ITS COMMENTS ON THE REDEVELOPMENT PROPOSAL.
7 THE NOTICE SHALL DIRECT THE VILLAGE BOARD TO:

8
9 ~~(1) ADDRESS ITS COMMENTS IN TERMS OF ANY SPECIFIC APPROVAL~~
10 ~~CRITERIA THE VILLAGE BOARD RECOMMENDS BE INCLUDED BY THE~~
11 ~~ZONING BOARD IN ITS DECISION ON THE MAJOR VILLAGE CENTER~~
12 ~~REDEVELOPMENT; AND~~

13
14 ~~(2) PROVIDE ITS RESPONSES TO THE SECTION 125.F.3.A.(6) CRITERIA;~~

15
16 (1) PROVIDE ITS RESPONSES TO THE SECTION 125.F.4.A.(8) CRITERIA;

17
18 (2) ADDRESS ITS COMMENTS IN TERMS OF ANY OTHER SPECIFIC APPROVAL
19 CRITERIA THE VILLAGE BOARD RECOMMENDS BE CONSIDERED BY THE
20 ZONING BOARD IN ITS DECISION ON THE MAJOR VILLAGE CENTER
21 REDEVELOPMENT; AND

22
23 (3) PROVIDE A RESPONSE REGARDING:

24 (A) THE BOUNDARY OF THE VILLAGE CENTER PROPOSED BY THE
25 PETITIONER;

26 (B) PLANNING AND DESIGN CONCEPTS, INCLUDING BUT NOT LIMITED TO
27 HOW IT FITS INTO THE SURROUNDING AREA;

28 (C) WHETHER THE PETITION IS IN HARMONY WITH A VILLAGE CENTER
29 COMMUNITY PLAN, IF ONE EXISTS;

30 (D) MINIMA, MAXIMA, PRECISE VALUES, AND/OR SPECIFIC
31 REQUIREMENTS CONCERNING, BUT NOT LIMITED TO, VILLAGE
32 CENTER AMENITY AREAS, BUILDING HEIGHTS, BULK REQUIREMENTS,
33 PARKING, DENSITY, AND/OR PERMITTED USES; AND

1 (E) WHETHER THE VILLAGE BOARD HAS ARCHITECTURAL REVIEW AS
2 DESIGNATED IN THE VILLAGE COVENANTS.

3
4 ~~C. TO BE ELIGIBLE TO HAVE ITS COMMENTS ADDRESSED IN THE TECHNICAL STAFF~~
5 ~~REPORT ON THE MAJOR VILLAGE CENTER REDEVELOPMENT, THE VILLAGE~~
6 ~~BOARD SHALL SUBMIT ITS COMMUNITY RESPONSE STATEMENT TO THE~~
7 ~~DEPARTMENT OF PLANNING AND ZONING NO LATER THAN 45 DAYS AFTER THE~~
8 ~~DATE OF THE NOTICE. C. IF THE COMMUNITY RESPONSE STATEMENT IS~~
9 ~~SUBMITTED TO THE DEPARTMENT OF PLANNING AND ZONING WITHIN 45 DAYS~~
10 ~~AFTER THE DATE OF THE NOTICE, THE COMMUNITY RESPONSE STATEMENT SHALL~~
11 ~~BE CONSIDERED BY THE DEPARTMENT AS THE TECHNICAL STAFF REPORT IS~~
12 ~~BEING PREPARED. A SUBMITTED COMMUNITY RESPONSE STATEMENT BECOMES~~
13 ~~PART OF THE PUBLIC RECORD FOR THE MAJOR VILLAGE CENTER~~
14 ~~REDEVELOPMENT CASE, AND WILL BE FORWARDED TO THE PLANNING BOARD~~
15 ~~PRIOR TO ITS INITIAL MEETING ON THE ZONING BOARD CASE.~~

16
17 3 4. PETITION INFORMATION

18
19 A. THE PETITION FOR AMENDMENT OF THE PRELIMINARY DEVELOPMENT PLAN
20 SHALL BE TO THE ZONING BOARD AND SHALL CONTAIN THE FOLLOWING INFORMATION:

21
22 (1) THE INFORMATION SET FORTH IN HOWARD COUNTY ZONING
23 REGULATIONS SECTIONS 125.B.1.A, B AND C AND 125.B.2.

24
25 (2) A GENERAL DESCRIPTION OF THE GEOGRAPHIC BOUNDARIES, AS
26 PROPOSED BY THE PETITIONER, OF THE VILLAGE CENTER WHICH IS THE SUBJECT MATTER OF THE
27 PETITION.

28
29 (3) A COPY OF ANY COVENANTS AND/OR DEED RESTRICTIONS OF RECORD.

30
31 (3 4) A DESCRIPTION OF THE VILLAGE CENTER INCLUDING, THE NAMES OF ALL
32 PROPERTY OWNERS WITHIN THE VILLAGE CENTER, THE EXISTING BUILDINGS AND USES WITHIN THE
33 VILLAGE CENTER, AND THE PROPOSED BUILDINGS AND USES.

1 (4 5) A CONCEPT PLAN THAT SETS FORTH AN INFORMATIVE, CONCEPTUAL
2 AND SCHEMATIC REPRESENTATION OF THE PROPOSED REDEVELOPMENT IN A SIMPLE, CLEAR AND LEGIBLE
3 MANNER THAT PROVIDES INFORMATION INCLUDING, BUT NOT LIMITED TO THE GENERAL SITE LAYOUT,
4 PROPOSED BUILDING TYPES AND USES, PROPOSED NUMBER OF DWELLING UNITS, SQUARE FOOTAGE FOR
5 NON-RESIDENTIAL PROJECTS, PARKING AND TRAFFIC, ~~PEDESTRIAN~~ PEDESTRIAN/BICYCLE CIRCULATION,
6 PROPOSED OPEN SPACE VILLAGE CENTER AMENITY AREA(S), EXTERIOR LIGHTING AND PUBLIC
7 TRANSPORTATION OPPORTUNITIES, GENERAL LOCATION AND SIZE OF SIGNAGE, LANDSCAPE CONCEPT,
8 ANY SIGNIFICANT CHANGES TO TOPOGRAPHY AND SURFACE DRAINAGE, AND THE GENERAL LOCATION OF
9 NATURAL FEATURES. IN ADDITION, THE CONCEPT PLAN SHALL ALSO COMPLY WITH THE PLAN
10 INFORMATION REQUIREMENTS SPECIFIED IN SECTION 100.G.2.A OF THE ZONING REGULATIONS.

11
12 (5 6) PROPOSED DESIGN GUIDELINES WHICH WILL BE IMPOSED UPON THE
13 MAJOR VILLAGE CENTER REDEVELOPMENT AND VILLAGE CENTER; AND

14
15 (6 7) COMMENT ON WHETHER THE PROPOSED REDEVELOPMENT IS IN HARMONY
16 WITH THE VILLAGE CENTER COMMUNITY PLAN; AND

17
18 (6-7 8) A JUSTIFICATION STATEMENT WHICH IDENTIFIES THE IMPACTS OF THE
19 PROPOSED MAJOR VILLAGE CENTER REDEVELOPMENT ON THE NATURE AND PURPOSE OF THE VILLAGE
20 CENTER AND ITS RELATION TO THE SURROUNDING COMMUNITY. THE JUSTIFICATION STATEMENT SHALL
21 ADDRESS DEMONSTRATE HOW THE VILLAGE CENTER REDEVELOPMENT MEETS THE FOLLOWING
22 CRITERIA:

- 23
24 A. THE MAJOR VILLAGE CENTER REDEVELOPMENT WILL FOSTER ORDERLY GROWTH
25 AND PROMOTE THE PURPOSES OF THE VILLAGE CENTER IN ACCORDANCE WITH
26 THE PLANNED CHARACTER OF THE NT DISTRICT;

- 27
28 B. THE AMOUNT OF COMMERCIAL BUSINESS FLOOR AREA CONTAINED IN THE
29 VILLAGE CENTER REDEVELOPMENT IS APPROPRIATE TO PROVIDE RETAIL AND
30 COMMERCIAL SERVICE TO THE VILLAGE CENTER AS A LOCATION FOR
31 CONVENIENT, DIVERSE COMMERCIAL BUSINESS USES WHICH SERVE THE LOCAL
32 NEIGHBORHOODS OF THE VILLAGE AND SURROUNDING LOCAL COMMUNITY;

1 C. THE MAJOR VILLAGE CENTER REDEVELOPMENT WILL FOSTER THE PURPOSE OF A
2 VILLAGE CENTER AS A COMMUNITY FOCAL POINT PROVIDING GOOD
3 OPPORTUNITIES FOR COMMUNITY INTERACTION AND COMMUNICATION;
4

5 D. THE LOCATIONS AND THE RELATIVE PROPORTIONS OF THE PERMITTED USES FOR
6 COMMERCIAL BUSINESSES, DWELLINGS, AND OPEN SPACE USES, AND THE
7 PROJECT DESIGN WILL ENHANCE THE EXISTING DEVELOPMENT SURROUNDING
8 THE MAJOR VILLAGE CENTER REDEVELOPMENT;
9

10 E. THE MAJOR VILLAGE CENTER REDEVELOPMENT PROVIDES ACCESSIBLE USEABLE
11 LANDSCAPED AREAS SUCH AS COURTYARDS, PLAZAS OR SQUARES;
12

13 F. THE MAJOR VILLAGE CENTER REDEVELOPMENT IS COMPLIANT WITH ALL
14 APPLICABLE ENVIRONMENTAL POLICIES AND REQUIREMENTS, AND PROVIDES
15 NEW ENVIRONMENTAL IMPROVEMENTS TO THE REDEVELOPMENT AREA
16 THROUGH THE USE OF METHODS SUCH AS, BUT NOT LIMITED TO, GREEN
17 BUILDING STANDARDS, WATER CONSERVATION, NATURAL DRAINAGE SYSTEMS,
18 THE PLANTING OF NATIVE VEGETATION, THE REMOVAL OF EXISTING INVASIVE
19 PLANTS, THE IMPROVEMENT OF STORMWATER DEFICIENCIES, AND FOLLOWING
20 LOW IMPACT DEVELOPMENT PRACTICES;
21

22 G. THE MAJOR VILLAGE CENTER REDEVELOPMENT FOSTERS PEDESTRIAN AND
23 BICYCLE ACCESS; ~~AND~~

24
25 H. PUBLIC TRANSIT OPPORTUNITIES ARE APPROPRIATELY INCORPORATED INTO THE
26 ~~DEVELOPMENT~~ VILLAGE CENTER REDEVELOPMENT;

27
28 I. THE VILLAGE CENTER REDEVELOPMENT IS COMPATIBLE WITH THE
29 SURROUNDING COMMUNITY; AND

30
31 I J. THE VILLAGE CENTER WILL CONTINUE TO MEET THE DEFINITION OF A NEW OWN
32 VILLAGE CENTER.

33
34 4 5. ZONING BOARD ACTION

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- A. IN ITS EVALUATION OF THE PROPOSED MAJOR VILLAGE CENTER REDEVELOPMENT, THE ZONING BOARD SHALL MAKE FINDINGS ON THE FOLLOWING:
 - 1. WHETHER THE PETITION COMPLIES WITH THE APPLICABLE GENERAL GUIDES AND STANDARDS SET FORTH IN HOWARD COUNTY ZONING REGULATIONS SECTION 125.B.3;
 - 2. WHETHER THE PROPOSED MAJOR VILLAGE CENTER REDEVELOPMENT COMPLIES WITH THE SPECIFIC DEFINITION FOR A NEW TOWN VILLAGE CENTER;
 - 3. WHETHER THE PETITION COMPLIES WITH THE MAJOR VILLAGE CENTER REDEVELOPMENT CRITERIA IN SECTION 125.F.4.A.(8); AND
 - 4. REGARDLESS OF THE ZONING BOARD'S FINDINGS ON SUBSECTIONS 4.A.1 THROUGH 3 ABOVE, WHETHER THE PETITIONER'S PROPOSED PROPERTY IS WITHIN THE APPROPRIATE BOUNDARIES OF THE NEW TOWN VILLAGE CENTER, ~~OR SOME OTHER PROPOSED BOUNDARIES, ARE THE APPROPRIATE BOUNDARIES FOR THE VILLAGE CENTER.~~

- B. REGARDLESS OF WHETHER THE ZONING BOARD CONDITIONALLY APPROVES OR DENIES THE PETITION, IT SHALL MAKE A DECISION ON THE VILLAGE CENTER BOUNDARIES.

- C. 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.

- D. IF THE ZONING BOARD APPROVES THE PETITION, THE DECISION AND ORDER OF THE ZONING BOARD SHALL:
 - 1. APPROVE ~~THE~~ DESIGN GUIDELINES FOR THE VILLAGE CENTER;
 - 2. APPROVE ~~THE~~ A CONCEPT PLAN; AND

1 3. ESTABLISH MINIMA, MAXIMA, PRECISE VALUES OR AND SPECIFIC REQUIREMENTS
2 ~~CONCERNING AMENITY AREAS, BUILDING HEIGHT(S), CONCERNING, BUT NOT~~
3 ~~LIMITED TO, VILLAGE CENTER AMENITY AREAS, BUILDING HEIGHTS, BULK~~
4 ~~REQUIREMENTS, PARKING, DENSITY AND PERMITTED USES; AND~~

5
6 4 ESTABLISH THE VILLAGE CENTER BOUNDARIES.

7
8 E. IN THE DECISION AND ORDER, THE ZONING BOARD MAY MAKE ANY AMENDMENTS OR
9 MODIFICATIONS TO THE PROPOSED BOUNDARIES OF THE VILLAGE CENTER, THE
10 PROPOSED DESIGN GUIDELINES AND THE PROPOSED CONCEPT PLAN AND MAY ESTABLISH
11 ANY OTHER CRITERIA WHICH IT DEEMS TO BE APPROPRIATE. ALL LATER APPROVALS AND
12 DECISIONS FOR THE PROPERTIES INCLUDED IN THE CONCEPT PLAN ARE BOUND BY AND
13 MUST BE CONSISTENT WITH THE DECISION AND ORDER OF THE ZONING BOARD.

14
15 F. IF THE PETITION IS GRANTED, REPRODUCIBLE COPIES OF ALL APPROVED PLANS, AND
16 COPIES OF ALL APPROVED SUPPORTING DOCUMENTS SUCH AS ANY DEVELOPMENT
17 GUIDELINES AND STANDARDS AND THE DESIGN GUIDELINES, SHALL BE CERTIFIED AS
18 APPROVED BY THE ZONING BOARD AND VERIFIED COPIES OF THE SAME SHALL BE
19 FORWARDED TO THE DEPARTMENT OF PLANNING AND ZONING, THE VILLAGE BOARD,
20 AND THE PETITIONER. ALL PARTIES NOTIFIED PURSUANT TO SECTION 125.F.2, AND ANY
21 OTHER PROPERTY OWNER WITHIN THE BOUNDARIES DECIDED BY THE ZONING BOARD,
22 SHALL BE PROVIDED WITH NOTICE OF THE ZONING BOARD'S DECISION.

23
24 G. IF THE ZONING BOARD DENIES THE PETITION, IT MAY MAKE A DECISION ON THE VILLAGE
25 CENTER BOUNDARIES.

26
27 ~~5 6. IF THE AMENDMENT OF TO THE PRELIMINARY DEVELOPMENT PLAN IS APPROVED BY THE ZONING~~
28 ~~BOARD, THEN THE PETITIONER IS AUTHORIZED TO SUBMIT THE AMENDMENTS TO THE~~
29 ~~COMPREHENSIVE SKETCH PLAN AND FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH~~
30 ~~HOWARD COUNTY ZONING REGULATIONS SECTION 125.C. HOWEVER, PRIOR TO THE SUBMITTAL~~
31 ~~OF THE COMPREHENSIVE SKETCH PLAN TO THE PLANNING BOARD, THE PETITIONER SHALL~~
32 ~~PRESENT A SKETCH PLAN OR ITS EQUIVALENT TO THE DESIGN ADVISORY PANEL FOR ITS~~
33 ~~EVALUATION IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE~~
34 ~~COUNTY CODE. THE DESIGN ADVISORY PANEL RECOMMENDATIONS SHALL BE FORWARDED TO~~

1 ~~THE PLANNING BOARD FOR ITS CONSIDERATION OF THE COMPREHENSIVE SKETCH PLAN FOR THE~~
2 ~~MAJOR VILLAGE CENTER REDEVELOPMENT AND THE ASSOCIATED SUBSEQUENT PLANS.~~

3
4 6 7. IF THE COMPREHENSIVE SKETCH PLAN AND FINAL DEVELOPMENT PLAN ARE APPROVED IN
5 ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.F.5, THEN THE
6 PETITIONER IS AUTHORIZED TO SUBMIT A SITE DEVELOPMENT PLAN IN ACCORDANCE WITH
7 HOWARD COUNTY ZONING REGULATIONS SECTION 125.E.

8
9 7 8. ADDITIONAL PLANNING BOARD REVIEW CRITERIA FOR MAJOR VILLAGE CENTER
10 REDEVELOPMENTS

11
12 IN ADDITION TO THE ESTABLISHED CRITERIA USED BY THE PLANNING BOARD IN ITS EVALUATION
13 AND APPROVAL OF COMPREHENSIVE SKETCH PLANS, FINAL DEVELOPMENT PLANS, AND SITE
14 DEVELOPMENT PLANS, FOR MAJOR VILLAGE CENTER REDEVELOPMENT PROPOSALS THE
15 PLANNING BOARD SHALL MAKE FINDINGS ON WHETHER THE COMPREHENSIVE SKETCH PLAN,
16 FINAL DEVELOPMENT PLAN, AND SITE DEVELOPMENT PLAN IS IN CONFORMANCE WITH ALL THE
17 FINDINGS AND CONCLUSIONS OF THE ZONING BOARD DECISION AND ORDER FOR THE MAJOR
18 VILLAGE CENTER REDEVELOPMENT.

19
20
21 G. VILLAGE CENTER REDEVELOPMENT, MINOR

22
23 1. ~~UNLESS AN AMENDMENT TO THE APPROVED COMPREHENSIVE SKETCH PLAN AND THE~~
24 ~~APPROVED FINAL DEVELOPMENT PLAN IS REQUIRED UNDER SECTION 125.F, ANY~~
25 ~~PROPERTY OWNER OF ANY PORTION OF A VILLAGE CENTER MAY PETITION TO AMEND AN~~
26 ~~APPROVED SITE DEVELOPMENT PLAN FOR THAT PORTION OF LAND WHICH THEY OWN,~~
27 ~~SUBJECT TO PLANNING BOARD APPROVAL IN ACCORDANCE WITH SECTION 125.E.1 OF~~
28 ~~THE ZONING REGULATIONS AND SECTION 1.106 OF THE RULES OF PROCEDURE OF THE~~
29 ~~HOWARD COUNTY PLANNING BOARD.~~

30
31 2. ~~ANY PROPERTY OWNER OF ANY PORTION OF A VILLAGE CENTER MAY PETITION TO~~
32 ~~AMEND AN APPROVED COMPREHENSIVE SKETCH PLAN OR FINAL DEVELOPMENT PLAN~~
33 ~~FOR THAT PORTION OF LAND WHICH THEY OWN, BUT ONLY INVOLVING THE OPEN SPACE,~~
34 ~~COMMERCIAL, OR OTHER USES LAND USE CATEGORIES AS DESCRIBED IN THE SECTION~~

1 ~~125.A.8 CHART. SUCH AN AMENDMENT TO THE APPROVED COMPREHENSIVE SKETCH~~
2 ~~PLAN OR THE FINAL DEVELOPMENT PLAN SHALL COMPLY WITH THE FOLLOWING~~
3 ~~REQUIREMENTS:~~

4
5 ~~A. PRE-SUBMISSION COMMUNITY MEETINGS AND REQUESTS FOR COMMUNITY~~
6 ~~RESPONSE STATEMENTS~~

7
8 ~~(1) PRIOR TO PETITIONING TO AMEND THE PRELIMINARY DEVELOPMENT PLAN, THE~~
9 ~~PETITIONER IS REQUIRED TO HOLD A PRE-SUBMISSION COMMUNITY MEETING IN~~
10 ~~ACCORDANCE WITH HOWARD COUNTY CODE SECTION 16.128. IN ADDITION TO~~
11 ~~THE WRITTEN NOTICE REQUIREMENTS IN HOWARD COUNTY CODE SECTION~~
12 ~~16.128(C), THE PETITIONER SHALL ALSO NOTIFY IN WRITING:~~

13
14 ~~(A) ALL PROPERTY OWNERS IDENTIFIED IN THE RECORDS OF THE STATE~~
15 ~~DEPARTMENT OF ASSESSMENTS AND TAXATION OF PROPERTIES~~
16 ~~WITHIN THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER AS~~
17 ~~PREVIOUSLY DETERMINED BY THE DEPARTMENT OF PLANNING AND~~
18 ~~ZONING; AND~~

19
20 ~~(B) THE BOARD OF DIRECTORS OF THE COMMUNITY ASSOCIATION (THE~~
21 ~~"VILLAGE BOARD") OF SAID VILLAGE.~~

22
23 ~~(2) WITHIN TWO DAYS AFTER ITS ACCEPTANCE OF A PETITION FOR A MINOR VILLAGE~~
24 ~~CENTER REDEVELOPMENT, THE DEPARTMENT OF PLANNING AND ZONING SHALL~~
25 ~~SEND A NOTICE TO THE VILLAGE BOARD OF THE VILLAGE IN WHICH THE VILLAGE~~
26 ~~CENTER PETITIONING FOR REDEVELOPMENT IS LOCATED. THE NOTICE SHALL~~
27 ~~REQUEST THAT THE VILLAGE BOARD SUBMIT A COMMUNITY RESPONSE~~
28 ~~STATEMENT OUTLINING ITS COMMENTS ON THE REDEVELOPMENT PROPOSAL.~~
29 ~~THE NOTICE SHALL DIRECT THE VILLAGE BOARD TO:~~

30
31 ~~(A) ADDRESS ITS COMMENTS IN TERMS OF ANY SPECIFIC APPROVAL~~
32 ~~CRITERIA THE VILLAGE BOARD RECOMMENDS BE INCLUDED BY THE~~
33 ~~PLANNING BOARD IN ITS DECISION ON THE MINOR VILLAGE CENTER~~
34 ~~REDEVELOPMENT; AND~~

1
2 ~~(B) PROVIDE ITS RESPONSES TO THE SAME CRITERIA USED FOR MAJOR~~
3 ~~VILLAGE CENTER REDEVELOPMENTS IN SECTION 125.F.3.A.(6).~~
4

5 ~~TO BE ELIGIBLE TO HAVE ITS COMMENTS ADDRESSED IN THE TECHNICAL STAFF~~
6 ~~REPORT ON THE MINOR VILLAGE CENTER REDEVELOPMENT, THE VILLAGE~~
7 ~~BOARD SHALL SUBMIT ITS COMMUNITY RESPONSE STATEMENT TO THE~~
8 ~~DEPARTMENT OF PLANNING AND ZONING NO LATER THAN 45 DAYS AFTER THE~~
9 ~~DATE ON THE NOTIFICATION.~~
10

11 ~~(3) A SUBMITTED COMMUNITY RESPONSE STATEMENT BECOMES PART OF THE~~
12 ~~PUBLIC RECORD FOR THE MINOR VILLAGE CENTER REDEVELOPMENT CASE, AND~~
13 ~~WILL BE FORWARDED TO THE PLANNING BOARD PRIOR TO ITS INITIAL MEETING~~
14 ~~ON THE ZONING BOARD CASE.~~
15

16 1. FOR A MINOR VILLAGE CENTER REDEVELOPMENT, IF THE VILLAGE CENTER BOUNDARIES
17 HAVE NOT BEEN ESTABLISHED BY THE ZONING BOARD IN A MAJOR VILLAGE CENTER
18 REDEVELOPMENT OR BY THE COUNTY COUNCIL IN A GENERAL PLAN AMENDMENT, THEN
19 THE PROPERTY OWNER MAY DEVELOP USING THE PROVISIONS OF SUBSECTION C, D OR E,
20 AS APPROPRIATE, OF THIS SECTION.
21

22 2. FOR A MINOR VILLAGE CENTER REDEVELOPMENT, IF THE VILLAGE CENTER BOUNDARIES
23 HAVE BEEN ESTABLISHED BY THE ZONING BOARD OR THE COUNTY COUNCIL, THEN A
24 VILLAGE CENTER PROPERTY OWNER SHALL COMPLY WITH SECTION 125 C,D OR E. IF
25 PLANNING BOARD APPROVAL IS REQUIRED, THEN THE PETITIONER SHALL ALSO COMPLY
26 WITH THE FOLLOWING PROVISIONS:
27

28 A. THE PETITIONER IS REQUIRED TO HOLD A PRE-SUBMISSION COMMUNITY
29 MEETING IN ACCORDANCE WITH HOWARD COUNTY CODE SECTION 16.128. IN
30 ADDITION TO THE WRITTEN NOTICE REQUIREMENTS OF HOWARD COUNTY
31 SECTION 16.128(C), THE PETITIONER SHALL ALSO NOTIFY IN WRITING:
32

33 (1) ALL PROPERTY OWNERS IDENTIFIED IN THE RECORDS OF THE STATE
34 DEPARTMENT OF ASSESSMENTS AND TAXATION OF PROPERTIES WITHIN

1 THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER AS
2 PREVIOUSLY ESTABLISHED; AND

3
4 (2) THE BOARD OF DIRECTORS OF THE COMMUNITY ASSOCIATION (THE
5 "VILLAGE BOARD") OF ALL VILLAGE CENTERS.

6
7 B. SUBSEQUENT TO THE PRE-SUBMISSION COMMUNITY MEETING AND PRIOR TO
8 FILING THE PETITION, THE PETITIONER SHALL PRESENT THE CONCEPT PLAN AND
9 THE DESIGN GUIDELINES TO THE DESIGN ADVISORY PANEL FOR EVALUATION IN
10 ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE
11 COUNTY CODE. THE DESIGN ADVISORY PANEL RECOMMENDATIONS SHALL BE
12 FORWARDED TO THE PLANNING BOARD FOR THEIR CONSIDERATION OF THE
13 MINOR VILLAGE CENTER REDEVELOPMENT.

14
15 C. WITHIN TWO DAYS AFTER ITS ACCEPTANCE OF A PETITION FOR A MINOR VILLAGE
16 CENTER REDEVELOPMENT, THE DEPARTMENT OF PLANNING AND ZONING SHALL
17 SEND A NOTICE TO THE VILLAGE BOARD OF THE VILLAGE IN WHICH THE VILLAGE
18 CENTER PETITIONING FOR REDEVELOPMENT IS LOCATED. THE NOTICE SHALL
19 REQUEST THAT THE VILLAGE BOARD SUBMIT A COMMUNITY RESPONSE
20 STATEMENT OUTLINING ITS COMMENTS ON THE REDEVELOPMENT PROPOSAL.
21 THE NOTICE SHALL DIRECT THE VILLAGE BOARD TO:

22
23 (1) PROVIDE ITS RESPONSES TO THE SECTION 125.F.4.A.(8) CRITERIA;

24
25 (2) ADDRESS ITS COMMENTS IN TERMS OF ANY OTHER SPECIFIC APPROVAL
26 CRITERIA THE VILLAGE BOARD RECOMMENDS BE CONSIDERED BY THE
27 PLANNING BOARD IN ITS DECISION ON THE MINOR VILLAGE CENTER
28 REDEVELOPMENT; AND

29
30 (3) PROVIDE A RESPONSE REGARDING:

31
32 (A) PLANNING AND DESIGN CONCEPTS, INCLUDING BUT NOT LIMITED
33 TO HOW IT FITS INTO THE SURROUNDING AREA;
34

1 (B) WHETHER THE PETITION IS IN HARMONY WITH A VILLAGE
2 CENTER COMMUNITY PLAN, IF ONE EXISTS;

3
4 (C) MINIMA, MAXIMA, PRECISE VALUES, AND SPECIFIC
5 REQUIREMENTS CONCERNING, BUT NOT LIMITED TO, VILLAGE
6 CENTER AMENITY AREAS, BUILDING HEIGHTS, BULK
7 REQUIREMENTS, PARKING, DENSITY, AND PERMITTED USES; AND

8
9 (D) WHETHER THE VILLAGE BOARD HAS ARCHITECTURAL REVIEW AS
10 DESIGNATED IN THE VILLAGE COVENANTS.

11
12 D. IF THE COMMUNITY RESPONSE STATEMENT IS SUBMITTED TO THE
13 DEPARTMENT OF PLANNING AND ZONING WITHIN 45 DAYS AFTER THE DATE
14 OF THE NOTICE, THE COMMUNITY RESPONSE STATEMENT SHALL BE
15 CONSIDERED BY THE DEPARTMENT AS THE TECHNICAL STAFF REPORT IS
16 BEING PREPARED. A SUBMITTED COMMUNITY RESPONSE STATEMENT
17 BECOMES PART OF THE PUBLIC RECORD FOR THE MINOR VILLAGE CENTER
18 REDEVELOPMENT CASE, AND WILL BE FORWARDED TO THE PLANNING BOARD
19 PRIOR TO ITS INITIAL MEETING OR HEARING ON THE CASE.

20
21
22 (4E.) PROCEDURES AND APPROVAL CRITERIA

23
24 A REQUEST FOR AN AMENDMENT TO AN APPROVED COMPREHENSIVE
25 SKETCH PLAN OR AN APPROVED FINAL DEVELOPMENT PLAN FOR A MINOR
26 VILLAGE CENTER REDEVELOPMENT SHALL BE REVIEWED IN ACCORDANCE
27 WITH THE SECTION 125.C REQUIREMENTS, EXCEPT THAT THE CRITERIA TO BE
28 USED IN THE PLANNING BOARD EVALUATION SHALL BE THE SAME AS THOSE
29 IN SECTION 125.F.4.A.(8), (A) THROUGH (J) THAT ARE NOT RELATED TO
30 RESIDENTIAL USES.

31
32
33 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland,*
34 *that the remainder of Section 103 of the Zoning Regulations be renumbered accordingly.*

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Section 3. And be It Further Enacted by the County Council of Howard County, Maryland, that the Department of Planning and Zoning shall evaluate and report to the County Council on the Village Center Redevelopment, Major and Village Center Redevelopment, Minor subsections of the NT (New Town) District Section within one year of issuance of use and occupancy permits for the first plans approved under these subsections.

Section 3 4. And Be It Further Enacted by the County Council of Howard County, Maryland, that the provisions of this Act shall become effective 61 days after enactment.

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on Sept. 4, 2009.



Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

Amendment to Council Bill 29-2009

BY: Courtney Watson

Legislative Day No: 9

Date: July 30, 2009

Amendment No. 12

1 *(This amendment would change all of the references on village center boundaries to require that*
2 *the boundaries be established by the County Council through a General Plan amendment)*
3
4
5

6 On page 3, in lines 16 and 17, strike "PROPOSED BY THE PETITIONER" and substitute
7 "PREVIOUSLY ADOPTED BY THE COUNTY COUNCIL IN THE GENERAL PLAN".
8

9 On page 4, strike lines 28 through 30, and substitute
10 "(2) A SPECIFIC DESCRIPTION OF THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE
11 CENTER WHICH IS THE SUBJECT MATTER OF THE PETITION AS PREVIOUSLY ADOPTED BY THE
12 COUNTY COUNCIL IN THE GENERAL PLAN."
13

14 On page 6, in line 33, after "CENTER;", insert "AND".
15

16 On page 7, in line 2, strike "(6); AND" and substitute "(6).".
17

18 On page 7, strike lines 4 through 10, and renumber accordingly.
19

20 On page 7, in line 28, strike "THE PROPOSED BOUNDARIES OF THE VILLAGE CENTER,".
21

22 On page 9, in lines 31 and 32, strike "DETERMINED BY THE DEPARTMENT OF PLANNING
23 AND ZONING" and substitute "ADOPTED BY THE COUNTY COUNCIL IN THE GENERAL PLAN".

ADOPTED _____
FAILED Sept 1, 2009
SIGNATURE Stephen M. Beal

Amendment to Council Bill 29-2009

BY: Mary Kay Sigaty, Jennifer Terrasa, Calvin Ball

Legislative Day No: 9

Date: July 30, 2009

Amendment No. 7

1 (This amendment would:

- 2 1. *remove the existing process option and require the owner of village center property to*
3 *utilize the new process for redevelopment for all Major Village Center Redevelopments;*
4 *and*
5 2. *remove the existing process option for all Minor Village Center Redevelopments once*
6 *village center boundaries are established.)*
7

8 On page 2, strike in their entirety lines 19 through 26, inclusive, and substitute:

9 "1. A PROPOSAL FOR A MAJOR VILLAGE CENTER REDEVELOPMENT IS NOT ELIGIBLE FOR
10 CONSIDERATION UNDER THE PROCESS PROVIDED BY SUBSECTION B, C AND D OF THIS
11 SECTION 125 AND SHALL BE FILED ONLY IN ACCORDANCE WITH THE PROCEDURES OF THIS
12 SUBSECTION F. THE OWNER OF ANY PORTION OF A VILLAGE CENTER MAY PROPOSE A
13 MAJOR VILLAGE CENTER REDEVELOPMENT BY FILING A PETITION TO AMEND AN APPROVED
14 PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, OR FINAL
15 DEVELOPMENT PLAN FOR THE OWNER'S PROPERTY IN THE VILLAGE CENTER. THE OWNER
16 ("PETITIONER") MAY PROPOSE AMENDMENTS TO ALLOW ANY USE OR DENSITY, SUBJECT TO
17 THE FOLLOWING LIMITATIONS:"
18

19 On pages 9 and 10, strike in their entirety the lines beginning with line 3 on page 9 through line
20 30 on page 10, inclusive, and substitute:

21 "1. FOR A MINOR VILLAGE CENTER REDEVELOPMENT, IF THE VILLAGE CENTER BOUNDARIES
22 HAVE NOT BEEN ESTABLISHED BY THE ZONING BOARD IN A MAJOR VILLAGE CENTER
23 REDEVELOPMENT OR BY THE COUNTY COUNCIL IN A GENERAL PLAN AMENDMENT, THEN
24 THE PROPERTY OWNER MAY DEVELOP USING THE PROVISIONS OF SUBSECTION C, D OR E, AS
25 APPROPRIATE, OF THIS SECTION.
26

27 2. FOR A MINOR VILLAGE CENTER REDEVELOPMENT, IF THE VILLAGE CENTER BOUNDARIES
28 HAVE BEEN ESTABLISHED BY THE ZONING BOARD OR THE COUNTY COUNCIL, THEN A

ADOPTED Sept 1, 2009

FAILED

SIGNATURE Stephanie G. Jensen

1 VILLAGE CENTER PROPERTY OWNER SHALL COMPLY WITH SECTION 125 C,D OR E. IF
2 PLANNING BOARD APPROVAL IS REQUIRED , THEN THE PETITIONER SHALL ALSO COMPLY
3 WITH THE FOLLOWING PROVISIONS:

4
5 A. THE PETITIONER IS REQUIRED TO HOLD A PRE-SUBMISSION COMMUNITY MEETING IN
6 ACCORDANCE WITH HOWARD COUNTY CODE SECTION 16.128. IN ADDITION TO THE
7 WRITTEN NOTICE REQUIREMENTS OF HOWARD COUNTY SECTION 16.128(C), THE
8 PETITIONER SHALL ALSO NOTIFY IN WRITING:

9
10 (1) ALL PROPERTY OWNERS IDENTIFIED IN THE RECORDS OF THE STATE
11 DEPARTMENT OF ASSESSMENTS AND TAXATION OF PROPERTIES WITHIN THE
12 GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER AS PREVIOUSLY
13 ESTABLISHED; AND

14
15 (2) THE BOARD OF DIRECTORS OF THE COMMUNITY ASSOCIATION (THE "VILLAGE
16 BOARD") OF ALL VILLAGE CENTERS.

17
18 B. SUBSEQUENT TO THE PRE-SUBMISSION COMMUNITY MEETING AND PRIOR TO FILING THE
19 PETITION, THE PETITIONER SHALL PRESENT THE CONCEPT PLAN AND THE DESIGN
20 GUIDELINES TO THE DESIGN ADVISORY PANEL FOR EVALUATION IN ACCORDANCE WITH
21 THE PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE COUNTY CODE. THE
22 DESIGN ADVISORY PANEL RECOMMENDATIONS SHALL BE FORWARDED TO THE
23 PLANNING BOARD FOR THEIR CONSIDERATION OF THE MINOR VILLAGE CENTER
24 REDEVELOPMENT.

25
26 C. WITHIN TWO DAYS AFTER ITS ACCEPTANCE OF A PETITION FOR A MINOR VILLAGE
27 CENTER REDEVELOPMENT, THE DEPARTMENT OF PLANNING AND ZONING SHALL SEND A
28 NOTICE TO THE VILLAGE BOARD OF THE VILLAGE IN WHICH THE VILLAGE CENTER
29 PETITIONING FOR REDEVELOPMENT IS LOCATED. THE NOTICE SHALL REQUEST THAT THE
30 VILLAGE BOARD SUBMIT A COMMUNITY RESPONSE STATEMENT OUTLINING ITS
31 COMMENTS ON THE REDEVELOPMENT PROPOSAL. THE NOTICE SHALL DIRECT THE

1 VILLAGE BOARD TO:

2
3 (1) PROVIDE ITS RESPONSES TO THE SECTION 125.F.3.A.(6) CRITERIA;

4
5 (2) ADDRESS ITS COMMENTS IN TERMS OF ANY OTHER SPECIFIC APPROVAL CRITERIA
6 THE VILLAGE BOARD RECOMMENDS BE CONSIDERED BY THE PLANNING BOARD
7 IN ITS DECISION ON THE MINOR VILLAGE CENTER REDEVELOPMENT; AND

8
9 (3) PROVIDE A RESPONSE REGARDING:

10
11 (A) PLANNING AND DESIGN CONCEPTS, INCLUDING BUT NOT LIMITED TO HOW
12 IT FITS INTO THE SURROUNDING AREA;

13
14 (B) WHETHER THE PETITION IS IN HARMONY WITH A VILLAGE CENTER
15 COMMUNITY PLAN, IF ONE EXISTS;

16
17 (C) MINIMA, MAXIMA, PRECISE VALUES, AND SPECIFIC REQUIREMENTS
18 CONCERNING, BUT NOT LIMITED TO, VILLAGE CENTER AMENITY AREAS,
19 BUILDING HEIGHTS, BULK REQUIREMENTS, PARKING, DENSITY, AND
20 PERMITTED USES; AND

21
22 (D) WHETHER THE VILLAGE BOARD HAS ARCHITECTURAL REVIEW AS
23 DESIGNATED IN THE VILLAGE COVENANTS.

24
25 D. IF THE COMMUNITY RESPONSE STATEMENT IS SUBMITTED TO THE DEPARTMENT OF
26 PLANNING AND ZONING WITHIN 45 DAYS AFTER THE DATE OF THE NOTICE, THE
27 COMMUNITY RESPONSE STATEMENT SHALL BE CONSIDERED BY THE DEPARTMENT AS
28 THE TECHNICAL STAFF REPORT IS BEING PREPARED. A SUBMITTED COMMUNITY
29 RESPONSE STATEMENT BECOMES PART OF THE PUBLIC RECORD FOR THE MINOR VILLAGE
30 CENTER REDEVELOPMENT CASE, AND WILL BE FORWARDED TO THE PLANNING BOARD
31 PRIOR TO ITS INITIAL MEETING OR HEARING ON THE CASE.”.

Amendment to Council Bill 29-2009

BY: Mary Kay Sigaty
Jennifer Terrasa
Calvin Ball

Legislative Day No: 10
Date: September 1, 2009

Amendment No. 18

1 *(This amendment would clarify the differences between a major village center redevelopment*
2 *and a minor village center redevelopment)*
3
4

5 On page 2, in line 4, strike "ESTABLISH NEW USES THAT ARE NOT CURRENTLY PERMITTED,"
6 and substitute "MAKE A CHANGE IN THE PERMITTED LAND USE CATEGORIES SET FORTH IN THE
7 CHART CONTAINED IN SECTION 125.A.8 OF THE REGULATIONS."
8
9
10

ADOPTED September 1, 2009
FAILED _____
SIGNATURE [Signature]

Amendment to Council Bill 29-2009

BY: Mary Kay Sigaty, Jennifer Terrasa, Calvin Ball

Legislative Day No: 9

Date: July 30, 2009

Amendment No. 11

(This amendment clarifies language and makes a decision about Village Center Boundaries permissive.)

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On page 7, in line 5, strike "PROPOSED" and substitute "PROPERTY IS WITHIN THE APPROPRIATE".

On page 7, strike beginning with ", OR" in line 6 through "CENTER" in line 7.

On page 7, in line 21, strike "AND".

On page 7, in line 25, strike the period and substitute "; AND".

On page 7, immediately following line 25, insert:
"4. ESTABLISH THE VILLAGE CENTER BOUNDARIES."

On page 8, immediately following line 5, insert:
"G. IF THE ZONING BOARD DENIES THE PETITION, IT MAY MAKE A DECISION ON THE VILLAGE CENTER BOUNDARIES."

ADOPTED Sept 1 2009
FAILED _____
SIGNATURE Jennifer Terrasa

Amendment to Council Bill 29-2009

BY: Mary Kay Sigaty, Jennifer Terrasa, Calvin Ball

Legislative Day No: 9

Date: July 30, 2009

Amended Amendment No. 1

1 (This amendment would make various technical/stylistic changes to the bill).
2
3
4

5 On page 4, strike lines 4 through 9 in their entirety and substitute the following:

6 "(1) PROVIDE ITS RESPONSES TO THE SECTION 125.F.3.A.(6) CRITERIA; AND

7 (2) ADDRESS ITS COMMENTS IN TERMS OF ANY OTHER SPECIFIC APPROVAL CRITERIA THE
8 VILLAGE BOARD RECOMMENDS BE CONSIDERED BY THE ZONING BOARD IN ITS DECISION
9 ON THE MAJOR VILLAGE CENTER REDEVELOPMENT; AND"

10
11 On page 5, in lines 20 and 30 and on page 6, in lines 4, 6, 9, and 18, strike "MAJOR". On
12 page 6, in line 22, strike "DEVELOPMENT" and insert "VILLAGE CENTER REDEVELOPMENT".

13
14 On page 5, in line 26, after "VILLAGE", strike "CENTER".

15
16 On page 5, in line 28, before the semicolon, insert "AND SURROUNDING LOCAL
17 COMMUNITY".

18
19 On page 6, in line 22, strike "DEVELOPMENT" and substitute "VILLAGE CENTER
20 REDEVELOPMENT".

21
22 On page 7, in line 19, after "APPROVE", strike "THE".

23
24 On page 7, in line 21, after "APPROVE", strike "THE" and substitute "A".

25
26 On page 8, in line 7, after "AMENDMENT", strike "OF" and substitute "TO"

27
ACCEPTED

FAILED

SIGNATURE

Sept 1, 2009

Jennifer Terrasa

1 On page 9, in line 22, after "THE", strike "~~PRELIMINARY DEVELOPMENT PLAN~~" and
2 substitute "FINAL DEVELOPMENT PLAN AND/OR COMPREHENSIVE SKETCH PLAN".

3
4 ~~On page 9, strike lines 31 and 32, in their entirety, and substitute "PROPOSED BY THE~~
5 ~~PETITIONER; AND".~~

6
7 On page 10, strike lines 29 and 30, in their entirety, and substitute "WILL BE FORWARDED
8 TO THE PLANNING BOARD PRIOR TO ITS INITIAL MEETING OR HEARING ON THE CASE."

9

**Amendment 1 to Amendment 1
Council Bill No. 29 -2009**

BY: The Chair

**Legislative Day No: 10
Date: September 1, 2009**

Amendment No. 1 to Amendment No. 1

(This amendment makes technical corrections and provides consistency with Amendments 2 and 7.)

- 1 On page 1, line 6, strike "AND".
- 2
- 3 On the same page, in line 9, delete the period and substitute "AND".
- 4
- 5 On the same page, strike in their entirety lines 19 and 20.
- 6
- 7 On page 2, strike in their entirety lines 1 through 8.
- 8
- 9
- 10
- 11

ACCEPTED Sept 1, 2009
FAILED _____
SIGNATURE Stephanie Leland

15

Amendment to Council Bill 29-2009

BY: Mary Kay Sigaty, Jennifer Terrasa, Calvin Ball

Legislative Day No: 9

Date: July 30, 2009

Amendment No. 5

1 (This amendment would recognize a Village Center Community Plan and provide for a village
2 center concept planning workshop).

3

4 On page 1, in line 2, strike "170" and substitute "171".

5

6 On page 1, immediately following line 11, insert:

7 "168. VILLAGE CENTER COMMUNITY PLAN – AN ADVISORY PLAN WHICH HAS BEEN
8 DEVELOPED BY THE COMMUNITY AND ENDORSED BY THE VILLAGE BOARD."

9

10 Renumber the remainder of the section.

11

12 On page 3, immediately after line 4, insert the following:

13 "2. VILLAGE CENTER COMMUNITY PLANNING PROCESS

14

15 A. NOTICE OF INTENT TO DEVELOP - AT LEAST 60 DAYS PRIOR TO THE REQUIRED
16 INITIAL PRE-SUBMISSION MEETING, THE PETITIONER SHALL DELIVER TO THE
17 BOARD OF DIRECTORS OF THE COMMUNITY ASSOCIATION (THE "VILLAGE
18 BOARD") OF SAID VILLAGE CENTER AND THE DEPARTMENT OF PLANNING AND
19 ZONING A NOTICE OF INTENT TO DEVELOP.

20

21 B. VILLAGE CENTER COMMUNITY PLAN - WITHIN THE ENSUING 60 DAY PERIOD
22 FROM THE NOTICE OF INTENT TO DEVELOP, THE VILLAGE BOARD MAY CREATE
23 OR UPDATE A VILLAGE CENTER COMMUNITY PLAN, AS FOLLOWS :

24

25 (1.) A VILLAGE CENTER COMMUNITY PLAN MAY INCLUDE BUT IS NOT

26

LIMITED TO:

27

ADOPTED September 1, 2009

FAILED _____

SIGNATURE Stephen M. Henderson

- 1 A. THE BOUNDARIES OF THE VILLAGE CENTER ;
2 B. PLANNING AND DESIGN CONCEPTS;
3 C. MINIMA, MAXIMA, PRECISE VALUES, AND SPECIFIC
4 REQUIREMENTS CONCERNING, BUT NOT LIMITED TO,
5 VILLAGE CENTER AMENITY AREAS, BUILDING HEIGHTS,
6 BULK REQUIREMENTS, PARKING, DENSITY, AND PERMITTED
7 USES;
8 D. WHETHER THE VILLAGE BOARD HAS ARCHITECTURAL
9 REVIEW AS DESIGNATED IN THE VILLAGE COVENANTS; AND
10 E. IDENTIFICATION OF ANY HISTORICAL OR SIGNATURE
11 ASPECTS OF THE VILLAGE CENTER.

12
13 (2.) THE VILLAGE BOARD MAY REQUEST ASSISTANCE FROM HOWARD
14 COUNTY GOVERNMENT .

15
16 (3.) A VILLAGE CENTER COMMUNITY PLAN MAY BE SUBMITTED TO THE
17 DEPARTMENT OF PLANNING AND ZONING AND, IF SUBMITTED, IS
18 AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THE MARYLAND
19 PUBLIC INFORMATION ACT.

20
21 (C.) VILLAGE CENTER CONCEPT PLANNING WORKSHOP - AT LEAST ONE WEEK
22 AFTER THE NOTICE OF INTENT TO DEVELOP AND AT LEAST 30 DAYS BEFORE
23 THE FIRST PRE-SUBMISSION COMMUNITY MEETING, THE PETITIONER SHALL
24 INITIATE AND PARTICIPATE IN A VILLAGE CENTER CONCEPT PLANNING
25 WORKSHOP, AS FOLLOWS:

26
27 (1.) THE WORKSHOP WILL BE HELD IN ACCORDANCE WITH THE
28 PROCEDURAL AND NOTICE PROVISIONS OF HOWARD COUNTY
29 CODE SECTION 16.128; AND

30
31 (2.) THE PURPOSE OF THE VILLAGE CENTER CONCEPT PLANNING

1 WORKSHOP IS TO FACILITATE A COLLABORATIVE PLANNING
2 DISCUSSION WHICH MAY INCLUDE BUT NOT BE LIMITED TO THE
3 FOLLOWING:

4
5 A. VILLAGE CENTER BOUNDARIES;

6 B. ANY COMMUNITY REDEVELOPMENT VISIONS OR EXISTING
7 VILLAGE CENTER COMMUNITY PLANS;

8 C. PLANNING AND DESIGN CONCEPTS; AND

9 D. APPROPRIATE USES.

10
11 (D) THE RESULTS OF THE WORKSHOP SHOULD BE USED BY THE PETITIONER
12 TO CREATE THE CONCEPT PLAN AND BY THE VILLAGE BOARD TO
13 CREATE OR UPDATE ITS VILLAGE CENTER COMMUNITY PLAN.

14
15 (E) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO PRECLUDE A
16 VILLAGE BOARD FROM ADOPTING A VILLAGE CENTER COMMUNITY
17 PLAN PRIOR TO THE FILING OF A NOTICE OF INTENT TO DEVELOP.”.

18
19 Renumber the remainder of the section.

20
21 On page 5, in line 13, strike “AND”.

22
23 On page 5, immediately following line 14, insert the following:

24 “(6) COMMENT ON WHETHER THE PROPOSED REDEVELOPMENT IS IN HARMONY WITH THE
25 VILLAGE CENTER COMMUNITY PLAN; AND”.

26
27 Renumber the remainder of the section.

Amendment to Council Bill 29 - 2009

BY: Mary Kay Sigaty, Jennifer Terrasa, Calvin Ball

Legislative Day No:9

Date: July 30, 2009

Amended Amendment No. 2

(This amendment clarifies certain language relating to community response statements by adding additional elements to the statement and requiring DPZ to consider the statement.)

1 On page 4, in line 7 strike "AND".

2 On page 4, in line 9 strike "CRITERIA." and insert

3 "CRITERIA; AND

4 (3) PROVIDE A RESPONSE REGARDING:

5 (A) THE BOUNDARY OF THE VILLAGE CENTER PROPOSED BY THE

6 PETITIONER;

7 (B) PLANNING AND DESIGN CONCEPTS, INCLUDING BUT NOT LIMITED

8 TO HOW IT FITS INTO THE SURROUNDING AREA;

9 (C) WHETHER THE PETITION IS IN HARMONY WITH A VILLAGE

10 CENTER COMMUNITY PLAN, IF ONE EXISTS;

11 (D) MINIMA, MAXIMA, PRECISE VALUES, AND/OR SPECIFIC

12 REQUIREMENTS CONCERNING, BUT NOT LIMITED TO, VILLAGE

13 CENTER AMENITY AREAS, BUILDING HEIGHTS, BULK REQUIREMENTS,

14 PARKING, DENSITY, AND/OR PERMITTED USES; AND

15 (E) WHETHER THE VILLAGE BOARD HAS ARCHITECTURAL REVIEW AS

16 DESIGNATED IN THE VILLAGE COVENANTS."

17

18 On page 4, strike lines 11 through "NOTICE." on line 15, and insert "C. IF THE

19 COMMUNITY RESPONSE STATEMENT IS SUBMITTED TO THE DEPARTMENT OF PLANNING AND

20 ZONING WITHIN 45 DAYS AFTER THE DATE OF THE NOTICE, THE COMMUNITY RESPONSE

21 STATEMENT SHALL BE CONSIDERED BY THE DEPARTMENT AS THE TECHNICAL STAFF

22 REPORT IS BEING PREPARED."

ADOPTED September 4, 2009

FAILED _____

SIGNATURE C. J. [Signature]

Amendment 1 to Amendment 2
Council Bill No. 29 -2009

BY: The Chair

Legislative Day No. 10
Date: September 1, 2009

Amendment No. 1 to Amendment No. 2

(This amendment provides consistency with Amendment 1.)

1 On page 1, strike the entirety of line 1.
2
3
4
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8

APPROVED September, 2009
FILED _____
SIGNATURE Stephane Lalonde

Amendment to Council Bill 29-2009

BY: Mary Kay Sigaty, Jennifer Terrasa, Calvin Ball
Co-Sponsor: Courtney Watson

Legislative Day No: 9
Date: July 30, 2009

Amendment No. 3

1 (This amendment would make the following changes to the petition section of the bill:

- 2 1. require that the petition acknowledge any covenants of record;
3 2. add lighting and bicycle circulation to the petition information;
4 3. clarify in the petition information that the design guidelines also apply to the Village
5 Center;
6 4. clarify in the justification statement that the village center will continue to meet the
7 definition of a New Town village center;
8 5. clarify the criteria for the Zoning Board decision; and
9 6. require that copies of the approved plan be forwarded to the Village Board).

10
11
12
13 On page 4, immediately following line 31, insert:

14 "(3) A COPY OF ANY COVENANTS AND/OR DEED RESTRICTIONS OF RECORD."

15 Renumber the entire subsection accordingly.

16
17 On page 5, in line 6, strike "PEDESTRIAN" and substitute "PEDESTRIAN/BICYCLE", strike
18 "OPEN SPACE" and substitute "VILLAGE CENTER AMENITY AREA(S)" and after the last comma,
19 insert "EXTERIOR LIGHTING AND PUBLIC TRANSPORTATION OPPORTUNITIES".

20
21 On page 5, in line 13, after "REDEVELOPMENT", insert "AND VILLAGE CENTER".

22
23 On page 6, in line 19, strike the "AND", and in line 22, strike the period and substitute ";
24 AND". On the same page, immediately following line 23 insert the following:

25 "(I) THE VILLAGE CENTER WILL CONTINUE TO MEET THE DEFINITION OF A NEW TOWN
26 VILLAGE CENTER."

27
28 On page 7, in line 23, strike "OR" and substitute "AND". On the same page, in line 24

ADOPTED Sept. 1, 2009

FAILED

SIGNATURE Stephen G. Gendron

1 strike "CONCERNING AMENITY AREAS, BUILDING HEIGHT(S)," and insert "CONCERNING, BUT NOT
2 LIMITED TO, VILLAGE CENTER AMENITY AREAS, BUILDING HEIGHTS, BULK REQUIREMENTS."

3
4 On page 8, in line 5, after "ZONING", insert ", THE VILLAGE BOARD.". On the same line,
5 after the period, insert: "ALL PARTIES NOTIFIED PURSUANT TO SECTION 125.F.2, AND ANY OTHER
6 PROPERTY OWNER WITHIN THE BOUNDARIES DECIDED BY THE ZONING BOARD, SHALL BE PROVIDED
7 WITH NOTICE OF THE ZONING BOARD'S DECISION.".

8
9

Amendment to Council Bill 29-2009

BY: Mary Kay Sigaty, Jennifer Terrasa, Calvin Ball
Co-Sponsor: Courtney Watson

Legislative Day No: 9
Date: July 30, 2009

Amendment No. 4

1 (This amendment would add a definition for Village Center Amenity Areas to the Zoning
2 Regulations).

3
4
5
6 On page 1, in line 2, strike "170" and substitute "171".

7
8 On page 1, immediately following line 11, insert:

9 "168. VILLAGE CENTER, NEW TOWN AMENITY AREA – A USABLE OUTDOOR LANDSCAPED
10 AREA SUCH AS A PLAZA, COURTYARD, GARDEN OR SIMILAR AREA WHICH IS DESIGNED TO BE
11 OPEN TO THE PUBLIC AND EASILY ACCESSIBLE.".

12
13 Renumber the remainder of the section.

14
15
16
ADOPTED Sept 1 2009
FAILED _____
SIGNED Stephanie Ball

Amendment to Council Bill 29-2009

BY: Mary Kay Sigaty, Jennifer Terrasa, Calvin Ball
Co-Sponsor: Courtney Watson

Legislative Day No: 9
Date: July 6, 2009

Amendment No. 6

1 *(This amendment changes where the Design Advisory Panel takes part in the redevelopment*
2 *process and removes certain references to the Panel).*

3
4 On page 3, after line 28, insert "SUBSEQUENT TO THE FIRST PRE-SUBMISSION COMMUNITY
5 MEETING AND PRIOR TO FILING THE PETITION, THE PETITIONER SHALL PRESENT THE CONCEPT PLAN
6 AND PROPOSED DESIGN GUIDELINES TO THE DESIGN ADVISORY PANEL FOR EVALUATION IN
7 ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE COUNTY CODE.
8 THE DESIGN ADVISORY PANEL RECOMMENDATIONS SHALL BE FORWARDED TO THE PLANNING
9 BOARD AND THE ZONING BOARD FOR THEIR CONSIDERATION OF THE MAJOR VILLAGE CENTER
10 REDEVELOPMENT."

11
12 On page 8, in line 10 strike "HOWEVER," through the end of line 16.

13
14

ADOPTED Sept. 1, 2009
FAILED _____
SIGNATURE Steph... ..

Amendment to Council Bill 29-2009

BY: Mary Kay Sigaty, Jennifer Terrasa, Calvin Ball
Co-Sponsor: Courtney Watson

Legislative Day No: 9
Date: July 30, 2009

Amendment No. 8

1 (This amendment would require any proposed development at Village Centers to adhere to the
2 New Town land use chart found in Section 125.A.8 of the Zoning Regulations).
3
4
5

6 On page 2, in line 32, strike "AND".
7

8 On page 3, in line 3, strike the period and substitute ", AND".
9

10 On page 3, immediately following line 4, insert

11 "D. ANY MAJOR VILLAGE CENTER MIXED-USE REDEVELOPMENT SHALL BE
12 CONSIDERED TO BE A "COMMERCIAL" USE IN THE CHART CONTAINED IN SECTION
13 125A.8. OF THE REGULATIONS FOR PURPOSES OF CALCULATING COMPLIANCE WITH
14 THE CHART'S REQUIREMENTS AS TO THE MINIMUM AND MAXIMUM PERCENTAGE OF
15 "COMMERCIAL" IN THE TOTAL AREA OF THE NEW TOWN DISTRICT. THE VILLAGE
16 CENTER REDEVELOPMENT SHALL NOT RESULT IN A NET LOSS OF OPEN SPACE."
17
18

19 ADOPTED September 1, 2009
20 FAILED _____
21 SIGNATURE Stephane Labent

Amendment to Council Bill 29-2009

BY: Mary Kay Sigaty, Jennifer Terrasa, Calvin Ball

Legislative Day No: 9

Date: July 30, 2009

Amendment No. 9

1 *(This amendment would require that the petitioner address the redevelopment's compatibility*
2 *with the surrounding community in its justification statement).*
3
4
5

6 On page 6, in line 19, strike "AND". On the same page, in line 22, strike the
7 period, and substitute "AND".
8

9 On page 6, immediately following line 23, insert
10 "I. THE VILLAGE CENTER REDEVELOPMENT IS COMPATIBLE WITH THE SURROUNDING
11 COMMUNITY.".
12
13

14 ADOPTED September 1, 2009
15 FAILED _____
16 SIGNATURE Stephen W. Henderson

Amendment to Council Bill 29-2009

BY: Mary Kay Sigaty, Jennifer Terrasa, Calvin Ball

Legislative Day No: 9

Date: July 30, 2009

Amendment No. 10

1 (This amendment would require that all village boards be notified of a proposed Village Center
2 Redevelopment).

3
4
5

6 On page 3, in line 20, after "OF" strike "SAID" and insert "ALL". On the same line strike
7 "CENTER" and substitute "CENTERS".

8

ADOPTED Sept. 13, 2009
FAILED _____
SIGNATURE Step. Quast-Hawthorn

Amendment to Council Bill 29-2009

BY: Courtney Watson

Legislative Day No: 9

Date: July 30, 2009

Amendment No. 13

1 *(This amendment would require that the justification statement address preservation of*
2 *significant resources and features of the original village center).*
3
4
5

6 On page 6, in line 19, strike "AND". On the same page, in line 22, strike the
7 period, and substitute "AND".
8

9 On page 6, immediately following line 23, insert

10 "I. TO THE EXTENT FEASIBLE, THE VILLAGE CENTER REDEVELOPMENT PRESERVES ANY
11 SIGNIFICANT RESOURCES AND FEATURES OF THE ORIGINAL VILLAGE CENTER."

ADOPTED _____
FAILED Sept. 1, 2009
SIGNATURE Stephanus Gay

Amendment to Council Bill 29-2009

BY: Courtney Watson

Legislative Day No: 9
Date: July 30, 2009

Amended Amendment No. 14

1 *(This amendment would specify in the Village Center definition that residential uses are*
2 *secondary in a village center).*
3
4
5

6 On page 1, strike lines 32 and 33, and substitute:

7 "D. IF APPROPRIATE, SECONDARY RESIDENTIAL USES TO SUPPORT AND ENHANCE RESIDENTIAL
8 USES, TO THE EXTENT APPROPRIATE TO SUPPORT AND ENHANCE, BUT NOT OVERWHELM,
9 OTHER USES IN THE VILLAGE CENTER."
10

11 ADOPTED Sept. 13 2009
12 FAILED _____
13 SIGNATURE Stephanie Anderson
14
15
16

**Amendment 1 to Amendment 14
Council Bill No. 29 -2009**

BY: Mary Kay Sigaty

**Legislative Day No: 10
Date: September 1, 2009**

Amendment No. 1 to Amendment No. 14

(This amendment would specify in the Village Center definition that residential uses may not overwhelm the other enumerated uses in the definition.)

1 On page 1, in line 7, strike "IF APPROPRIATE, SECONDARY RESIDENTIAL USES TO SUPPORT AND
2 ENHANCE" and substitute "RESIDENTIAL USES, TO THE EXTENT APPROPRIATE TO SUPPORT AND
3 ENHANCE, BUT NOT OVERWHELM".
4
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7

8 ADOPTED Sept. 1, 2009
9 FAILED _____
10 SIGNATURE Greg L. White

Amendment to Council Bill 29-2009

BY: Courtney Watson
Co-Sponsor : Jennifer Terrasa, Calvin Ball

Legislative Day No: 9
Date: July 30, 2009

Amendment No. 15

1 (This amendment would require an evaluation of the bill within one year of issuance of use and
2 occupancy permits for the first plans approved under its provisions).
3
4
5

6 On page 11, after line 13, insert:
7

8 "Section 3. And be It Further Enacted by the County Council of Howard County, Maryland,
9 that the Department of Planning and Zoning shall evaluate and report to the County Council on
10 the Village Center Redevelopment, Major and Village Center Redevelopment. Minor subsections
11 of the NT (New Town) District Section within one year of issuance of use and occupancy permits
12 for the first plans approved under these subsections."
13

14 On the same page, in line 15, strike "3" and substitute "4".
15
16

17 ADOPTED Sept. 1, 2009
18 FAILED _____
19 BY: [Signature]

Amendment to Council Bill 29-2009

BY: Mary Kay Sigaty, Jennifer Terrasa, Calvin Ball

Legislative Day No: 9

Date: July 30, 2009

Amendment No. 16

(This amendment clarifies that the project justification statement for a major village center redevelopment must demonstrate how the project meets the applicable criteria.)

1 On page 5, in line 18, delete "ADDRESS" and insert "DEMONSTRATE HOW THE VILLAGE
2 CENTER REDEVELOPMENT MEETS".

3

4

ADOPTED Sept 1, 2009
FAILED _____
SIGNATURE [Signature]



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.us
FAX 410-313-3467
TDD 410-313-2323

October 1, 2008

TECHNICAL STAFF REPORT

*Petition Accepted on August 29, 2008
Planning Board Meeting of October 30, 2008
County Council Hearing to be scheduled*

Case No./Petitioner: ZRA-102 – Wilde Lake Business Trust

Request: Zoning Regulation Amendment to amend Section 125 NT (New Town) District by establishing a new Section 125.F. entitled “Village Center Redevelopment” that would include provisions for; allowing any property owner of any portion of a Village Center to petition to amend the approved New Town Preliminary Development Plan (the “NT PDP”), a Comprehensive Sketch Plan, a Final Development Plan, and a Site Development Plan (collectively, the “NT Plans”) for the owner’s property; allowing the owner to propose to amend the NT Plans to permit any use or density; establishing the public notice, information, and justification requirements for a petition to amend the NT PDP; establishing basic guides and standards to be used by the Zoning Board in its evaluation of the petition to amend the NT PDP; and to establish the approval procedure for the subsequent NT Plans other than the NT PDP.

Department of Planning and Zoning Recommendation: APPROVAL, WITH REVISIONS

I. DESCRIPTION OF PROPOSAL

The Petitioner proposes one substantial amendment to the Zoning Regulations requesting a new process to facilitate the redevelopment of Village Center properties in the NT District, by giving the owner(s) of Village Center properties the ability to submit and obtain approval for self-initiated plan amendments and development plans. The major elements of the amendment are generally described as follows:

1. Under the NT District regulations since the original approvals in the 1960s, only the petitioner that applied for the creation of the NT District, the “Original Petitioner”, has had the legal authority to submit amendments to the NT PDP and to the subsequent development-related plans (Comprehensive Sketch Plans, Final Development Plans and Site Development Plans). The amendment proposes to give any owner of property in a Village Center (“Village Center Owner”) the authority to amend the NT PDP and the other NT Plans, without any involvement by the Original Petitioner.
2. The amendment more specifically intends to grant a Village Center Owner the ability to propose amendments to the various NT Plans that could permit any land use or residential density, even if the previously approved NT Plans do not permit such land uses or residential density.

I. DESCRIPTION OF PROPOSAL

3. The amendment would require that a Village Center Owner must hold a Pre-submission Community Meeting in compliance with the County Code requirements, and in addition to the written notice requirements contained therein, written notice must also be sent to all property owners of record of all properties within the subject Village Center, and to the Village Board for the property.
4. The amendment specifies the information and application materials a Village Center Owner must submit to the Zoning Board for a proposal to amend the NT PDP to allow a Village Center Redevelopment, including;
 - The same information that is currently required in the NT District regulations for an application to create an NT District.
 - A metes and bounds description (i.e., property line description) of the Village Center Owner's property.
 - A description of the boundaries of the entire subject Village Center.
 - A detailed explanation of the nature of the Village Center, giving the names of all property owners, describing the buildings, uses, and the function and role of the Village Center, both currently and as envisioned by the redevelopment proposal.
 - A Redevelopment Concept Plan that provides information on the proposed general site design, buildings, uses, floor areas, parking, traffic, open space, signs, landscaping, typography [sic], drainage, and natural features.
 - The proposed design guidelines for the redevelopment.
 - A justification statement for the redevelopment proposal.
5. The amendment stipulates that the Zoning Board evaluation of the redevelopment proposal, and its findings and conclusions on the request, would be based on the issues given in the current guides and standards for the creation of NT Districts, and also on a consideration of the "...proper role and function..." of the subject Village Center.
6. The Zoning Board Decision and Order on such a Village Center Redevelopment petition would have to make final determinations on the accepted Village Center boundaries, design guidelines, and Redevelopment Concept Plan, all of which are subject to modification by the Zoning Board. The amendment requires that all later approvals and decisions, presumed to mean the subsequent evaluations of the other NT Plans necessary to achieve the redevelopment, "...are bound by and must be consistent with..." the Zoning Board Decision and Order.

I. DESCRIPTION OF PROPOSAL

7. The evaluation and approval processes for the NT Plans other than the NT PDP would be required to follow the current procedures in the NT District Regulations for Comprehensive Sketch Plans, Final Development Plans and Site Development Plans.

The subsections proposed to be amended and the amendment text is attached as Exhibit A – Petitioner’s Proposed Text (CAPITALS indicates text to be added; there is no text to be deleted).

II. EXISTING REGULATIONS

The NT District regulations were originally approved on May 27, 1965 as Zoning Board Case No. 398. Over the years since that time there have been amendments to the original text, but the basic structure of the regulations, particularly regarding the approval and amendment of the various NT Plans, has remained largely the same. The premise of the proposed amendments to grant any Village Center Owner the ability to seek approval of a redevelopment plan, without the authorization or involvement of the Original Petitioner, is an entirely new concept.

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendment

As proposed by the Petitioner, the amendment would only apply to those properties that are zoned NT and are located within an area designated as a Village Center. This is, however, a significant issue in the amendment because at least initially, there is no explicit definition of what is, and what is not, land within a “Village Center”.

The NT PDP depicts the Village Centers in a very generalized way in terms of approximate location. The other NT Plans, such as Final Development Plans which may label some land use areas as Village Center Commercial, or Site Development Plans which can have a similar notation, are more specific.

However, there can be land located within the area that is commonly thought to be the Village Center that might have no direct Village Center designation, such as areas of Open Space. The Petitioner’s proposal is for the boundaries of the Village Center to be officially defined as part of the Zoning Board approval process; the Petitioner would submit its definition of the Village Center boundaries, that could be debated during the evaluation, and ultimately the Zoning Board would declare the extent of the Village Center boundaries in its final decision on the matter.

Of course, the amendments only directly apply to the property owned by the Village Center Owner(s) submitting the request for the redevelopment. Just because the boundaries of the Village Center would be officially defined by the proposed process, there is nothing that would compel any owner of property within those boundaries to be included in the redevelopment.

IV. EVALUATIONS AND CONCLUSIONS

- # **The underlying premise of the proposed amendment to give any Village Center Owner the ability to self-initiate a plan for the redevelopment of the owner's property has merit from the basic standpoint that it would give the Village Center Owner a right of ownership that is common to almost all other property owners in other zoning districts; the right to attempt to utilize the property for whatever purpose the owner believes to be the best use of the land, within the limits of the regulations.**

From this standpoint, it is important to note that just because the proposed amendment would give a Village Center Owner the ability to attempt a redevelopment, such an attempt could fail and be denied, or be revised to an extent that is contrary to the owner's intentions. The amendment would allow the potential for change; it does not mandate change. Decision making authority is vested in the Zoning Board, as it is for all other zoning districts.

- # **Importantly, the amendment is not itself a proposal to redevelop any particular Village Center in any way. It only sets the foundation of a procedure to seek approval for a specific redevelopment proposal, if the amendment is approved.**

- # **Even if the amendment does only allow the possibility for a development, and is not a request for a definite development, the Petitioner's proposal for a totally open-ended option to "...allow any use or density" needs to be examined carefully.**

It is understandable that the Petitioner would want the greatest degree of flexibility in devising a redevelopment concept plan, but it must be noted that such a provision would be unprecedented, because every current development process in every zoning district includes some types of limitations on both permitted land uses and on maximum residential densities that have real foundations in the Zoning Regulations.

The Petitioner may believe that the final approval authority of the Zoning Board would be sufficient to serve as the ultimate "checks and balances" for any land use or residential density proposals, but the Zoning Board may prefer to have some understandable limits to uses and density.

- # **Concerning the issue of limitations on the types of uses that could be proposed by a Village Center Owner in a redevelopment proposal, it should be noted that the Petitioner's proposal to "...allow any use...even if that use...is not otherwise allowed by the New Town District" contradicts one longstanding provision in Section 125.A.5.a. of the NT District that "No uses permitted only in the R-MH or M-2 Districts under these regulations may be permitted in an NT District".**

It is of course highly unlikely that such uses would be proposed for a Village Center Redevelopment, much less actually being approved as acceptable, but the amendment should be subject to the Section 125.A.5.a. restriction nonetheless.

IV. EVALUATIONS AND CONCLUSIONS

- # **Another important consideration of such an open-ended provision is that it could lead to the introduction of uses that are not currently permitted or even addressed in any part of the Zoning Regulations.**

The positive aspect of this is the opportunity for new or different innovative uses to be examined. However, unsuitable uses could perhaps be proposed as well. The Petitioner appears to be confident that the oversight of the Zoning Board will be sufficient to prevent unsuitable uses, but the true concern is that the "any use" authority could be used as a basis for appeal when such uses are denied, because the amendment includes only very generalized approval criteria.

- # **On the issue of the amendment allowing a Village Center Owner to propose any density, it has long been established and practiced in the NT District that individual developments have flexibility in residential density. The reason for this of course is that the residential density in the entire NT District has always been ultimately controlled by the maximum total residential density factor in Section 125.A.4., and by the total residential density factor approved for the NT PDP.**

Section 125.A.4. sets the maximum residential density for the NT District at 2.5 dwelling units per acre, based upon the gross acreage of the entire district, regardless of how land is designated on a land use basis.

The original 1965 NT PDP set the permitted maximum residential density at 2.2 dwelling units per acre. The most current amendment to the NT PDP in this regard set the maximum density to 2.3643 dwelling units per acre in ZB 1031M, although there are limitations on the use of the additional density approved by that case.

- # **In permitting a proposal for any density by saying "...even if that...density is not otherwise allowed by the New Town District...", the amendment would technically override the Section 125.A.4. cap that has always been in place. Even if the Zoning Board is given complete control in determining the appropriate residential density for a redevelopment proposal that includes residential uses, it is prudent that such redevelopments still be bound by Section 125.A.4.**

It might be better to consider whether the Section 125.A.4. density cap concept needs to be adjusted to allow for the redevelopments to occur in Columbia, than to essentially exempt such a redevelopment proposal from that requirement.

However, at this time, it appears that the Section 125.A.4. cap does not need to be adjusted at all. Based upon the current 14,272 acre area of the NT District, and the most current accounting of 33,293 total existing dwelling units in the NT District, the maximum 2.5 dwelling units per acre in Section 125.A.4. means that there is still the purely mathematical possibility for 2,387 more dwelling units. (A useful fact to remember for Section 125.A.4. is that every 0.01 change in the permitted density equals 141 dwelling units.)

IV. EVALUATIONS AND CONCLUSIONS

- # **The principal portion of the amendment concerns amending the NT PDP, and this would be the equivalent of a “development plan” approval by the Zoning Board. In the County Code, there are already detailed procedural requirements and related provisions for Zoning Board cases involving development plan approvals in Section 16.204 through Section 16.207.**

So the proposed new Section 125.F.2 requirement for a Pre-submission Community Meeting is somewhat redundant because such a requirement is already in Section 16.205 of the County Code, although the proposed Section 125.F.2. does have additional written notice requirements to all property owners in a Village Center, and to the pertinent Village Board.

Due to the potential complexity of a Village Center redevelopment proposal and the likely level of interest, it may be beneficial to require more than one Pre-submission Community Meeting. This could give more of an opportunity for the Village Center Owner to resolve some issues before officially submitting a petition, and it would allow for more flexibility for persons who have an interest in attending such a meeting but are not able to attend on one date. The meetings also should be scheduled so that there is sufficient time between the meetings for a Petitioner to be able to address any comments or recommendations that may be made at the initial meeting.

- # **Although the requirements for Pre-submission Community Meetings will enable some interaction between the community and the Petitioner prior to a Village Center Redevelopment proposal, once such a proposal is officially submitted to the Department of Planning and Zoning, the Department believes it is important that the community be given an immediate opportunity to express to the Department any comments it may have on the proposal, before the formal evaluation of the proposal is started by the Department.**

It is recommended that a requirement be added in which upon its receipt of a petition for a Village Center Redevelopment, the Department of Planning and Zoning must send a request for a Community Response Statement to the Village Board of the village in which the Village Center is located. Such a request would suggest a date for the submittal of the Community Response Statement, but there would not be any deadline nor any actual requirement for the Village Board to respond to the request at all.

- # **In Section 125.F.3.a.(1) of the proposed amendment, it requires a petition to amend the NT PDP to include all information specified in Section 125.B.1.a., b. and c. and Section 125.B.2. of the NT District. Section 125.B.1.b. already requires a metes and bounds description of the subject property, so the text in the proposed Section 125.F.3.a(2) is unnecessary.**

IV. EVALUATIONS AND CONCLUSIONS

- # **The basic informational requirements for the Redevelopment Concept Plan given in the proposed Section 125.F.3.a.(5) are important factors to consider, but what must be carefully examined is whether the level of detail required by that section is really adequate for such an important evaluation.**

Section 100.G.2.a. of the Zoning Regulations specifies the plan information requirements that are necessary for petitions to the Zoning Board to rezone properties under 50 acres, for which the petitioner in that case is proposing site plan documentation. The amount of plan information required in Section 100.G.2.a. is considerably greater than what would be required by the proposed Section 125.F.3.a.(5).

If there are already detailed development plan requirements in Section 100.G.2.a. which were determined to be necessary to fully evaluate zoning cases for properties under 50 acres, and because any Village Center Redevelopment proposal would be well under 50 acres, it appears logical that a Village Center redevelopment proposal should be held to similar standards. Any redevelopment of a Village Center must be made to fit within the existing context of Columbia as a planned community, so it is best to have as many details as possible.

- # **The requirement for a justification statement in the proposed Section 125.F.3.a.(7) is a worthy requirement, but having only one generalized criteria saying that the statement should express "...the impacts of the proposed Village Center Redevelopment on the nature and purpose of the Village Center" is inadequate, because the "nature and purpose" of a Village Center is not specified in the regulations, and instead appears to be variable based upon how that nature and purpose is characterized by the Village Center Owner.**

A justification statement that is based upon a characterization provided by the applicant would have questionable usefulness. It would be more beneficial if there are established criteria, or redevelopment standards, that give some standards for what are considered to be the nature and purposes of a Village Center, and to have the justification statement and the evaluation of the petition based on these redevelopment standards.

- # **On a related matter, the Zoning Board criteria for evaluating a request for an amendment to the NT PDP for a Village Center Redevelopment, as proposed in Section 125.F.3.b., are the "guides and standards set forth in...Section 125.B.3." and also the consideration of "...the proper role and function of the particular Village Center".**

The Section 125.B.3. guides and standards were designed and intended for the evaluation of an entire Preliminary Development Plan of many thousands of acres, and as such, are somewhat general in nature and are mostly focused on issues related to how the plan for those many thousands of acres fits into the County and into the overall region. These guides and standards are less useful in considering the issue of how a proposed Village Center redevelopment of relatively few acres fits into the Village Center neighborhood and into Columbia.

IV. EVALUATIONS AND CONCLUSIONS

Similarly to the comments noted above on the justification statement issue, an evaluation criteria that involves a finding on the concept of the “proper role and function” of a Village Center is also generalized, with less details than the likely complex issues of a significant redevelopment might suggest.

- # **The issue of determining what is the role and function of a Village Center becomes difficult if there is not at least a baseline zoning definition of what the term “Village Center” fundamentally is meant to be. For this purpose, the Department recommends the addition of an amendment to Section 103 to include such a definition.**

In devising this definition, the Department directly referred to the explanation of the Village Center concept as given in “Columbia – A New City” by The Rouse Company in 1966, and made sure to include some of the same elements of that important explanation.

- # **In addition to the Zoning Board evaluation of the redevelopment standards for a Village Center Redevelopment and making findings on those somewhat generalized concepts, the Department of Planning and Zoning recommends that the Zoning Board also be required to include more precise conclusions in its Decision on several very crucial design-related issues which must be employed as required criteria in all subsequent Planning Board evaluations of plans for the redevelopment.**

The issues of maximum residential density if residences are proposed, building height(s), provided parking, amenity areas, and permitted uses are significant for such a redevelopment proposal, so these issues must be decided at the initial approval of the amendment to the NT PDP, and must be mirrored in all the following plan evaluations before the redevelopment can begin.

- # **Another idea related to better ensuring an appropriate, harmonious design for a Village Center Redevelopment as a major “infill” development is to involve the Design Advisory Panel(DAP) in the evaluation process after the redevelopment proposal progresses beyond the initial Concept Plan stage into the likely more detailed development plan stages of the Planning Board.**

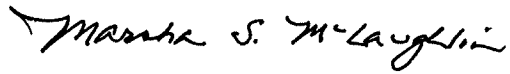
It is recommended that the DAP review take place in the review of a plan with details equivalent to a Sketch Plan, with the DAP making its recommendations to the Planning Board prior to its review of the Comprehensive Sketch Plan. To establish the authority for and details of such a process will require an amendment to Section 16.1500 of the County Code concerning the Design Advisory Panel, but it is recommended that a revision to the proposed amendment include such a requirement now, so that the zoning requirement is already in place prior to amending Section 16.1500.

- # **Based on the comments noted above, the Department of Planning and Zoning recommends several revisions to the Petitioner’s proposed text. The recommended text is attached as Exhibit B– DPZ Proposed Revisions (UNDERLINED CAPITALS indicates text to be added, deleted text is in [[double brackets]]. This text includes several minor changes not noted above that are self-explanatory.**

V. RECOMMENDATION

APPROVAL, WITH REVISIONS

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-102 be APPROVED, with consideration of the recommended revisions in Exhibit B.



Marsha S. McLaughlin, Director

10/16/08

Date

MM/JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

Exhibit A – Petitioner’s Proposed Text

F. VILLAGE CENTER REDEVELOPMENT

1. ANY PROPERTY OWNER OF ANY PORTION OF A VILLAGE CENTER, AS DEFINED BELOW, MAY PETITION TO AMEND AN APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN AND/OR SITE DEVELOPMENT PLAN IN ACCORDANCE WITH THIS SECTION, FOR THAT PORTION OF LAND WHICH THEY OWN. THE OWNER (“PETITIONER”) MAY PROPOSE AMENDMENTS TO THE APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN AND SITE DEVELOPMENT PLAN TO ALLOW ANY USE OR DENSITY, EVEN IF THAT USE OR DENSITY IS NOT OTHERWISE ALLOWED BY THE NEW TOWN DISTRICT OR THE PREVIOUSLY APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN OR SITE DEVELOPMENT PLAN.

2. PRIOR TO PETITIONING TO AMEND THE PRELIMINARY DEVELOPMENT PLAN, THE PETITIONER IS REQUIRED TO HOLD A PRE-SUBMISSION COMMUNITY MEETING IN ACCORDANCE WITH HOWARD COUNTY CODE SECTION 16.128. IN ADDITION TO THE WRITTEN NOTICE REQUIREMENTS OF HOWARD CODE SECTION 16.128 (c), THE PETITIONER SHALL ALSO NOTIFY IN WRITING ALL PROPERTY OWNERS IDENTIFIED IN THE RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION WHO ARE WITHIN THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER AS IDENTIFIED IN THE PETITION, AND THE VILLAGE BOARD OF SAID VILLAGE CENTER BY FIRST CLASS MAIL.

3.

a. THE PETITION FOR AMENDMENT OF THE PRELIMINARY DEVELOPMENT PLAN SHALL BE TO THE ZONING BOARD AND SHALL CONTAIN THE FOLLOWING INFORMATION:

(1) THE INFORMATION SET FORTH IN HOWARD COUNTY ZONING REGULATIONS SECTIONS 125.B.1.a, b and c AND 125.B.2.

(2) A METES AND BOUNDS DESCRIPTION OF THE PETITIONER’S LAND WHICH IS THE SUBJECT OF THE PETITION.

(3) A SPECIFIC DESCRIPTION OF THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER WHICH IS THE SUBJECT MATTER OF THE PETITION.

(4) A DESCRIPTION OF THE VILLAGE CENTER INCLUDING, THE NAMES OF ALL PROPERTY OWNERS WITHIN THE VILLAGE CENTER, THE BUILDINGS AND USES WITHIN THE VILLAGE CENTER, THE CURRENT AND PROPOSED FUNCTION AND ROLE OF THE VILLAGE CENTER.

(5) A CONCEPT PLAN THAT SETS FORTH AN INFORMATIVE, CONCEPTUAL AND SCHEMATIC REPRESENTATION OF THE PROPOSED REDEVELOPMENT

IN A SIMPLE, CLEAR AND LEGIBLE MANNER THAT INDICATES THE GENERAL SITE LAYOUT, PROPOSED BUILDING TYPES AND USES, PROPOSED NUMBER OF UNITS, SQUARE FOOTAGE FOR NON-RESIDENTIAL PROJECTS, PARKING AND TRAFFIC, PROPOSED OPEN SPACE, GENERAL LOCATION AND SIZE OF SIGNAGE, LANDSCAPE CONCEPT, ANY SIGNIFICANT CHANGES TO TYPOGRAPHY AND SURFACE DRAINAGE, AND THE GENERAL LOCATION OF NATURAL FEATURES.

(6) PROPOSED DESIGN GUIDELINES WHICH WILL BE IMPOSED UPON THE VILLAGE CENTER REDEVELOPMENT.

(7) A JUSTIFICATION STATEMENT WHICH IDENTIFIES THE IMPACTS OF THE PROPOSED VILLAGE CENTER REDEVELOPMENT ON THE NATURE AND PURPOSE OF THE VILLAGE CENTER.

b. THE ZONING BOARD, IN ADDITION TO THE GUIDES AND STANDARDS SET FORTH IN HOWARD COUNTY ZONING REGULATIONS SECTION 125.B.3, SHALL ALSO CONSIDER THE PROPER ROLE AND FUNCTION OF THE PARTICULAR VILLAGE CENTER IN THE NT DISTRICT. 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. THE DECISION AND ORDER OF THE ZONING BOARD SHALL DETERMINE THE PROPER BOUNDARIES OF THE VILLAGE CENTER, APPROVE DESIGN GUIDELINES FOR THE VILLAGE CENTER AND APPROVE THE CONCEPT PLAN. THE ZONING BOARD MAY MAKE ANY MODIFICATIONS TO THE PROPOSED BOUNDARIES OF THE VILLAGE CENTER, THE PROPOSED DESIGN GUIDELINES AND THE PROPOSED CONCEPT PLAN WHICH IT DEEMS, WITHIN THE STANDARDS AND GUIDELINES OF THIS SECTION, TO BE APPROPRIATE. ALL LATER APPROVALS AND DECISIONS ARE BOUND BY AND MUST BE CONSISTENT WITH THE DECISION AND ORDER OF THE ZONING BOARD.

c. IF THE PETITION IS GRANTED, THE ZONING BOARD SHALL BY DECISION AND ORDER APPROVE THE PRELIMINARY DEVELOPMENT PLAN, THE VILLAGE CENTER BOUNDARIES, THE DESIGN GUIDELINES AND CONCEPT PLAN AND A COPY OF SAID DOCUMENTS SHALL BE CERTIFIED AS APPROVED BY THE ZONING BOARD AND A VERIFIED COPY OF THE SAME SHALL BE FORWARDED TO THE DEPARTMENT OF PLANNING AND ZONING AND THE PETITIONER.

4. IF THE AMENDMENT OF THE PRELIMINARY DEVELOPMENT PLAN IS APPROVED BY THE ZONING BOARD, THEN THE PETITIONER SHALL PROCEED WITH THE AMENDMENTS TO THE COMPREHENSIVE SKETCH PLAN AND FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.C.

5. IF THE COMPREHENSIVE SKETCH PLAN AND FINAL DEVELOPMENT PLAN ARE APPROVED IN ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.F.5, THEN THE SITE DEVELOPMENT PLAN SHALL BE REVIEWED AND APPROVED IN ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.E.

Exhibit B – DPZ Proposed Revisions

Add new Section 103.A.168:

168. NEW TOWN VILLAGE CENTER – A MIXED-USE DEVELOPMENT IN THE NEW TOWN DISTRICT WHICH IS IN A LOCATION DESIGNATED ON THE NEW TOWN PRELIMINARY DEVELOPMENT PLAN AS A “VILLAGE CENTER”, WHICH IS DESIGNED TO SERVE AS A COMMUNITY FOCAL POINT AND GATHERING PLACE FOR THE SURROUNDING VILLAGE NEIGHBORHOODS BY INCLUDING THE FOLLOWING ITEMS:

A. AN OUTDOOR, PUBLIC, VILLAGE GREEN, PLAZA OR SQUARE, WHICH HAS BOTH HARDCAPE AND SOFTSCAPE ELEMENTS. THIS PUBLIC SPACE SHALL BE DESIGNED TO FUNCTION AS AN ACCESSIBLE, PRIMARILY PEDESTRIAN-ORIENTED PROMENADE CONNECTING THE VARIOUS VILLAGE CENTER BUILDINGS AND SHALL INCLUDE PUBLIC SEATING FEATURES.

B. STORES, SHOPS, OFFICES OR OTHER COMMERCIAL USES WHICH PROVIDE OPPORTUNITIES TO FULFILL THE DAY-TO-DAY NEEDS OF THE VILLAGE RESIDENTS, SUCH AS FOOD STORES, SPECIALTY STORES, SERVICE AGENCIES, FINANCIAL INSTITUTIONS, PERSONAL SERVICES, MEDICAL SERVICES, AND RESTAURANTS.

C. SPACE FOR COMMUNITY USES AND/OR INSTITUTIONAL USES.

D. RESIDENTIAL USES, IF APPROPRIATE TO SUPPORT AND ENHANCE OTHER USES IN THE VILLAGE CENTER.

F. VILLAGE CENTER REDEVELOPMENT

1. ANY PROPERTY OWNER OF ANY PORTION OF A VILLAGE CENTER, AS DEFINED BELOW, MAY PETITION TO AMEND AN APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN AND/OR SITE DEVELOPMENT PLAN IN ACCORDANCE WITH THIS SECTION, FOR THAT PORTION OF LAND WHICH THEY OWN. THE OWNER (“PETITIONER”) MAY PROPOSE AMENDMENTS TO THE APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN AND SITE DEVELOPMENT PLAN TO ALLOW ANY USE OR DENSITY, EVEN IF THAT USE OR DENSITY IS NOT OTHERWISE ALLOWED BY THE NEW TOWN DISTRICT OR THE PREVIOUSLY APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN OR SITE DEVELOPMENT PLAN, **SUBJECT TO THE FOLLOWING LIMITATIONS:**

A. THE AMENDMENT SHALL COMPLY WITH SECTION 125.A.5.A. CONCERNING M-2 AND R-MH USES.

B. USES NOT CURRENTLY PERMITTED BY THE ZONING REGULATIONS ARE PROHIBITED.

C. THE AMENDMENT SHALL COMPLY WITH SECTION 125.A.4. CONCERNING THE MAXIMUM RESIDENTIAL DENSITY IN THE NT DISTRICT.

2. PRE-SUBMISSION COMMUNITY MEETING AND REQUESTS FOR COMMUNITY RESPONSE STATEMENTS

A. [[PRIOR TO PETITIONING TO AMEND THE PRELIMINARY DEVELOPMENT PLAN, THE PETITIONER IS REQUIRED TO HOLD A PRE-SUBMISSION COMMUNITY MEETING IN ACCORDANCE WITH HOWARD COUNTY CODE SECTION 16.128.]] THE PETITION SHALL COMPLY WITH THE REQUIREMENTS AND PROVISIONS OF SECTIONS 16.204 THROUGH 16.207 OF THE COUNTY CODE AS THEY RELATE TO ZONING BOARD APPROVAL OF DEVELOPMENT PLANS. IN ADDITION TO THE WRITTEN NOTICE REQUIREMENTS [[OF HOWARD CODE SECTION 16.128 (c)]] IN SECTION 16.205, THE PETITIONER SHALL ALSO NOTIFY IN WRITING ALL PROPERTY OWNERS IDENTIFIED IN THE RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION WHO ARE WITHIN THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER AS IDENTIFIED IN THE PETITION, AND THE VILLAGE BOARD OF SAID VILLAGE CENTER BY FIRST CLASS MAIL. ALTHOUGH SECTION 16.205 ORDINARILY REQUIRES ONLY ONE PRE-SUBMISSION COMMUNITY MEETING, A PETITIONER FOR A VILLAGE CENTER REDEVELOPMENT PROPOSAL IS REQUIRED TO HOLD A MINIMUM OF TWO SUCH MEETINGS, THE SECOND OF WHICH SHALL BE HELD AT LEAST 30 DAYS AFTER THE INITIAL MEETING, ALLOWING THE PETITIONER TO ADDRESS ANY CONCERNS OR SUGGESTIONS EXPRESSED AT THE INITIAL MEETING.

B. WITHIN TWO DAYS AFTER ITS ACCEPTANCE OF A PETITION FOR A VILLAGE CENTER REDEVELOPMENT, THE DEPARTMENT OF PLANNING AND ZONING SHALL SEND A NOTICE TO THE VILLAGE BOARD OF THE VILLAGE IN WHICH THE VILLAGE CENTER PETITIONING FOR REDEVELOPMENT IS LOCATED. THE NOTICE SHALL REQUEST THAT THE VILLAGE BOARD SUBMIT A COMMUNITY RESPONSE STATEMENT OUTLINING ITS COMMENTS ON THE REDEVELOPMENT PROPOSAL. A SUBMITTED COMMUNITY RESPONSE STATEMENT BECOMES PART OF THE PUBLIC RECORD FOR THE VILLAGE CENTER REDEVELOPMENT CASE, AND WILL BE FORWARDED TO THE PLANNING BOARD PRIOR TO ITS INITIAL MEETING ON THE ZONING BOARD CASE.

3. **PETITION INFORMATION**

a. THE PETITION FOR AMENDMENT OF THE PRELIMINARY DEVELOPMENT PLAN SHALL BE TO THE ZONING BOARD AND SHALL CONTAIN THE FOLLOWING INFORMATION:

(1) THE INFORMATION SET FORTH IN HOWARD COUNTY ZONING REGULATIONS SECTIONS 125.B.1.a, b and c AND 125.B.2.

[[2) A METES AND BOUNDS DESCRIPTION OF THE PETITIONER'S LAND WHICH IS THE SUBJECT OF THE PETITION.]]

[[3)2) A SPECIFIC DESCRIPTION OF THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER WHICH IS THE SUBJECT MATTER OF THE PETITION.

[[4)3) A DESCRIPTION OF THE VILLAGE CENTER INCLUDING, THE NAMES OF ALL PROPERTY OWNERS WITHIN THE VILLAGE CENTER, THE BUILDINGS AND USES WITHIN THE VILLAGE CENTER, THE CURRENT AND PROPOSED FUNCTION [[AND ROLE]] OF THE VILLAGE CENTER.

[[5)4) A CONCEPT PLAN THAT SETS FORTH AN INFORMATIVE, CONCEPTUAL AND SCHEMATIC REPRESENTATION OF THE PROPOSED REDEVELOPMENT IN A SIMPLE, CLEAR AND LEGIBLE MANNER THAT [[INDICATES]] **PROVIDES INFORMATION INCLUDING, BUT NOT LIMITED TO** THE GENERAL SITE LAYOUT, PROPOSED BUILDING TYPES AND USES, PROPOSED NUMBER OF **DWELLING UNITS**, SQUARE FOOTAGE FOR NON-RESIDENTIAL PROJECTS, PARKING AND TRAFFIC, PROPOSED OPEN SPACE, GENERAL LOCATION AND SIZE OF SIGNAGE, LANDSCAPE CONCEPT, ANY SIGNIFICANT CHANGES TO [[TYPOGRAPHY]] **TOPOGRAPHY** AND SURFACE DRAINAGE, AND THE GENERAL LOCATION OF NATURAL FEATURES. **IN ADDITION, THE CONCEPT PLAN SHALL ALSO COMPLY WITH THE PLAN INFORMATION REQUIREMENTS SPECIFIED IN SECTION 100.G.2.A OF THE ZONING REGULATIONS.**

[[6)5) PROPOSED DESIGN GUIDELINES WHICH WILL BE IMPOSED UPON THE VILLAGE CENTER REDEVELOPMENT.

[[7)6) A JUSTIFICATION STATEMENT WHICH IDENTIFIES THE IMPACTS OF THE PROPOSED VILLAGE CENTER REDEVELOPMENT ON THE NATURE AND PURPOSE OF THE VILLAGE CENTER **AND ITS RELATION TO THE SURROUNDING COMMUNITY. THE JUSTIFICATION STATEMENT SHALL ADDRESS THE FOLLOWING ISSUES:**

A. THE VILLAGE CENTER REDEVELOPMENT WILL FOSTER ORDERLY GROWTH AND PROMOTE THE FUNCTION OF THE VILLAGE CENTER IN ACCORDANCE WITH THE PLANNED CHARACTER OF THE NT DISTRICT.

B. THE AMOUNT OF COMMERCIAL BUSINESS FLOOR AREA CONTAINED IN THE VILLAGE CENTER REDEVELOPMENT IS SUFFICIENT TO MAINTAIN A LEVEL OF RETAIL AND

COMMERCIAL SERVICE APPROPRIATE TO THE VILLAGE CENTER FUNCTION AS A LOCATION FOR CONVENIENT, DIVERSE COMMERCIAL BUSINESS USES WHICH SERVE THE LOCAL NEIGHBORHOODS OF THE VILLAGE.

- C. THE VILLAGE CENTER REDEVELOPMENT WILL FOSTER THE PLANNED FUNCTION OF A VILLAGE CENTER AS A COMMUNITY FOCAL POINT PROVIDING GOOD OPPORTUNITIES FOR COMMUNITY INTERACTION AND COMMUNICATION.
- D. THE LOCATIONS 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.
- E. THE VILLAGE CENTER REDEVELOPMENT PROVIDES ACCESSIBLE USEABLE LANDSCAPED AREAS SUCH AS COURTYARDS, PLAZAS OR SQUARES.
- F. THE VILLAGE CENTER REDEVELOPMENT IS CONSISTENT WITH ALL APPLICABLE ENVIRONMENTAL POLICIES AND REQUIREMENTS, AND PROVIDES NEW ENVIRONMENTAL IMPROVEMENTS TO THE REDEVELOPMENT AREA THROUGH THE USE OF METHODS SUCH AS 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.
- G. THE VILLAGE CENTER REDEVELOPMENT FOSTERS PEDESTRIAN AND BICYCLE ACCESS.
- H. PUBLIC TRANSIT OPPORTUNITIES ARE APPROPRIATELY INCORPORATED INTO THE DEVELOPMENT.

b. THE ZONING BOARD, IN ADDITION TO MAKING FINDINGS ON THE GUIDES AND STANDARDS SET FORTH IN HOWARD COUNTY ZONING REGULATIONS SECTION 125.B.3, AND THAT THE PETITIONER HAS SUCCESSFULLY ADDRESSED THE VILLAGE CENTER REDEVELOPMENT STANDARDS IN SECTION 125.F.3.A.(6), SHALL ALSO CONSIDER THE PROPER ROLE AND FUNCTION OF THE PARTICULAR VILLAGE CENTER IN THE NT DISTRICT. 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. THE DECISION AND ORDER OF THE ZONING BOARD SHALL DETERMINE THE PROPER BOUNDARIES OF THE VILLAGE CENTER, APPROVE DESIGN GUIDELINES FOR THE VILLAGE CENTER AND APPROVE THE CONCEPT PLAN. THE DECISION AND ORDER SHALL ALSO ESTABLISH MINIMA, MAXIMA, PRECISE VALUES OR SPECIFIC REQUIREMENTS CONCERNING AMENITY AREAS, BUILDING HEIGHT(S), PARKING, DENSITY AND PERMITTED USES. THE ZONING BOARD MAY MAKE ANY

MODIFICATIONS TO THE PROPOSED BOUNDARIES OF THE VILLAGE CENTER, THE PROPOSED DESIGN GUIDELINES AND THE PROPOSED CONCEPT PLAN **OR ESTABLISH ANY OTHER CRITERIA** WHICH IT DEEMS, WITHIN THE STANDARDS AND GUIDELINES OF THIS SECTION, TO BE APPROPRIATE. ALL LATER APPROVALS AND DECISIONS ARE BOUND BY AND MUST BE CONSISTENT WITH THE DECISION AND ORDER OF THE ZONING BOARD.

c. IF THE PETITION IS GRANTED, THE ZONING BOARD SHALL BY DECISION AND ORDER APPROVE THE PRELIMINARY DEVELOPMENT PLAN, THE VILLAGE CENTER BOUNDARIES, THE DESIGN GUIDELINES, **[[AND]] CONCEPT PLAN AND THE OTHER ITEMS NOTED ABOVE.** **[[AND]]** A COPY OF SAID DOCUMENTS SHALL BE CERTIFIED AS APPROVED BY THE ZONING BOARD AND A VERIFIED COPY OF THE SAME SHALL BE FORWARDED TO THE DEPARTMENT OF PLANNING AND ZONING AND THE PETITIONER.

4. IF THE AMENDMENT OF THE PRELIMINARY DEVELOPMENT PLAN IS APPROVED BY THE ZONING BOARD, THEN THE PETITIONER **[[SHALL]] IS AUTHORIZED TO PROCEED WITH [[THE]] AMENDMENTS TO THE COMPREHENSIVE SKETCH PLAN AND FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.C. HOWEVER, PRIOR TO THE SUBMITTAL OF THE COMPREHENSIVE SKETCH PLAN TO THE PLANNING BOARD, THE PETITIONER SHALL PRESENT A SKETCH PLAN OR ITS EQUIVALENT TO THE DESIGN ADVISORY PANEL FOR ITS EVALUATION IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE COUNTY CODE. THE DESIGN ADVISORY PANEL RECOMMENDATIONS SHALL BE FORWARDED TO THE PLANNING BOARD FOR ITS CONSIDERATION OF THE COMPREHENSIVE SKETCH PLAN FOR THE VILLAGE CENTER REDEVELOPMENT AND THE ASSOCIATED SUBSEQUENT PLANS.**

5. IF THE COMPREHENSIVE SKETCH PLAN AND FINAL DEVELOPMENT PLAN ARE APPROVED IN ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.F.5, THEN **[[THE SITE DEVELOPMENT PLAN SHALL BE REVIEWED AND APPROVED]] THE PETITIONER IS AUTHORIZED TO PROCEED WITH A SITE DEVELOPMENT PLAN** IN ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.E

6. ADDITIONAL PLANNING BOARD REVIEW CRITERIA FOR VILLAGE CENTER REDEVELOPMENTS

IN ADDITION TO THE ESTABLISHED CRITERIA USED BY THE PLANNING BOARD IN ITS EVALUATION AND APPROVAL OF COMPREHENSIVE SKETCH PLANS, FINAL DEVELOPMENT PLANS, AND SITE DEVELOPMENT PLANS, FOR VILLAGE CENTER REDEVELOPMENT PROPOSALS THE PLANNING BOARD SHALL MAKE FINDINGS ON WHETHER THE COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN, AND SITE DEVELOPMENT PLAN IS IN CONFORMANCE WITH ALL THE FINDINGS AND CONCLUSIONS OF THE ZONING BOARD DECISION AND ORDER FOR THE VILLAGE CENTER REDEVELOPMENT.

Chapter 1: Making a Special Place

“Downtown Columbia will be a diverse, mixed-use, livable, physically distinctive and human-scaled place with a range of housing choices and recreational, civic, cultural and educational amenities.”

1.1 ROUSE VISION

“Continue and enhance Jim Rouse’s vision of Columbia as a thriving, socially responsible and environmentally-friendly place for people of all ages, incomes and backgrounds.”

Downtown Columbia: A Community Vision

Jim Rouse envisioned the planned community of Columbia as a socially responsible, environmentally-friendly and financially successful place in which people of all ages, incomes, and backgrounds could grow as individuals, neighbors and citizens. His strategic goals for what was to be a new kind of community included:

- Provide a real, comprehensive, balanced city
- Respect the land and allow the land to impose itself as a discipline on the form of the community
- Provide the best possible environment for the growth of people
- Realize a profit

Downtown Columbia will be a diverse, mixed-use, livable, physically distinctive and human-scaled place with a range of housing choices and recreational, civic, cultural and educational amenities. These goals remain as relevant today as they were 40 years ago, when Rouse first broke ground on Columbia. To achieve these goals, Rouse built Columbia as a series of nine interconnected residential villages, each with its own civic/service center, which surrounded a larger Downtown Columbia, intended to serve as Columbia’s downtown. Rouse’s new community was designed to provide a wide spectrum of retail, office, educational, recreational, and cultural uses, as well as a mix of residential offerings for people with a range of incomes. It has been successful in much of what was intended.

Despite the passage of four decades, however, Columbia’s downtown never developed the character one expects in the heart of a community. It is still primarily suburban in nature with relatively undistinguished office buildings and an enclosed shopping mall at its core. It is a sparsely populated, automobile-dependent area, with isolated amenities separated from one another by what has become a vehicular thoroughfare.



Columbia Archives

James W. Rouse

Zoning Counsel's Exhibit 4



CA Guiding Principles

Columbia Association cares about our community and believes in advocating for issues that are key to Columbia's values and our future as a unique, diverse, master planned community.

As we look to the future, more than 50 years after Columbia's founding, Columbia Association (CA) acknowledges the continued relevance of Rouse's early goals. Columbia Association has established Guiding Principles, which we believe to be fundamental to the continued evolution and growth of Columbia as a planned community of choice in the 21st Century. These principles are organized into five categories that are in alignment with Rouse's goals for Columbia and focus on the characteristics that make Columbia distinctive: Diversity; Stewardship; Land Use and Design; Neighborhoods and Destinations; and Community Facilities and Services. Guiding Principles were approved by the CA Board of Directors, April 28, 2015.

Guiding Principles – Managing Columbia's Growth and Change

The following Guiding Principles establish a set of values and expectations for the planned community of Columbia as it continues to evolve and change.

Diversity / Inclusion Principles

1. Population Diversity. Diversity in Columbia's population in all respects (age, race, ethnicity, religion, economic etc.) is important. Columbia should be a community that is attractive to all generations.
2. Mix of Housing Types. Housing should accommodate households of different sizes, income levels and ages/stages of life including families, singles, couples and older adults.
3. Civic Engagement. Columbia is a place where civic engagement is a core part of community life.

Relationship to Rouse's Vision: Rouse built Columbia as an "open community," one that would be a new model to overcome racial and economic discrimination and segregation. He also incorporated amenities to enhance the lives of Columbians of various ages and stages of life.

Stewardship Principles

1. Permanent Open Space. The number of permanent open space acres in Columbia must be retained.
2. Environmental Stewardship. Focus environmental enhancement on natural resource conservation. Reforestation and conservation of tree cover should be emphasized, including the replacement of trees removed on a one-for-one basis.

Relationship to Rouse's Vision: The distinctive tight weave of Columbia's open spaces, residential neighborhoods and other development is a distinguishing feature of the community. These open space resources provide health, recreation, aesthetic and ecological benefits that contribute to Columbia's quality of life.

Land Use and Design Principles

1. Land Use Mix. Residential, shopping, recreational, cultural, and employment choices in Columbia must continue to evolve to meet the desires of its diverse population and changing regional and national economic trends.
2. Employment. Columbia should continue to be Howard County's employment hub.
3. Design and Architectural Excellence. New buildings and associated civic spaces and public art should create a sense of place and exemplify excellence in design.
4. Redevelopment. Accommodating new residents and jobs in Columbia is important to create the critical mass needed to support desired services, amenities and multi-modal transportation opportunities. Future growth in Columbia will be predominantly through on-going redevelopment, a key component of reinvigorating and enhancing the community.
5. New Housing. The addition of new housing is vital to the viability and attractiveness of Columbia for existing and new residents. Residential options will range from the more urban Downtown Columbia setting to traditional suburban neighborhoods.

Relationship to Rouse's Vision: Rouse imagined and planned for a "complete city", not just a residential community. The focus on livable neighborhoods in close proximity to a significant amount of employment and shopping areas set it aside from other developments. He also planned for the long-term,



understanding that Columbia would continue to grow and evolve over time.

Neighborhood and Destination Principles

1. **Downtown Columbia.** The redevelopment of Downtown Columbia as a mixed use and walkable, urban center should reinforce the downtown area as the county's primary location for specialty/destination retail stores, places of employment, higher density multi-family residential properties, and entertainment uses.
2. **Village Centers.** To maintain the vitality of Columbia's village centers as important local destinations and service and social hubs, village centers within highly competitive environments should be repositioned with alternatives to an anchor grocery store and with the potential addition of residential uses. For the other village centers, incremental change should include enhancements to the mix of retail and food and beverage offerings, and the potential addition of residential uses. It is important to maintain and enhance the village centers as mixed use community focal points that provide places for people to gather and socialize as well as live, shop and access programs and services.
3. **Corridors.** Both a vision and development guidelines are needed for some of Columbia's commercial/industrial corridors. Without a planned development approach, these areas may present a host of economic, safety, environmental, aesthetic and (re)development challenges.
4. **Neighborhood Revitalization.** In neighborhoods where the housing stock has outlived its useful life or is in poor condition, existing housing should be enhanced through rehabilitation where possible. However, when rehabilitation is not possible or feasible, these properties present opportunities for redevelopment and residential infill that can improve the attractiveness and desirability of the neighborhood. Any new residential redevelopment should be designed as an integral part of the community.
5. **Neighborhood Conservation.** Additions and alterations to existing properties in neighborhoods with positive physical and economic characteristics should be consistent in scale and architectural character with what is already developed.

Relationship to Rouse's Vision: Rouse envisioned quality neighborhoods organized three or four to a village that would be anchored by a village center comprised of shopping, educational and civic/recreational uses. The nine villages were developed around a Town Center, the commercial core of Columbia.

Community Facilities and Services

1. **Balanced Transportation System.** Increased connectivity in and around Columbia is important to serve the community's diverse resident and employee populations. Investments in transportation should focus on systems that connect people of all ages with the places and activities they need to reach. Investments should also expand safety for all users, including drivers, transit riders, pedestrians, and cyclists. Columbia's signature pathway system should continue to be enhanced.
2. **Public Safety.** As Columbia continues to develop and change, it is important that public safety services be responsive to these changes. Public safety is vital to the quality of life in the community.

Relationship to Rouse's Vision: Rouse placed great emphasis on, and planned for, transportation, public facilities, civic and recreational uses to serve the whole community.

How Will the Principles be Used?

The Guiding Principles will be used to guide those involved in shaping the future of Columbia. For instance, they would be used by CA managers who have the responsibility for planning, facilities and natural resources, finance, communications/advocacy or other CA functions related to decisions and investments impacting the Columbia community. They would also be used as CA coordinates and partners with the State of Maryland or the Howard County government as it reviews and updates its General Plan, transportation priorities, and zoning regulations.

Planned Community of Columbia

CA Guiding Principles

Downtown Columbia Plan

New Town Planning & Visioning

Symphony Woods

Studies, Reports, and Master Plans

Real Estate Services

410-715-3000
6310 Hillside Court,
Suite 100, Columbia, MD 21046

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Zoning Counsel's Exhibit 5

Wilde Lake Business Trust, * Before The Howard County Zoning Board
Petitioner *
* Zoning Board Case No. 1096M
*

* * * * *

DECISION AND ORDER

On June 12 and 20, 2012, the Zoning Board of Howard County considered the petition of Wilde Lake Business Trust proposing a Major Village Center Redevelopment through its petition to amend an approved Preliminary Development Plan for the existing Wilde Lake Village Center on approximately 10.21 acres of land located in the New Town Zoning District. The subject property is located to the southeast of the intersection of Lynx Lane and Twin Rivers Road, and generally the area to the northwest, northeast, east, and southeast of the Lynx Lane intersection with Cross Fox Lane, and is described as Tax Map 29, Grid 24, Parcel 272, Lots 3-6 and Tax Map 29, Grid 24, Parcel 132, Lots 1-3; currently 5430 Lynx Lane and 10451, 10461, and 10471 Twin Rivers Road.

The notice of the hearing was advertised, the subject property was posted and the adjoining property owners were notified of the hearing as required by law as evidenced by the certificates of advertising, posting and mailing to adjoining property owners, which was made part of the record. Pursuant to the Zoning Board's Rules of Procedure, all of 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. A number of additional official documents specific to Village Center Redevelopment cases were also made part of the record including the Design Guidelines (Wilde Lake Design Criteria), the Concept Plan (sheets 1-10), the existing covenants

for the area covered by the petition, the Design Advisory Panel's ("DAP") Recommendations, the Petitioner's justification statement, the Wilde Lake Village Board Community Response Statement and the Village Center Community Plan. Both the DPZ and the Planning Board recommended approval of the entire petition with conditions which will be explained below in the findings of fact.

The Petitioner was represented by Scott Barhight, Esquire. Several witnesses, including Petitioner's expert witnesses and several supporters, testified in favor of the petition. Several individuals unrepresented by legal counsel, appeared and 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 for Columbia and to the Final Development Plan for the existing Wilde Lake Village Center located in the Village of Wilde Lake 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 125.J. of the Howard County Zoning Regulations.

2. The Petitioner's request is to redevelop the subject property, a 10.21 acre portion of the existing Wilde Lake Village Center from a commercial-only to a mixed use development Village Center, so as to add a maximum of 250 apartment dwelling units and to reconfigure the existing commercial development and existing Courtyard. The details of the petition as particularly described in the Petitioner's Concept Plan will be provided below.

3. The subject property and its existing development were described by Mr. Jeff Glazer, the principal of Kimco, which owns the Wilde Lake Business Trust, and is shown on Applicant's Exhibit 2. A narrative of the existing conditions on the subject property is well described in the DPZ's Technical Staff Report (pages 2-4) as follows:

The Site is an irregularly-shaped area made up of a number of lots, and it can be viewed as having two distinct parts; an area to the west of Lynx Lane that is north of Cross Fox Lane and southwest of the adjoining fast food restaurant development on Lot 7 (the "West Area"), and an area to the east of Lynx Lane that is north of Cross Fox Lane and to the northwest and west of the Family Life Center building, the courtyard to the south of that building, the Slayton House front courtyard and building, and the Columbia Swim Center complex ("the East Area").

The West Area is improved with three buildings, all one-story (the "West Buildings"). The northernmost is a frame building that is oriented to the southeast, and this building is currently vacant. To the south of this building is a larger brick building that is oriented to face east, and beside its north end is a relatively small brick building, although this smaller building shares a roof connection with the larger building. The larger building is mostly occupied by a natural market, and the other current tenants in these two buildings are a restaurant, a salon, and a shipping store. There are small parking lots between Lynx Lane and the two larger buildings, and also one at the northwest corner of Lynx Lane and Cross Fox Lane.

The East Area has the greatest number of buildings and other structures. At the southeast corner of the Lynx Lane intersection with Twin Rivers Parkway is a one story brick gasoline service station and front canopy (the "Gas Station"). To the southeast of the Gas Station, across a small parking lot, is a bank drive-through structure (the "Drive-Through").

The area to the southwest and south of the Gas Station and the Drive-Through is a trapezoid-shaped parking lot and there is an existing bus shelter next to this. Further to the south is the largest building in the East Area, a brick, former grocery store that is vacant, and there is a two-story "building wing" adjoining to the east with a bank and other tenants (together, the "Central Building").

To the east of the Central Building is a landscaped and hardscaped courtyard which was originally designed to be an attractive, innovative, pedestrian-based social space in the Village Center (the "Courtyard"). The Central Building acts as the western side of this Courtyard.

The other two sides of the Courtyard are two, two-story buildings. On the north side of the Courtyard, the building is oriented to be generally parallel to Twin Rivers Road, which makes it angled to the other Courtyard buildings (the "Courtyard Building B", as designated on the concept plan). The retail space with entrances on the Courtyard is occupied by restaurants and a martial arts studio. On the opposite side of Courtyard Building B is a front parking lot. There are various offices in the building, and also a popular delicatessen and bagel establishment.

To the south of the Courtyard, the building is oriented at a right-angle to the Central Building, and the existing tenants fronting on the Courtyard include a wine and liquor store and, at the east end, a Howard County Police "satellite" station (the "Courtyard Building A", as designated on the plan).

The remainder of the Site is predominantly a parking lot, made up of rectangular areas to the west, southwest, and south of the Central Building and Courtyard Building A. The Site parking to the south of Courtyard Building A only extends slightly past the Slayton House site. Some of the existing parking area to the west of the Columbia Swim Center is not part of the Site.

4. Mr. Glazer testified that after Giant Food, the center's anchor, vacated the subject property, Kimco has struggled to re-tenant the vacant Central Building. Especially with the recent opening of Wegmans, Mr. Glazer indicated that a grocery store was not a realistic option for an anchor store, especially given the fact that David's Natural Market is and will continue to be also a tenant at Petitioner's VCR.

5. Mr. Glazer testified that Kimco initially proposed a larger area for the Wilde Lake Village Center ("WLVC") boundaries but that after going through the Village Center Community Planning Process mandated by Section 125.J.2. of the Howard County Zoning Regulations ("HCZR"), it was convinced that the boundaries as proposed by the community defining a smaller area for the proposed WLVC was acceptable. Mr. Glazer indicated that the proposed boundaries of the WLVC have been agreed to by the Petitioner, the Wilde Lake Village Board and DPZ. The WLVC boundary, which all parties agreed is reasonable, is as follows:

- a. The original Wilde Lake Interfaith Center properties;

- b. The Wilde Lake High School and the Wilde Lake Middle School and all public school properties;
- c. The Columbia Association properties [Slayton House, the Swim Center, the Tennis Courts and the Family Life Center building] including the open space on the east side of Trumpeter Road;
- d. All existing retail and commercial properties including Kimco and KFC;
- e. The Wilde Lake Village Board proposes that the following roads: Twin Rivers Road, Trumpeter Road, Lynx Lane up to the Cross Fox property line, and Cross Fox Lane collectively comprise the Boundaries of the Wilde Lake Village Center.

6. Mr. Glazer testified as to the proposed redevelopment of the subject property as shown on Applicant's Exhibit 3, the proposed redevelopment plan and Exhibit 9, the phasing site plan. Once again, DPZ's narrative of the proposed redevelopment in the Technical Staff Report (pages 4-5) is a good summary of the proposed redevelopment:

The demolition of the West Buildings, the Gas Station, the Drive-Through, and the Central Building, with the Courtyard Building A and Courtyard Building B to remain. The Courtyard also remains.

The reconstruction and/or removal of the existing parking lots and the creation of a multi-surfaced new parking lot and drive-aisle system, which would include anew reasonably direct north-south driveway connection between Twin Rivers Road and Cross Fox Lane, and new surfacing for a portion of Lynx Lane (the "New Parking/Circulation Design").

The construction of a new two-story retail and office building in the northern portion of the West Area (the "Market Building", as designated on the building elevations).

The construction of a new, one-story retail building with approximately 13,225square feet of floor area in the northern portion of the East Area, oriented to the southwest towards the new parking lot (the "Retail Building"). There is currently no known building elevation for the Retail Building.

The construction of two new five-story residential apartment buildings and a six level parking garage, with one apartment building to be located in the southern portion of the West Area ("Residential Building A"), and with the other apartment building and the parking garage to be located across Lynx Lane in the

southern portion of the East Area ("Residential Building B"). These two buildings would be joined by a partial three-floor connection above Lynx Lane for the third, fourth, and fifth floors.

The construction of a new landscaped and hardscaped area to the west of the existing Courtyard up to the east side of a new main driveway, as an extension of the Courtyard. Within this area, a small one-story retail building with approximately 1,300 square feet is also proposed.

Throughout the Site, the creation and placement of new landscaped areas, planters, sidewalks, other pedestrian improvements, bicycle racks, and various other relatively minor site improvements.

Mr. Glazer testified that there was a lot of discussion with the community as to the redevelopment plans, particularly the proposal to open up the Courtyard after the demolition of the Central Building. Mr. Glazer indicated that he felt this opening up of the Courtyard and its enlargement by 25% is crucial because today's shoppers want to be able to see what is available in a retail center, that visibility is very important in today's retail market. He added that the proposed curving of the entrance road further enhances this visibility.

Mr. Glazer indicated the first phase of the proposed redevelopment was the demolition of the West Buildings so that David's Natural Market could be re-located in a new facility at that location, with a two-story building, an outside eating area and offices above the store. Mr. Glazer indicated that the bank would be located at the end of David's with a drive-thru lane. He testified that after the old David's site was razed, that the residential part of the proposal, including the "donut" parking structure could be constructed in the southwest corner of the subject property as part of the second phase of the development and that both the apartment buildings and the parking structure would have a five-story height limit. Mr. Glazer noted that the residential development was tied together by the overhead bridge shown on the redevelopment plans. Mr. Glazer noted that the existing 95,000 square feet of office and retail in the existing WLVC would be reduced by approximately 10,000 square feet. Mr. Glazer noted that all of the proposed

redevelopment had been approved by the WLVB's Architectural Review Committee ("ARC") except for the proposed drug store, the plans for which have not been submitted for ARC approval. The redevelopment plan also proposes a restaurant use on the parcel next to the proposed residential development, hopefully to serve the dining needs of the students at Howard Community College.

Mr. Glazer testified that the last phase of the redevelopment would involve the razing of the old gas station and the replacement of it with a drug store. He also indicated that the Courtyard Buildings A and B would be renovated and upgraded. Mr. Glazer testified that Applicant's Exhibits 5 and 6 provided representations of the likely appearance of the completed redevelopment, from the east and from the north views, respectively. Mr. Glazer testified that the Petitioner is negotiating relocation plans with all the existing businesses in the VCR, and that all of the existing businesses would have such plans. The phasing plan information presented by Mr. Glazer was in response to the comments made by the WLVB, DPZ and the Planning Board as to the need for more specificity as to the phasing of the construction plans. Applicant's Exhibit 7 showed the proposed building elevations of the redevelopment. As to the phasing plan, Mr. Glazer testified that it was anticipated that all approvals could be received by the end of 2012 or the beginning of 2013, that they would break ground in the spring of 2013, and that the development process would take 1-2 years.

7. Mr. Glazer also testified that there was a need for better sign visibility since the original development of the subject property was approved but that the proposed signage would be sensitive in keeping with the Design Guidelines, as shown on Applicant's Exhibit 8. Mr. Glazer acknowledged that it would be required to comply with the Howard County Sign Code if its requirements were more restrictive than the proposed sign requirements of the Design

Guidelines. Mr. Glazer also testified that any signage within the subject property would require the approval of the ARC.

8. As to the environmental issues of the proposed development, Mr. Glazer testified that a significant amount of landscaping would be added as part of the proposed redevelopment, that cars would be parked on pervious pavers, that storm water management would be managed on-site and that the proposed redevelopment would be a LEED-certified development.

9. While Mr. Glazer testified that he could not commit with total certainty as to the identity of some of the tenants for the revamped VCR, despite the requests of the WLVB for a merchandising plan, he indicated the retention of existing tenants was a priority and that service business for local residents and more options for food stores were also being targeted. As far as offices were concerned, he testified that medical and legal offices are the most likely tenants to locate in the VCR.

10. Mr. Glazer testified that the apartments would be rentals designed for empty nesters and young professionals and that family-oriented housing was not being targeted in terms of the design of the rental units. He also testified that there would be a mix of one, two and three bedroom units in the apartments, with the exact numbers of each type of unit dependent upon market interest, and that this uncertainty was the reason for the range of units (220-250) mentioned in the various petition documents. Mr. Glazer testified that the maximum number of apartment units to be developed would be 250 units. Mr. Glazer testified that there would be mainly two bedroom units followed by one bedroom units and a few three bedroom units. He further indicated that the average square footage of the units would be about 900 square feet and that the total square footage of all the apartment units would be 275,000 square feet.

In response to the WLVB's Community Response Statement request for more ground floor retail in the residential units, Mr. Glazer indicated that the Petitioner had proposed retail attached to the residential building containing the proposed parking structure but that first floor retail with residential is problematic market-wise, and that it causes various practical problems including the venting needed for restaurant uses, for example.

11. Mr. Glazer testified that the Village Center Community Review Process and the Pre-Submission Community Meeting Process was a long and involved process but that it, overall, produced a better plan. As provided in Section 125.J.3.a. of the HCZR, the Petitioner submitted its initial 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 October 27, 2010 recommendations to the Planning Board and Zoning Board for their consideration. The Petitioner, through Mr. Glazer's December 10, 2010 letter to Marsha McLaughlin, DPZ Director, responded positively to all of the DAP's recommendations except for the recommendation to move food service and food stores closer to the Courtyard retailers, based on Petitioner's explanations that these changes would run counter to the market needs of retail tenants for visibility, easy access accessible parking, and that the DAP's concerns could be adequately addressed through design adjustments. The Petitioner's final plan submitted to the Board reflects many of the changes recommended by the DAP.

12. The WLVB, pursuant to Section 125.J.3.b(1) of the HCZR, provided the following Community Response Statement identifying the impacts of the proposed Major Village Center Redevelopment on the nature and purpose of the Village Center and its relation to the

surrounding community in response to the Petitioner's Concept Plan and Design Guidelines as it relates to whether the plan complies with the criteria of Section 125.J.4.a.(8). of the HCZR:

§ 125.J.4.a.(8)(a): 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:

In the general case, the Wilde Lake Village Board believes that the Wilde Lake 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. While the property owner has provided a phasing plan at other public meetings, there are no details regarding the redevelopment phasing in this petitions and it is this aspect of orderly growth that is of great concern to the community. Since residential parcels in the remainder of the Village are fully built out and occupied and require continued commercial services, the phasing must take into account the continued use of Wilde Lake Village Center as a functioning commercial Village Center during construction. Furthermore, other adjacent properties will continue in operation and issues such as construction traffic, road and pathway closures must be carefully planned.

§125.J4.a.(8)(b): 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;

While the amount of commercial business floor area is appropriate, it may not be ideal given the reduction in square footage and increase in residents. As proposed, the Wilde Lake Village Center contains approximately 87,000 square feet of commercial space. In total, this is a reduction in the existing commercial space within the Village Center. The proposed commercial space is delineated in terms of office (26,700 square feet) and retail (61,600 square feet) uses, with retail occupying the ground floor of each commercial building and a 5,000 square foot retail establishment integrated into the proposed residential building. Office space is provided on the second level of the preserved retail buildings and on the second level of the proposed commercial structure at the west end of the Village Center.

The Wilde Lake Village Board has consulted with a variety of retail leasing and retail economics professionals and all have stated the amount of proposed retail reflects market conditions. Lastly, the Wilde Lake Village Board has collected data regarding other Village Centers within Columbia, Maryland. Table 1 below lists seven of the other eight Village Centers in Columbia and their retail gross square footage. Given that each of these Village Centers contains a large grocery store, the proposed retail square footage for the Wilde Lake Village Center is in line with the offerings at other Columbia Village Centers.

River Hill	105,907
Kings	
Contrivance	119,117
Hickory Ridge	100,803
Harper's Choice	108,489
Dorseys Search	86,456
Long Reach	105,000
Oakland Mills	58,224

The Wilde Lake Village Board has solicited input from the community and has found no direct opposition to the proposed amount of retail space; however, the reduction may not be ideal given the increase in the number of residential units by virtue of this redevelopment. The community has expressed a desire for a wide range of uses, from grocery stores to delis, drug stores to specialty shops, restaurants and pubs.

§ 125.J.4.A.a.(8)(c): 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;

The Wilde Lake Village Board agrees that the redevelopment will foster the purpose of a Village Center and provide opportunities for community interaction. With respect to the purpose of the Village Center, it is important to recognize that the Wilde Lake Village Center is the original Columbia Village Center. Today it exists as both the prototype and operating model. Taken in this context, a brief description of the current opportunities for community interaction and communication is appropriate.

Today, the Wilde Lake Village Center exists as a collection of retail space lining the perimeter of a Center courtyard. This courtyard contains a central fountain, landscaping, benches and some seasonal outdoor seating. Mature trees provide shade during the warmer months. Its location is remote from the parking lot on the property and provides isolation from the externalities related to automobiles, trucks, and transit buses. In terms of communication, a single community kiosk exists within the courtyard and allows for posting of community notices. Signage throughout the Center is minimal and requires time and exploration by the casual patron to determine what services and retail opportunities exist within the Center.

Other than this central courtyard, there is little else on the property to engender community interaction. The north side of the property features a drive-thru bank kiosk and a gas station along Twin Rivers Road. These commercial entities, although important features for a retail Center, speak to the isolation within automobiles and present little opportunity for community interaction. The strip retail Center west of Lynx Lane provides a few benches for seating, but is not well connected to the rest of the Village Center.

On the whole, the proposed Village Center redevelopment increases opportunities for community interaction and communication; however, the approach taken to achieve this is a departure from the original Center design. To its credit, the property owner has recognized strong community desire to preserve the original Village Center courtyard. The courtyard proposed is in fact larger

than the courtyard that exists today. This enlargement is possible by the removal of a retail building along the western perimeter of the courtyard. In addition to a larger courtyard area, the proposed open side courtyard also allows community members to see into the courtyard as well residents in the courtyard to see out into the remainder of the Village Center. This aspect does increase the ability for members of the community to interact to a greater capacity than over what exists today. However, it should be noted that by opening the courtyard to the balance of the Village Center, the noise levels from traffic may at times be increased.

With respect to the balance of the proposed Village Center redevelopment, the property owner has expressed interest and stated at previous public meetings the desire to place an outdoor seating area and street furniture on the north side of the residential building. This will effectively extend the opportunities for public interactions along a second side of the Village Center. This pattern is also repeated in front of the food store building located at the west end of the Village Center.

Taken in whole, the amount of area dedicated to allowing the community to congregate, interact and socialize exceeds that of the current Village Center design. In addition to volume, the proposed locations of the amenities allow for an archipelago of interaction throughout the Center. This is viewed as an improvement over the original remote, intimate courtyard.

§ 125.J.4.a.(8)(d): 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.

The location and relative proportions associated with the redevelopment will enhance the existing development. See above discussion under c). The existing development both within the Village Center and adjacent to it will be enhanced by improvements to pathways and signage to adjacent locations such as Slayton House, the tennis and swim Centers and items of interest that draw people on pathways among the various uses. It will be mutually beneficial to the developer and to other nearby hubs such as Howard Community College, Howard County General Hospital and Town Center to have improved interconnecting pathways with destination signs.

The location for the permitted uses (commercial, retail, residential and open space) in the Village Center enhances the existing development surrounding the Village Center. Since the Village Center still functions as the activity Center where residents can now live, and still shop and play, this serves as a one-stop destination for local residents. Furthermore, the Village Center still serves its current function and in the same location. This provides residents the opportunity to walk to their necessities using the sidewalks or pathways, or take public transit to this local activity node. This bodes well for Wilde Lake residents who still have this asset in their community.

The proportion of uses will enhance the surrounding community. While the total number of square feet of retail space has actually decreased from its current total as indicated in the previous section, the Wilde Lake Village Board accepts this number because economic professionals have informed the Board that this is an appropriate number.

Residential units do not currently exist in the Wilde Lake Village Center but are a welcome addition to the proposed redevelopment plan. This provides a greater mix of land-uses and increases vibrancy in the Village Center as more residents will likely patronize the local businesses and utilize the open space because of their prime location. While the community was hesitant about the number of units expected in the Village Center, the current proposal by Kimco of 220 units is a good medium between what residents wanted (200 units maximum) and what Kimco wanted (250 units). The two residential buildings will be five stories high, which are the largest in the Village Center. The closest buildings will be two stories high in the Village Center, and three stories outside of the Village Center in the adjacent Cross Fox Condominiums.

While the difference between the new residential buildings and these buildings are between two and three stories, this is not out of context and preserves the human scale environment. The Wilde Lake Village Board agrees however the new residential buildings should be broken up with various architectural details and have building setback of at least 12 feet as stated in the covenant process.

The proposed redevelopment plan has preserved the passive open space located in the courtyard, and has increased this passive open space throughout the Village Center. The courtyard still serves as the focal open space point in the Village Center where residents can interact. Additional passive open space has been added across the parking lot from the existing retail to the new food store/office to accommodate a bioswale. This is a significant upgrade to the Village Center by reducing runoff and ultimately improving the environment for Wilde Lake and Columbia as whole.

While Kimco did an excellent job of increasing open space in the Village Center, more could be added, especially in the residential building on the west of the site. This u-shape building could also have a courtyard or passive green space for the residents of this building. Passive open space has also been incorporated in the mixed-use residential and retail building on the southern end of the site. The first floor retail also has passive open space with a large area for a street side cafe. This hardscape open space is valuable in increasing pedestrian interaction and creating a more vibrant environment in the Village Center.

§125.J.4.a.(8)(e): The Village Center Redevelopment provides accessible useable landscaped areas such as courtyards, plazas or squares;

The Wilde Lake Village Board agrees the redevelopment will provide access to useable landscaped areas. As proposed, the Wilde Lake Village Board can identify three accessible useable landscape areas: the original Village Center Courtyard, the plaza area north of the residential building, and the seating area in front of the proposed food store. See comments above about better connecting the areas.

§ 125.J.4.a.(8)(f): 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 storm water deficiencies, and following low impact development practices;

The Wilde Lake Village Board welcomes the incorporation of elements such as bioswales, pervious pavement, and the use of native species into the proposed design. In the past, Kimco has stated its intention for LEED certification for new buildings on the property. The Wilde Lake Village Board strongly encourages this language or meeting comparable green building criteria be incorporated into the Decision and Order at the end of this process.

Transportation is also a major factor in sustainability and this requires keeping enough retail that serves the neighborhood with less car travel. See comments elsewhere about incorporating more retail space in the ground floor of the residential buildings and about improved bicycle and pedestrian transportation.

§ 125.J.4.a.(8)(g): The Village Center Redevelopment fosters pedestrian and bicycle access;

The Village Center redevelopment incorporates several positive pedestrian features. By removing the existing supermarket building and one side of the retail surrounding the courtyard, sightlines are opened to the pedestrian, resulting in an increase in way finding and perceived safety. The proposal includes the extensive use of covered walkways to protect pedestrians from the summer sun and precipitation. The central promenade, adjacent to the bioswale, provides a stronger connection between the eastern and western elements of the property than currently exists. The use of specialized road pavers and an elevated, "table" traffic calming element in front of both the food store and the courtyard is a welcome addition, as it will slow traffic in the vicinity of pedestrians.

With respect to bicycle access, the site is generally accessible to bicycle traffic and the redevelopment does not discourage bicycle use. The redevelopment does include more bicycle racks than exist today and that is viewed as a plus.

The Wilde Lake Village Board requests that the Order require the petitioner to prepare a Pedestrian bicycle plan that addresses pedestrian and bicycle transportation both within and through the Village Center and to nearby major hubs including Howard Community College, Howard County General Hospital and Town Center. We also ask that this plan is coordinated with the Connecting Columbia plan under development by the Columbia Association and the prospective bicycle master plan by Howard County.

Both Lynx Lane and the new roadway adjacent to the Village Courtyard should have full sized bicycle lanes that eventually connect to a lane on Twin Rivers Road, Cross Fox Lane and connectors to Howard Community College, Town Center and the rest of Columbia Association's pathway system.

§ 125.J.4.a.(8)(h): Public transit opportunities are appropriately incorporated into the Village Center Redevelopment;

At the time of this writing, the Wilde Lake Village Board is aware of at least one bus stop that will be incorporated into the proposed redevelopment and therefore has public transit opportunities. This is consistent with the current number of bus stops available in the Wilde Lake Village Center today. The Wilde Lake Village Board has two concerns with respect to transit opportunities within the redeveloped Village Center: First, the structural details of the bus stop are unclear. The Wilde Lake Village Board requires at a minimum a bus shelter that will protect transit riders from wind, summer sun, and precipitation. Moreover, the Board would like to see the bus stop become the standard for quality bus shelter design.

Secondly, even the best bus stop is only as good as the types of services that utilize it. The Wilde Lake Village Board seeks to determine, in partnership with the property owner and transit providers, an array of services to utilize the bus stop. In addition to the Howard Transit System, the Wilde Lake Village Board would like to see regular service to this bus stop from Howard Community College via their Dragon Wagon and entities in downtown Columbia via the proposed Downtown Circulator service. The Wilde Lake Village Board understands that some of this may be out of the scope of the Howard County Zoning process, but feels it is important to start the discussion here.

§ 125.J.4.a.(8)(i): The Village Center Redevelopment is compatible with the surrounding Community;

The Wilde Lake Village Board believes the redevelopment is generally compatible with the surrounding community. The Wilde Lake Village Board understands "the surrounding community" to mean the area outside of the Village Center boundaries, since 125.J.4.a. (8)(b) makes a distinction between "neighborhoods of the Village" and "surrounding local community." Some of the areas surrounding Wilde Lake Village are Downtown Columbia, the Village of Harper's Choice, Village of Hickory Ridge; and specific major destinations such as the Columbia Mall, Howard Community College and Howard County General Hospital.

The proposed redevelopment is generally compatible with the surrounding community if it incorporates the connectivity discussed above. The Village Center must continue to serve as a neighborhood retail and shopping hub. The types of retail and development in Wilde Lake must fill a niche competitive with the development in Downtown Columbia.

The addition of residential units in the Village Center is an essential component to increasing vibrancy in the Village Center. Keeping and expanding various retail, restaurant and recreational facilities on-site in a pedestrian-friendly environment will mitigate the need to use automobiles as residents can easily walk to daily necessities. For these reasons, the Wilde Lake Village Board would like to see more of the residential buildings incorporate ground level retail.

§ 125.J.4.a.(8)(j): The Village Center will continue to meet the definition of a New Town Village Center.

The Wilde Lake Village Center does meet the definition of a New Town Village Center. For the purpose of review, the Howard County Zoning Regulations (§ 103.A.201) define a New Town Village Center as follows:

Village Center, New Town: A Mixed-Use Development in the New Town District which is in a location designated on the New Town Preliminary Development Plan as a "Village Center", which is designed to be a community focal point and gathering place for the surrounding Village neighborhoods by including the following items:

- a. An outdoor, public, Village green, plaza or square, which has both hardscape and softscape elements. This public space shall be designed to function as an accessible, primarily pedestrian-oriented promenade connecting the various Village Center buildings and shall include public seating features;
- b. Stores, shops, offices or other commercial uses which provide opportunities to fulfill the day-to-day needs of the Village residents, such as food stores, specialty stores, service agencies, financial institutions, personal services, medical services, and restaurants;
- c. Space for community uses and/or institutional uses; and
- d. Residential uses, to the extent appropriate to support and enhance, but not overwhelm, other uses in the Village Center. The public space is not primarily a pedestrian-oriented promenade and therefore does not meet item a above. There is insufficient information in the petition to evaluate item b. and whether day-to-day needs of residents will be served. The Wilde Lake Village Board believes that a merchandising plan and other information describing the intention of the developer should be provided. Items c. and d. appear to be met.

The WLVB, pursuant to Section 125.J.3.b(2) of the HCZR, provided the following additional comments in terms of any other specific approval criteria to be considered by the Board in its decision on the petition:

While the Wilde Lake Village Board understands that negotiations with individual prospective tenants may be confidential, it sees no reason that a general merchandising plan cannot be shared with the public and the Howard County Department of Planning and Zoning. This would give an indication of the developer's intentions that could provide assurance to the community those basic needs will be served. Will there be a theme to the retail merchandising that will distinguish Wilde Lake Village Center? How will the Village Center retail retain and create its niche? The destination merchants in the current Village Center are

not national chains and this is a large part of what makes these merchants competitive in the market. How will this be accommodated and encouraged in the future?

In accordance with the Howard County Zoning Regulations, §125.J.3.b.(3), the Wilde Lake Village Board endeavors to provide a response on the Wilde Lake Village Center redevelopment.

§ 125.J.3.b.(3)(a): The boundary of the Village Center proposed by the petitioner.

The Wilde Lake Village Board accepts Kimco's response to this statement.

§ 125.J.3.b.(3)(b): Planning and Design Concepts, including but not limited to how it fits into the surrounding area.

Proposed planning and design concepts do fit into the surround area. Connectivity within the Wilde Lake Village Center is improved by creating a more direct route from the non-signalized intersection to Cross Fox Lane. The current road does not go straight to Cross Fox Lane, but ends at the parking lot.

Mixed-use, density and diversity is achieved in the proposed redevelopment plan by incorporated new five story apartment residential units into the Village Center.

Green transportation is also incorporated by having a bus stop serviced by Howard Transit. This allows residents to take public transportation to get to multiple locations throughout Howard County. The Village Center is also connected to Columbia pathways, which should be further improved as described in other sections to allow residents and visitors to easily walk, run or bike to the Village Center and other hubs of activity without crossing a major thoroughfare such as Twin Rivers Road.

Ultimately, the Wilde Lake Village Board believes the Village Center redevelopment with the enhancements suggested will improve the quality of life for all Wilde Lake residents as it will once again be a lively destination.

13. Ms. Christine Logan and Mr. Elliott Simons both testified in favor of the petition, as shown on Applicant's Exhibits 10A and 10B respectively. In addition, Ms. Joyce Ardo, Chair of the WLVB, presented the testimony of the Board in support of the petition. Ms. Ardo outlined only two areas for which the Board wanted the Zoning Board to condition approval: 1) that the Petitioner prepare a pedestrian and bicycle plan within and through the Village Center to nearby hubs, and that roadways within the Village Center should have bicycle lanes connecting major roadways to the Columbia Association pathway system; and 2) that the Board require Petitioner

to develop its buildings according to green building criteria. Mr. Lawrence Schuen, who testified as a supporter, echoed the same concerns outlined by Ms. Ardo.

Mr. Glazer testified that the Petitioner was willing to work in cooperation with the Board of Education and Howard County in the development of a pedestrian/bicycle pathway system in the larger Wilde Lake Village Center but that he could not unilaterally accomplish this goal since much of the land in the proposed Wilde Lake Village Center is not owned or controlled by the Petitioner.

14. Mr. Glazer testified that the Petitioner was working with local transit providers and Howard County's Office of Transportation as to whether there would be one or two bus stops in the VCR and as to the location of the stop or stops. Mr. Glazer testified that the Petitioner was fine with either one or two bus stops being located within the VCR.

15. Petitioner's architect, Mr. Bryce Turner, referring to Applicant's Exhibits 6 and 7, testified that the massing and scale, design and materials of the proposed apartment buildings were similar to and in keeping with the older buildings but that the new buildings were also distinguished from the older retail buildings left on site, although those buildings would be renovated as well. Mr. Turner noted that there were undulations designed into the facades of the residential buildings to help create a division in character.

As to the proposed opening up of the Courtyard, Mr. Turner testified that in today's retail market, customers have high expectations of retail space, and that if they can't drive through a retail area and see the stores, there won't be as much interest in shopping there. He also added that the opening up of the Courtyard would facilitate better bicycle access.

Mr. Henry Alinger, Petitioner's land planner, testified as to how the Wilde Lake Design Criteria addressed the criteria for VCR redevelopment. He testified that all of the DAP's

concerns raised in its report had been appropriately addressed by the Petitioner. Mr. Alinger testified that scale of the plan was walkable and that the connection of both ends of the VCR was achieved by the opening up of the Courtyard and the proposed pedestrian system and gathering areas. Mr. Alinger testified that the covered walkways, the incorporation of the bioswales into the pedestrian system and the linking of the Courtyard with the overall activities of the VCR were significant achievements of Petitioner's proposed plan.

16. Mr. Glazer and Mr. Adam Volanth, P.E., Petitioner's engineer, testified on parking and other minima and maxima issues to be established for the proposed Preliminary Development Plan as contemplated for any VCR pursuant to Section 125.J.5.d(3) of the HCZR . Mr. Volanth testified that the Petitioner's parking calculations are summarized on sheet 10 of 10 on the Concept Plan, that Applicant's Exhibit 18 is a summary of the specific PDP Criteria proposed for change from the existing FDP Criteria (Amended Final Development Plan Phase Two-A-VIII recorded as Plat 3054A 1789-1801), and that Applicant's Exhibit 20 is a summary of a comparison of all existing FDP Criteria versus proposed PDP Criteria for the VCR whether they are proposed for change or not.

As to parking, Mr. Volanth summarized that the total number of parking spaces proposed to be provided, 690 spaces, was based on an Urban Land Institute ("ULI") assumption of 1.25 spaces provided per residential dwelling unit. Mr. Volanth also indicated that the 710 parking spaces calculated as required under the parking requirements as shown on Applicant's Exhibits 18 and 20, 710 spaces, was reduced by 20 spaces to 690 based on the ULI recommendation for reduction attributable to shared uses and reflected the calculations of the maximum weekday hourly demand for parking based on ULI studies as indicated on Sheet 10 of 10 of the Concept

Plan. Mr. Volanth noted that the parking required by the zoning process was supplemented by the total parking spaces assumed to be provided for CA's existing swim facility.

Mr. Volanth noted that the existing FDP does not have parking requirements for residential uses applicable to the area of the VCR since residential uses were not previously permitted for that portion of the FDP but did require only 3 spaces per 1000 square feet of retail, while the PDP proposes 5 spaces per 1000 square feet of retail.

Mr. Volanth testified that the trend in commercial development was to decrease the amount of parking required to be provided, and that excess parking could increase the area of impervious surfaces.

Mr. Glazer testified that the proposed layout on the Concept Plan was based on the amount of parking currently proposed in the Concept Plan, and that any substantial increase in the parking required to be provided would have a significant impact on the project because the plan would have to be re-designed which would cause further delay. Mr. Glazer added that his company wouldn't invest the amount which they have invested in this plan if they thought the parking wouldn't work. He echoed Mr. Volanth's testimony that many counties have modified their parking requirements downward since the lower requirements are more than sufficient for 362 of 365 days of the year, rather than require parking which is 1/3 unused on the overwhelming majority of days out of the year. In addition, Mr. Glazer noted that his retail tenants are more than comfortable with the proposed amount of parking, and they obviously would not want insufficient parking proposed for their prospective customers.

Mr. Glazer also testified that the first floor of the parking structure was open to retail customers of the VCR but that the garage parking would be reserved for residents of the VCR above the first floor of the parking structure. Mr. Glazer testified that they are not planning to

have uses with high parking ratios, such as surgi-centers, as tenants in the VCR. Mr. Glazer testified that the other Village Centers in Columbia had more than sufficient parking with similar amounts of parking provided as is proposed in this petition. Mr. Glazer also testified that there was not much discussion regarding parking as an issue throughout the Village Board review process. Both Ms. Joan Lancos, a former Hickory Ridge Village Board member and Planning Board member and Bill Santos, a former WLVB member and current Planning Board member, testified that they thought the proposed amount of parking by Petitioner was more than sufficient to satisfy the parking needs of the VCR.

17. DPZ, at the request of the Zoning Board, submitted a June 20, 2012 memo, Applicant's Exhibit 19, evaluating Petitioner's proposed parking. Ms. McLaughlin, DPZ Director, indicated that Petitioner's use of local parking ratios, particularly the 1.25 parking spaces/dwelling unit ratio, was recommended by ULI, and that use of these ratios produced the parking as proposed by Petitioner. DPZ indicated that since the mix of possible uses on the VCR was still uncertain, the parking to be generated by those uses could not be determined precisely at this time. DPZ indicated that it "will seek additional information in subsequent planning phases and a detailed parking analysis that will account for variables, including" the mix of uses and "permissible adjustments to account for transit, biking, walking, and inter-project uses that will impact the final number of required spaces."

18. Mr. Glazer testified that the Petitioner had committed to a maximum of 250 apartment units and a maximum of 90,000 square feet of non-residential development as part of the VCR, but he also committed to a minimum of 85,000 square feet of non-residential development in the VCR, as long as it was understood that the minimum requirement would not be enforced until the end of the redevelopment process.

19. Several individuals testified in opposition to certain aspects of the petition. Ms. Maureen Shettle, a Cross Fox Lane resident, despite indicating that she looked forward to the proposed redevelopment, testified that she objected to the height of the proposed 5 story apartment buildings. She also indicated that she objected to seeing the backs of the proposed buildings, that the development would block her sunlight, that the development could cause drainage problems, that she was concerned about VCR customers parking on Cross Fox Lane and that she questioned whether the redevelopment would affect her property values. Ms. Shettle did not provide any basis for her testimony.

Two other witnesses, Mr. Jervis Dorton and Mr. Cyril Paumier, testified that they were in favor of the Petitioner's project except that they were in opposition to the proposed demolition of the building attached to the vacant former Giant Food store building and its replacement with a single retail building. Both Mr. Dorton and Mr. Paumier testified as to their longstanding history with the early development of Columbia, particularly the existing retail development of the subject property and its Courtyard or "village green". Both witnesses testified that the proposed demolition of the building in question would destroy the Courtyard because you need a space enclosed on three sides to be a Courtyard in their opinion. Mr. Dorton submitted exhibits showing a rendering of the site and photographs of the Courtyard. Mr. Paumier submitted a letter signed by Mr. Dorton, Mr. Paumier and Mr. Robert Tennenbaum in opposition to the demolition of the building in question. They indicated that they had met with Kimco several times to try to convince them to not demolish the building in question, and that Kimco considered their request but in the end disagreed with their position. Mr. Paumier testified that he understood Mr. Glazer's visibility concerns as his basis for the proposed demolition but he thought it was more

important to create great places for people. He also testified that not approving the proposed demolition of the building in question would show respect for the memory of Jim Rouse.

Mr. Glazer, in rebuttal, testified that they seriously considered the position of those wanting to maintain the current design of the Courtyard by not demolishing the building in question, but that in the end he just disagreed with them. Mr. Glazer pointed out that they had taken the advice of Mr. Dorton, Mr. Paumier and Mr. Tennenbaum on a number of issues in relation to the proposed plan but that it had to recognize that the market had changed since the days of Jim Rouse, when he had control of all the development in Columbia, and that in today's market developers had to make it as easy and friendly as possible for their retailers and their customers in order to meet their needs.

20. The Department of Planning and Zoning made evaluations and conclusions in its Technical Staff Report based on the criteria in Section 125.J.5.a.(1) through (4) of the HCZR for deciding a proposed VCR petition. The criteria and DPZ's evaluations and conclusions on those criteria are addressed as follows:

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

DPZ, on pages 15-17 of the Technical Staff Report, addressed the extensive list of guides and standards the Zoning Board is required to consider in Section 125.B.3 before it considers a proposed rezoning to the New Town District based on the criteria in subsections(a) through (c) of Section 125.B.3. Since the subject property is already zoned New Town, the Zoning Board finds that many of these guides and standards for New Town rezoning petitions are inapplicable to this petition as noted by DPZ. The Zoning Board finds that DPZ's evaluation of these 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 constitute 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 100.A of the HCZR. The specifics of this finding will be addressed in the section of the Board’s decision in applying Section 125.J.5.a.(3) as to whether the petition complies with the Major Village Center Redevelopment criteria in Section 125.J.4.a.(8) of the HCZR. However the Board agrees with and adopts DPZ’s evaluation of the proposed VCR as it relates to the criteria of Section 125.B.3.c of the HCZR: “The commercial characteristics of the Redevelopment are certainly well suited to the current character of the land. There is no apparent unsuitability to the addition of a residential component in the proposed location, in fact, the residential component would create more of a mixed use character and would likely add to the perception of the Village Center being a distinctive place within the community.”

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

1. The specific definition of a New Town Village Center in Definitions Section 103A.201:

A Mixed-Use Development in the New Town District which is in a location designated on the New Town Preliminary Development Plan as a “Village Center” which is designed to be a community focal point and gathering place for the surrounding village neighborhoods by including the following items:

- a. **An outdoor, public, village green, plaza or square, which has both hardscape and softscape elements. This public space shall be designed to function as an accessible, primarily pedestrian-oriented promenade connecting the various Village Center buildings and shall include public seating features;**

DPZ found:

The maintenance and enhancement of the Courtyard is in compliance with this part of the definition. While it is acknowledged that the Courtyard features mentioned do not extend west to any great degree, and that the rest of the Redevelopment does not include all these features, in comparison to the current development the rest of the Redevelopment is a significant improvement, because it will include similar hardscape elements throughout, which will better tie together all elements of the Site.

- b. **Stores, shops, offices or other commercial uses which provide opportunities to fulfill the day-to-day needs of the village residents, such as food stores, specialty stores, service agencies, financial institutions, personal services, medical services, and restaurants;**

DPZ found:

The Redevelopment will still provide such opportunities and will likely enable the Village Center to be much more successful. Precise types of commercial uses cannot be mandated because these are determined by the market, and in commercial centers, uses can come and go over time.

However, all neighborhood commercial centers tend to have similar typical uses such as cleaners, salons and/or barber shops, wine and liquor stores, convenience stores and small markets, and restaurants. These types of uses are likely to continue in the Redevelopment.

If the Retail Building does indeed become a pharmacy as noted, modern pharmacies or drug stores have a greatly expanded offering of products, including offering many more grocery items. Granted these are exceedingly limited in comparison to a modern grocery store with tens of thousands of square feet, but from a certain perspective even these limited grocery items can be convenient to have available for purchase close-by.

c. Space for community uses and/or institutional uses;

DPZ found:

The Village Center will continue to have space for community uses and/or institutional uses.

d. Residential uses, to the extent appropriate to support and enhance, but not overwhelm, other uses in the Village Center.

DPZ found:

As noted above, the precise number of residential units must still be confirmed, but the Department believes that the general range of 200 to 250 dwelling units is reasonable to support, and would not overwhelm, the Village Center. The Department has no specific recommendation on a precise number, but it does note that a compromise on this issue is ultimately in the best interest of all parties.

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

1. Those criteria are:

- (a) **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;**

DPZ found:

. . . That the Redevelopment . . . allows for change and growth of the Village Center and maintains its function as a community focal point, and this is accomplished through an orderly, carefully considered, planned process.

- (b) 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;**

DPZ found:

. . .the amount of commercial space appears to still provide adequate room for “Stores, shops, offices or other commercial uses which provide opportunities to fulfill the day-to-day needs of the village residents...

- (c) 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;**

DPZ found:

Much of the current focal point as provided by the Courtyard area does not change and is actually improved by the Redevelopment. Having a more successful, and therefore a more active Village Center also can improve community interaction and communication. In fact, this very process to evaluate and approve the Redevelopment has led to such improvements in communication because the community is very involved in it, as is the Petitioner, because it is also a partner in the community.

- (d) 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;**

DPZ found:

As noted above, certain elements of the Redevelopment do not change to any great degree, such as the Courtyard area and its buildings, so the lack of any significant change to these elements could be interpreted as maintaining an enhancement. The new elements of the Redevelopment, based on the representations on the building elevations, appear to be attractive and well designed, and merely by being “new” features can be considered an enhancement over some of the existing development features. The location and the relative proportions of the uses in the Redevelopment do appear to be appropriate and are not excessive within the Village Center and as part of the greater community.

- (e) **The Village Center Redevelopment provides accessible useable landscaped areas such as courtyards, plazas or squares;**

DPZ found:

The Redevelopment complies with this criteria.

- (f) **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;**

DPZ found:

DPZ. . . concurs with the statement in the Executive Summary of the Wilde Lake Village Board that the Redevelopment "...is compliant with all environmental policies and requirements and welcomes the incorporation of elements such as bioswales, pervious pavement, and the use of native species into the proposed design.

- (g) **The Village Center Redevelopment fosters pedestrian and bicycle access;**

DPZ found:

The Redevelopment should significantly improve the pedestrian experience in the Village Center. Bicycle access to the Site is maintained, and more bicycle racks are available, however, the proposed rack at the northwest corner of the Retail Building is not in an ideal, easily viewed location as is often recommended for bicycle racks.

- (h) **Public transit opportunities are appropriately incorporated into the Village Center Redevelopment;**

DPZ found:

As noted above, the precise details on this issue will require an evaluation by transit officials, and this initial evaluation is currently underway, but there is no information to date to reach a finding on this criteria.

(i) The Village Center Redevelopment is compatible with the surrounding community; and

DPZ found:

The Redevelopment appears to be compatible. . .

(j) The Village Center will continue to meet the definition of a New Town Village Center.

See Finding 20.b. above.

d. Regardless of the Zoning Board's findings on Subsections 5.a. (1) through (3) above, whether the petitioner's property is within the appropriate boundaries of the New Town Village Center.

DPZ found:

As it is proper that the principal responsibility for recommending a Village Center boundary should rest with a Village Board, the Department of Planning and Zoning concurs with this boundary definition and recommends that it be adopted by the Zoning Board.

21. The Planning Board recommended approval of the petition "provided that the Redevelopment proposal takes appropriate consideration of improving neighborhood connectivity, provides a phasing plan for the Redevelopment, addresses the issues of mass, scale and setbacks of the residential buildings, and incorporates a transit stop." The Board finds that all of the Planning Board's concerns were addressed in Petitioner's presentation to the Zoning Board.

22. 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 125.J.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 20 above, the findings of WLVB, as noted in Board Finding 12 above, and the testimony of and evidence presented by Mr. Glazer and the

Petitioner's various expert 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 WLVB 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 125.J.5.b of the HCZR requires that the Zoning Board determine the boundaries of the proposed Village Center, in this case the Wilde Lake Village Center. The Zoning Board finds that the Petitioner, DPZ and the WLVB all agreed that the boundaries of the Wilde Lake Village Center should be the area described in the Finding 5(a) through (e) above, and the Board finds that these are the appropriate boundaries of the Wilde Lake Village Center based on Finding 5(a) through(e) above, the statements of the WLVB in its Community Response Statement on the WLVC boundaries as noted in Board Finding 12 above, and the findings of DPZ as noted in Board Finding 20. d. above. The Board further notes that, pursuant to Section 125.J.5.a(4), the subject property is within the boundaries of the proposed WLVC.

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 its Finding 20.a., 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 on DPZ's findings on these criteria as noted in Finding 20.b. above, and the WLVB's findings on these criteria as noted in Board Finding 12 above, and the substantial evidence presented by Petitioner as to the design details of the Courtyard improvements, including the pedestrian areas, seating and other proposed improvements, as noted in Finding 15 above, 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. The Board makes this finding with the understanding that the subject property is only a portion of the larger WLVC, and that the proposed VCR, once completed, will constitute a significant improvement over the existing retail center in terms of meeting this definition. The Board does not accept the WLVB's view that the VCR's public space, particularly the Courtyard, is not designed to function as an accessible, primarily pedestrian-oriented promenade. The Board finds that proposed VCR, as a part of the larger WLVC, is much improved in terms of being pedestrian-oriented and will continue to provide the commercial uses that fulfill the needs of the existing community and the new residents of the VCR. The Board agrees with DPZ, and disagrees with the WLVB, that Petitioner should be required to present a merchandising plan for approval by the Board, since the most realistic approach is to allow the market to guide the commercial occupancy of the retail/office space in the VCR, as supported by the testimony presented by the petitioner in Finding 9 above.

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 Finding 20.c.1.(a) above, and the WLVB's findings on this criterion, as noted in Finding 12 above, and the substantial evidence presented by Petitioner as to the phasing plans for the development of the subject property, as noted in Finding 6 above, the Board finds that the VCR 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 WLVB, 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 Finding 20.c.1.(b) above, and the WLVB's findings on this criterion, as noted in Finding 12 above, and the substantial evidence presented by Petitioner as to the minimum of 85,000 square feet and maximum of 90,000 square feet of commercial development which will be provided as part of the VCR, as noted in Finding 18, the Board finds that 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.

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 Finding 20.c.1.(c) above, and the WLVB's findings on this criterion, as noted in Finding 12 above, and the substantial evidence presented by Petitioner supporting the proposed opening up of the Courtyard, as noted in Findings 6, 15 and 19, the Board finds that Village Center Redevelopment will foster the purpose of a Village Center as a community focal point providing good opportunities for community interaction and communication.

While the Board considered and values the testimony of those in opposition who wanted the building attached to the Central Building not to be demolished in order to maintain a Courtyard completely enclosed on three sides, that Board finds that this concern must be balanced against the Petitioner's well-supported contention that the visibility achieved by this building's demolition and the Courtyard's opening up is likely necessary for the successful marketing of the project. The Board decides that it is important and necessary to accept the position of Petitioner on this issue.

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 Finding 20.c.1.(d) above, and the WLVB's findings on this criterion, as noted in Finding 12 above, and the substantial evidence presented by Petitioner supporting the design of the project, as noted in Finding 15 above, 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 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 Finding 20.c.1.(e) above, and the WLVB's findings on this criterion, as noted in Finding 12 above, and the substantial evidence presented by Petitioner on this criterion, as noted in Finding 15 above, the Board finds that The Village Center Redevelopment provides accessible useable landscaped areas such as courtyards, plazas or squares.

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 Finding 20.c.1.(f) above, and the WLVB's findings on this criterion, as noted in Finding 12 above, and the substantial evidence presented by Petitioner on this criterion, as noted in Finding 8 above, the Board finds that 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.

The WLVB and several other individuals testified that the Board should require that the buildings in the project be LEED-certified. The Board notes that the "Green Building" law in Howard County is a voluntary program, and the Board finds that there was no justification

provided for requiring, under this criterion, compliance with a voluntary environmental program that is one of several redevelopment environmental improvements which is suggested for use in a VCR.

7. The Village Center Redevelopment fosters pedestrian and bicycle access

Based on DPZ's findings on this criterion, as noted in Finding 20.c.1.(g) above, and the WLVB's findings on this criterion, as noted in Finding 12 above, and the substantial evidence presented by Petitioner on this criterion, as noted in Finding 13, the Board finds that the Village Center Redevelopment fosters pedestrian and bicycle access. The Board notes that the WLVB and several individuals requested that a bicycle and pedestrian plan for the WLVC be required to be prepared by Petitioner and that bicycle lanes be provided by Petitioner to connect to the pathway system near the WLVC as conditions of approval. The Board finds these requirements would be unworkable and are not advisable since Petitioner is only in control of the property in the VCR and not in the WLVC, and would not be able to meet these proposed conditions.

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

Based on DPZ's findings on this criterion, as noted in Finding 20.c.1.(h) above, and the WLVB's findings on this criterion, as noted in Finding 12 above, and the substantial evidence presented by Petitioner on this criterion, as noted in Finding 14, 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 Finding 20.c.1.(i) above, and the WLVB's findings on this criterion, as noted in Finding 12 above, and the substantial evidence

presented by Petitioner on this criterion, as noted in Findings 7, 11, 15 and 19, 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 the Finding in Finding 22.c., this criteria 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 all of these above findings, the 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.

CONCLUSIONS OF LAW

1. Pursuant to Sections 125.J.5.b and 125.J.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.

2. The Petitioner has met its burden of convincing the Board, based on the Board's Finding 22.a, and pursuant to the applicable decision-making criteria noted above in Conclusions of Law 1, that the WLVC boundaries are those as described in Finding 5, and that the subject property is within that defined WLVC boundary based on Finding 5 as well.

3. 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 proposed approval of the VCR, meet the criteria for approval in Section 125.J.5.a. (1) through (3) of the HCZR. If the Board determines that Petitioner has met that burden, the Board may grant the petition.

4. The Petitioner has met its burden, based on the Board's Findings 20.a. and 22.b., 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 125.J.5.a.(1) of the HCZR.

5. The Petitioner has met its burden, based on the Board's Findings 20.b. and 22.c., of proving that the proposed Major Village Center Redevelopment complies with the specific definition for a New Town Village Center as required by Section 125.J.5.a.(2) of the HCZR.

6. The Petitioner has met its burden, based on the Board's Findings 20.c. and 22.d., of proving that the petition complies with the Major Village Center Redevelopment criteria in Section 125.J.4.a.(8) of the HCZR as required by Section 125.J.5.a.(3) of the HCZR.

7. The Petitioner has met its burden, based on the Board's Finding 22.e., 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.

8. 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 125.J.5.d. of the HCZR:

a. The Board approves the Petitioner's proposed Design Guidelines, except that if the Howard County Sign Code is in conflict with the signage portion of the Design Guidelines, the more restrictive requirement shall apply;

b. The Board approves the Petitioner's proposed Concept Plan (Sheets 1-10), as proposed, including the requirements summarized on Applicant's Exhibits 18 and 20, and including a maximum of 250 apartment dwelling units, a minimum of 85,000 square feet of commercial development subject to the Petitioner's phasing plan as outlined in the testimony,

and subject to the ULI shared parking model parking requirements reflected in these documents being accepted, and if necessary being adjusted by DPZ upon the submission of a detailed parking analysis as necessary based on the variables of the mix of uses and permissible parking adjustments as described in DPZ's June 20, 2012 memo to the Zoning Board;

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 in subsection b. above;

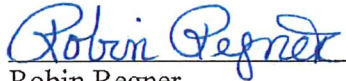
d. The Wilde Lake Village Center boundaries are established as provided in this decision.

e. The Board approves 150 dwelling units in addition to the 100 dwelling units already authorized by the Zoning Board in ZB Case 1031M for non-Downtown Columbia Village development, for the maximum 250 apartment dwelling units approved in this decision, and requests that DPZ compute the additional density represented by those 150 dwelling units approved in this decision and reflect it on the New Town PDP, based on the existing density of 2.3695 dwelling units per gross acre as it exists after the Zoning Board's decision in ZB Case 1095M.

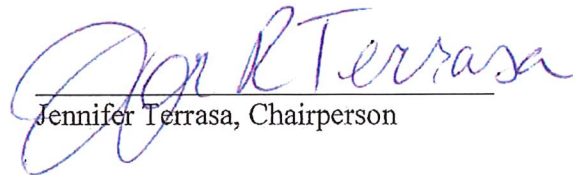
For the foregoing reasons, the Zoning Board of Howard County, Maryland on this 9th day of July, 2012, hereby GRANTS Petitioner's petition for approval of a Major Village Center Redevelopment and PDP amendment, as described herein, for the 10.21 acre NT-zoned subject property, subject to the conditions outlined above.

ATTEST:

ZONING BOARD OF HOWARD COUNTY



Robin Regner
Administrative Assistant

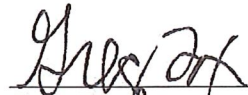


Jennifer Terrasa, Chairperson

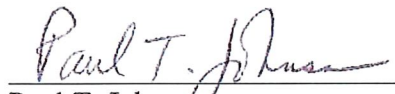
PREPARED BY HOWARD COUNTY
OFFICE OF LAW
MARGARET ANN NOLAN
COUNTY SOLICITOR



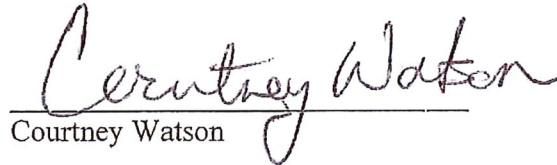
Calvin Ball, Vice Chairperson



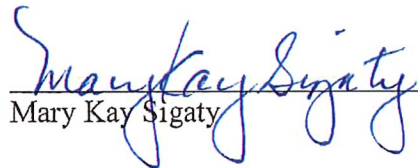
Greg Fox



Paul T. Johnson
Deputy County Solicitor



Courtney Watson



Mary Kay Sigaty

