

IN THE MATTER OF:
G & R MAPLE LAWN, INC.

*** BEFORE THE HOWARD COUNTY**
*** ZONING BOARD**

*** Zoning Board Case No. ZB-1134PDP**

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PETITIONER'S MEMORANDUM OF LAW
IN SUPPORT OF PETITION FOR APPROVAL OF SECOND AMENDED
PRELIMINARY DEVELOPMENT PLAN

Petitioner G & R Maple Lawn, Inc. ("Petitioner"), by and through undersigned counsel, submits this Memorandum of Law in support of its Petition for approval of a Second Amended Preliminary Development Plan ("Second Amended PDP") for Maple Lawn.

I. INTRODUCTION AND FACTUAL BACKGROUND

A. Overview

This Petition concerns the continued development of Maple Lawn, an established Mixed Use Development ("MXD") in Howard County that has been approved by the Howard County Zoning Board ("Zoning Board") for more than twenty-five years.

The Original Preliminary Development Plan ("Original PDP") was approved by the Zoning Board in 2000 in ZB Case No. 995M. In 2006, the Zoning Board approved the First Amended Preliminary Development Plan ("First Amended PDP") in ZB Case No. 1039M. The First Amended PDP expanded the approved Maple Lawn development and increased the authorized residential units from 1,116 to 1,340 while maintaining an overall residential density of 2.2 dwelling units per gross acre.

The Second Amended PDP builds upon that established framework. It does not create a new MXD or reopen the fundamental findings underlying the prior approvals. Rather, it proposes specific amendments to an existing and substantially implemented MXD, including an increase in permitted residential density, additional single-family detached dwelling units in the Maple Lawn

West District, multifamily apartment units in the Business District, a change in land-use designation from Employment to Other Residential for the Apartment Property, and the incorporation of immediately adjacent parcels into the PDP boundary.

The Second Amended PDP proposes a maximum overall residential density of 3.0 dwelling units per gross acre, which is the maximum density permitted in the RR-MXD-3 District. It would provide for a maximum of 1,821 dwelling units, compared with the 1,340 units authorized by the First Amended PDP.

The principal changes are concentrated in two areas. *First*, the approximately 110-acre Maple Lawn West District, historically identified as the Old Farm District, has long been part of the approved Maple Lawn PDP and has always been planned for future residential development. The Second Amended PDP would permit 253 single-family detached dwelling units in that area, compared with the 32 units previously approved for the area. The proposed development remains single-family detached residential development, consistent with the residential use already contemplated for the West District.

Second, the Second Amended PDP would permit approximately 260 multifamily apartment units within the Business District and immediately adjacent property. A portion of the Apartment Property is currently designated Employment, and the Second Amended PDP would redesignate that area as Other Residential and incorporate approximately two adjacent acres into the PDP so that the area may be planned comprehensively as part of Maple Lawn.

The Second Amended PDP therefore does not represent a departure from Maple Lawn's approved mixed-use concept. It represents the continued evolution and completion of an existing MXD in a manner contemplated by the RR-MXD-3 District and consistent with Howard County's current General Plan, HoCo By Design.

The proposed plan continues to satisfy the quantitative requirements applicable to an MXD. The Second Amended PDP provides approximately 35.1 percent open space, exceeding the 35 percent minimum; approximately 44.8 percent residential land use, exceeding the 20 percent minimum; and approximately 20.1 percent employment land use, exceeding the 15 percent minimum. Recorded open space will continue to constitute at least 35 percent of the total recorded land area within the MXD, and at least ten percent of the gross open-space acreage will be usable for active recreation facilities.

The proposed apartment development includes a voluntary commitment that fifteen (15) percent of the apartment units will be designated as Moderate Income Housing Units (“MIHUs”) and constructed on site. Based upon approximately 260 apartment units, that commitment represents approximately 39 MIHUs.

The Second Amended PDP also provides an integrated transportation framework. The PDP-level Traffic Impact Analysis evaluates the surrounding roadway network and proposed access locations. More detailed traffic studies, including the Adequate Public Facilities and Chapter 5 traffic analyses, will occur at the subsequent stages of development review.

Most importantly, the evidence establishes that the Second Amended PDP satisfies the applicable approval criteria under Section 127.0 of the Howard County Zoning Regulations. The Petition maintains the unified and integrated design of Maple Lawn, advances the purposes of the MXD District, provides a diversity of housing types, maintains the required open space and employment components, provides an integrated transportation system, remains compatible with surrounding land uses, protects natural features, utilizes existing infrastructure, and is in harmony with HoCo By Design.

For these reasons, the Petition should be recommended for approval.

B. Facts Adduced at Hearing

The evidentiary record presented by Petitioner is comprehensive and addresses the regulatory, planning, housing, transportation, fiscal, economic, development, and property-specific issues raised by the proposed amendment.

1. Considerations for the Second Amended PDP

Professional Land Planner and Landscape Architect Kevin Foster of Gutschick, Little and Weber, P.A. testified as Petitioner's expert in land planning, master planning, mixed-use development planning, and landscape architecture. In his testimony on July 15, 2026, Mr. Foster addressed the distinction between consideration of an original PDP and a second amended PDP. He explained that the Second Amended PDP, of course, is an amendment to an existing, approved Mixed Use Development, Maple Lawn. *See, e.g.*, July 15, 2026 Hr'g Test. at 3:52:37. Maple Lawn has been approved and implemented over more than two decades. *Id.* at 3:58:05. As a result, many of the findings applicable to the Original PDP and First Amended PDP have already been satisfied through prior approvals and existing development and are not being changed by this Petition. *Id.* at 3:58:12.

2. Effects on Housing Needs and Harmony with County Housing Policy

Jessamine Duvall, Executive Director of the Columbia Housing Center, testified as an expert in Howard County housing policy, housing affordability, housing needs, community housing development, and implementation of housing policy. Ms. Duvall testified that the County has recognized the need for additional housing in the General Plan, HoCo By Design. July 23, 2026 Hr'g Test. at 2:40:35. HoCo By Design, she explained, places particular emphasis on rental, multifamily, and housing affordable to households with a range of incomes. *Id.* at 2:41:01. She further testified that the General Plan encourages directing future housing growth to the Planned Service Area, where public infrastructure already exists, and emphasizes redevelopment and infill

because little undeveloped land remains in Howard County. *Id.* at 2:41:25; 2:47:00. She testified that Maple Lawn currently lacks purpose-built rental housing, apartment homes, and MIHUs, and that the proposed development would introduce those housing types without displacing existing housing types. *Id.* at 2:44:08

Ms. Duvall testified that HoCo By Design encourages integrating market-rate housing with affordable housing opportunities and providing housing that serves a range of income levels. *Id.* at 2:42:22; 2:44:20; 2:44:58; 2:49:20. In Ms. Duvall's professional opinion, the proposed integrated MIHUs advance those housing-policy objectives while expanding housing choice within an established mixed-use community. *Id.* at 2:49:00.

3. Impact on Traffic and Transportation

Mickey Cornelius, a Certified Professional Traffic Operations Engineer, Road Safety Professional, and Senior Vice President of The Traffic Group, testified as an expert in traffic engineering and transportation planning. Mr. Cornelius prepared the Generalized Traffic Analysis for the Second Amended PDP. *Id.* at 1:18:55. He evaluated existing and future traffic conditions, roadway capacity, access, internal circulation, pedestrian connectivity, bicycle accommodations, and parking. *Id.* at 1:20:11. He concluded that the surrounding transportation network is capable of accommodating the proposed amendments, identified no transportation deficiencies that would preclude approval, and concluded that the proposed access, internal circulation, and connections to the existing roadway network are appropriate. *Id.* at 1:22:36. He further testified that the proposed apartments will connect directly to Maple Lawn's existing sidewalk and pedestrian network. He concluded that the PDP establishes an appropriate transportation framework while preserving the County's established process for more detailed review at subsequent stages. *Id.* at 1:28:24.

Mr. Cornelius also evaluated parking within the Business District. *Id.* at 1:24:58. Based on the existing parking inventory, field observations, aerial imagery, parking utilization analysis, and engineering review, he concluded that the Business District currently contains an excess supply of surface parking relative to existing demand. He further concluded that a portion of that excess parking can be redeveloped while maintaining adequate parking for the existing Business District and the proposed residential development. *Id.* at 1:27:39.

4. Economic and Fiscal Impact

Dr. Daraius Irani, the Vice President of Business and Public Engagement at Towson University, testified as an expert in economics, economic impact analysis, and fiscal impact analysis. Dr. Irani prepared an Economic Impact and Cost of Services Analysis evaluating the fiscal effects of the proposed development by comparing anticipated public revenues with the costs of providing County services and evaluating the broader economic impacts of construction and long-term operation. *Id.* at 2:13:58. He evaluated the proposed development as a whole, including both the single-family residential component and the multifamily apartment component. *Id.* at 2:16:16. His analysis includes all proposed apartment units, including the approximately 39 MIHUs. *Id.* at 2:15:40. After accounting for the fiscal impacts associated with those MIHUs, Dr. Irani concluded that the development would produce an estimated annual net fiscal surplus of approximately \$818,000 for Howard County because revenues generated by the development exceed the costs of providing County services. *Id.* at 2:16:20.

Dr. Irani further testified that the proposed development is expected to generate more than \$10 million in school surcharge revenues to support school construction and related capital improvements. *Id.* at 2:18:41. He also concluded that construction and operation of the project will generate substantial economic activity, including hundreds of jobs, substantial employee compensation, and more than \$100 million in economic output. *Id.* at 2:19:00. He explained that

the project's use of existing roads, utilities, and other public infrastructure is also relevant to its fiscal performance because it makes productive use of infrastructure already constructed rather than requiring entirely new public investment. *Id.* at 2:19:10.

5. Evolution of Maple Lawn

Longtime developer Michael Greenebaum of the Petitioner testified regarding Maple Lawn's history, original mixed-use vision, community engagement, the evolution of the Business District, and the redevelopment of underutilized parking. *Id.* at 14:09. He testified that changes in office utilization, including the increased prevalence of hybrid work, have materially changed parking utilization within Maple Lawn. *Id.* at 26:30. He explained that parking areas originally designed for traditional office occupancy are no longer utilized in the same manner and that the area proposed for redevelopment is representative of that underutilized parking. *Id.* at 28:17. Mr. Greenebaum further testified that Maple Lawn's original vision has always been to create a complete mixed-use community in which people can live, work, shop, dine, and recreate. *Id.* at 15:16. In his view, replacing underutilized parking with housing is consistent with the original vision because residents create activity throughout the day and support the existing restaurants, retail, services, parks, trails, and other amenities. *Id.* at 30:00.

In his testimony, Michael Greenebaum also spoke to a 2021 proposal to amend the PDP that was voluntarily withdrawn after Petitioners listened to community concerns. *Id.* at 19:55. That proposal drew considerable public challenge. *Id.* at 20:10. In contrast, Mr. Greenebaum explained, the current proposal is the product of several years of meetings and discussions with the Homeowners Association, individual residents, County staff, consultants, and other stakeholders. *Id.* at 20:50. He explained that this proposal as originally envisioned changed materially as a result of that outreach, including moving a portion of the residential density from the West District into the Business District, and that in the end, the Homeowners Association signed an MOU with the

developers. *Id.* at 21:18. Mr. Greenebaum testified that the MOU reflects extensive discussions, good-faith engagement, and incorporation of community feedback into the current proposal. *Id.* at 23:10.

6. Reasons for Incorporating the Adjacent Parcels

Mike Buch, one of the developers and owner of the adjacent parcels Petitioners seek to incorporate into the PDP, testified regarding the history and current circumstances of those parcels. He testified that the parcels were the subject of a 2016 zoning map amendment because they had inadvertently been included within the Maple Lawn MXD-3 zoning district even though they were not part of the approved PDP. *Id.* at 2:11. Following that rezoning, the parcels were intended for independent office and commercial development. Mr. Buch testified that the COVID-19 pandemic and resulting changes in remote and hybrid work fundamentally altered the office market, making the previously contemplated independent office development no longer commercially viable. *Id.* at 2:50. He explained that he is now working with G & R Maple Lawn to incorporate the parcels into Maple Lawn through a coordinated PDP so they can be developed as part of the existing mixed-use community. *Id.* at 3:45.

7. Independent Testimony of DPZ

The Department of Planning and Zoning (“DPZ”) independently reviewed the Petition. Julia Sauer, Division Chief of Public Service and Zoning Administration, confirmed that DPZ did not identify any insufficiencies with respect to the PDP. *Id.* at 3:04:35. She further confirmed that DPZ concluded that the proposed diverse residential types further the original intent of the MXD-3 District and the current General Plan. *Id.* at 3:06:05. Ms. Sauer testified that residential uses already exist immediately adjacent to the Business District area affected by the proposed redesignation; she explained that the Westside District contains Other Residential uses consisting of single-family attached dwellings and that those residential uses directly abut areas containing

employment uses. *Id.* at 3:02:35. When asked whether changing the affected portion of the Business District from Employment to Other Residential would impair or be detrimental to Maple Lawn's overall development scheme, Ms. Sauer testified that it would not. *Id.* at 3:02:20. She explained that the proposed additional units would be consistent with the transition from more dense residential development to the east to less dense residential development to the west.

Ms. Sauer also explained that the MXD District includes both MXD-3 and MXD-6 classifications, which allow different intensities of land use. *Id.* at 2:57:22. She further testified that the purpose of using different MXD intensities is to ensure that mixed-use developments remain compatible with surrounding land uses. *Id.* at 2:57:35. According to Ms. Sauer, when the property was rezoned to MXD-3 in 1993, the distinction between MXD-3 and MXD-6 contemplated that the MXD-3 designation would provide the level of development appropriate to the surrounding neighborhood. *Id.* at 2:57:48.

Ms. Sauer also testified concerning setbacks, explaining that the existing Maple Lawn development criteria provide a 50-foot setback for certain commercial structures from major roads, including MD Route 216 and Johns Hopkins Road. *Id.* at 2:58:32. She further testified, however, that other residential apartment zoning districts in the County permit a 30-foot setback from a major public road. *Id.* at 2:59:10. Per Ms. Sauer, the R-APT zoning district associated with the nearby Vine property apartments permit a 30-foot setback from a major arterial or collector for the front or side of an apartment building, and she identified the RA-15 zoning district as permitting a 30-foot setback for apartments from a public road. *Id.* at 3:00:04. Ms. Sauer testified that the right-of-way along MD Route 216 is narrower in the area of the proposed apartment development than it is in other portions of Maple Lawn. *Id.* at 3:00:56. As a result, although the proposed building would have a 30-foot setback measured from the applicable right-of-way line, it would be located

farther from the actual roadway pavement. *Id.* at 3:01:27. When asked whether a 30-foot setback was appropriate for a multi-story residential building at this location, Ms. Sauer testified that it was consistent with other residential apartment setbacks in the County. *Id.* at 3:01:48.

Ms. Sauer confirmed on cross-examination that DPZ did not identify any insufficiencies with respect to the PDP. *Id.* at 3:04:10. She also confirmed the Department's affirmative conclusions concerning the relationship between the Second Amended PDP and HoCo By Design. On the record, she read the Department's conclusion from the Technical Staff Report that continuing to develop the applicable portion of Maple Lawn in the same traditional neighborhood design as the rest of Maple Lawn supports HoCo By Design's targeted-growth policies. *Id.* at 3:05:20. As she indicated, the Technical Staff Report further concluded that the proposed development would be designed with interconnected roads, open spaces, and community facilities and would connect to the existing Maple Lawn Garden District and proposed roadway improvements, making Maple Lawn one cohesive community. Ms. Sauer then read the Department's conclusion that the proposed diverse residential types would result in a variety of lot sizes, housing types, and income diversity that furthers the original intent of the MXD-3 District and the current General Plan. *Id.* at 2:06:06. Ms. Sauer confirmed that these statements represented DPZ's analysis of the Petition and its relationship to the General Plan. *Id.* at 3:06:20.

II. ARGUMENT

The evidence offered by Petitioner in its submissions and at the hearing, together with Ms. Sauer's independent County testimony, establishes that the Second Amended PDP satisfies the applicable approval criteria and advances the purposes of the MXD-3 District and HoCo By Design. The second amendment to the PDP should therefore be permitted.

A. THE SECOND AMENDED PDP IS AN AMENDMENT TO AN EXISTING APPROVED MXD, AND THE ANALYSIS PROPERLY FOCUSES ON THE CRITERIA IMPLICATED BY THE PROPOSED AMENDMENTS

Because the Second Amended PDP is not an original PDP, it does not require every aspect of the existing Maple Lawn PDP to be reconsidered as though the development were being proposed for the first time. The relevant inquiry is whether the proposed amendments continue to satisfy the applicable requirements of Section 127.0¹ and whether the specific changes proposed by the Petition are consistent with the MXD-3 District, the existing Maple Lawn development framework, and the County's adopted General Plan. The evidence establishes that those criteria are satisfied.

B. THE SECOND AMENDED PDP CONTINUES TO SATISFY THE APPLICABLE MXD-3 REQUIREMENTS

1. The PDP Remains Within the Planned Service Area and Satisfies the Applicable Acreage and Contiguous-Area Requirements

Maple Lawn is located within the County's Planned Service Area for public water and sewer. The Second Amended PDP encompasses approximately 607.5 acres and includes the Petitioner's contiguous acreage within the planning area. As Mr. Buch testified, the approximately two-acre parcels proposed for incorporation into the PDP are immediately adjacent to the existing PDP boundary. As Mr. Buch and Mr. Greenebaum's testimony demonstrated, incorporating these parcels creates a logical and contiguous expansion of the existing planning area rather than an isolated development enclave. Both Mr. Buch and Mr. Greenebaum explained that in the modern

¹ Howard County Zoning Regulations provide in relevant part at Section 127.0: - MXD (Mixed Use) Districts:

No new principal use shall be established after a Preliminary Development Plan is approved *except in accordance with the Preliminary Development Plan and the requirements of the MXD-3 or MXD-6 District* provided, however, an amendment to the preliminary development plan shall not prevent development in accordance with the original preliminary development plan and/or prior approved amendments thereto, until the current amendment is implemented with development.

(Emphasis added).

hybrid work environment following the COVID-19 pandemic, developing these parcels for standalone office is no longer viable.

The proposed incorporation therefore responds to materially changed circumstances and creates a logical and comprehensive planning relationship between the parcels and the existing PDP. The addition therefore reinforces, rather than undermines, the unified planning concept underlying the MXD District.

2. The Second Amended PDP Provides the Required Land-Use Balance

The Second Amended PDP satisfies the applicable minimum land-use requirements for an MXD. The Second Amended PDP provides approximately:

Open Space: 35.1 percent
Residential: 44.8 percent
Employment: 20.1 percent

See Ex. 2 to Petitioner’s Supplemental Statement to Petition for Approval of the Second Amended Preliminary Development Plan (the “Supp. Statement”), at 5. The applicable minimums are:

Open Space: 35 percent
Residential: 20 percent
Employment: 15 percent

Howard County Zoning Regulation § 127.0(C)(3). The plan therefore exceeds each applicable minimum.

Recorded open-space parcels will continue to constitute at least 35 percent of the total recorded land area within the MXD, and at least ten percent of the gross open-space acreage will be usable for active recreation facilities. *See* Ex. 2 to Supp. Statement, at 5. The amendment thus preserves the fundamental land-use balance required for Maple Lawn as an MXD.

3. The Proposed Uses Are Permitted Within the MXD-3 Framework

The proposed uses comply with the applicable MXD-3 framework. The proposed single-family detached residential development in Maple Lawn West is a use already contemplated and

approved within that portion of Maple Lawn. *See* Ex. 1 to Supp. Statement, at Sheet 5. The proposed multifamily apartments are likewise consistent with the MXD-3 District's purpose of providing a diversity of housing types at medium to high densities.² The Petition also maintains the limitation that uses permitted only in the R-MH or M-2 Districts will not be permitted. Supp. Statement at 21. The proposed amendment therefore remains within the range of uses contemplated by the applicable MXD zoning classification.

4. The Multifamily Component Complies With the Applicable MXD Limitation

The proposed apartment development does not exceed the applicable limitation on multifamily housing within the MXD. The Second Amended PDP provides approximately 260 apartment units. Supp. Statement at 4. Those units constitute approximately 25.8 percent of the total 1,821 dwelling units within Maple Lawn, *id.* at 11, below the 30 percent maximum applicable to multifamily housing within the MXD. Howard County Zoning Regulation § 127.0(C)(6)(a). Petitioner's planning expert, Mr. Foster, specifically testified that the proposed multifamily component complies with this limitation. July 15, 2026 H'rg Test. at 3:59:47.

The proposed apartments therefore satisfy both the quantitative limitation and the underlying purpose of the MXD District: providing a diversity of housing types within a unified mixed-use community.

² Howard County Zoning Regulation § 127.0(A): "A Mixed Use Development is intended to include a planned network of open space which includes . . . a diversity of housing types at medium to high densities"

5. The Second Amended PDP Provides for Orderly Growth and Integration of Uses

The Second Amended PDP continues to foster orderly growth and integration of land uses. The amendment maintains Maple Lawn as a coordinated mixed-use community while incorporating adjacent property into the existing planning framework. It strengthens the relationship among residential, commercial, employment, civic, and recreational uses and continues the comprehensive planning approach established by the Original PDP and First Amended PDP, consistent with the vision described by developer Michael Greenebaum.

The Business District apartment development is particularly consistent with that approach. Much of the area proposed for redevelopment consists of existing surface parking and other previously disturbed land. As Mr. Greenebaum and partner Mike Buch explained, the parking in particular is largely vacant at peak work hours as a result of the broader shift to hybrid work. The proposal would therefore replace underutilized impervious surface with residential development integrated into the existing Business District. Mr. Foster likewise testified that redeveloping underutilized impervious surface within an established community is an efficient form of infill redevelopment that makes productive use of existing infrastructure. July 15, 2026 H'rg Test. at 3:56:00.

The redevelopment of this land for housing therefore represents an efficient and productive use of an existing developed area while strengthening Maple Lawn as a mixed-use community.

6. The Second Amended PDP Remains Consistent With Applicable Environmental Policies

The Second Amended PDP remains appropriate in relation to the site's environmental features and constraints. The proposal preserves the existing Maple Lawn Farmstead and pond and maintains substantial open space throughout the development. *See generally* Ex. 1 to Supp. Statement, at Sheets 4 and 6.

The proposed development pattern also places additional residential density within an already planned development area rather than expanding development into an unrelated area. *Id.* Detailed environmental, stormwater, and site-engineering requirements will continue to be addressed through subsequent development-review processes.

7. The Existing Maple Lawn Focal Point Remains Unchanged

The Second Amended PDP does not alter Maple Lawn's existing focal point. The primary focal point has already been approved and constructed in the Midtown District. No additional focal point is proposed. *See id.* The organizing structure of Maple Lawn therefore remains intact.

8. The Second Amended PDP Expands the Diversity of Housing Types

The Second Amended PDP continues to provide a variety of housing opportunities and expands that variety. Maple Lawn already contains detached single-family homes, attached homes, and other ownership housing. The amendment introduces approximately 260 apartment homes, purpose-built rental housing, and MIHUs. The proposed housing mix therefore directly advances the MXD District's purpose of providing a diversity of housing types at medium to high densities.

9. The Second Amended PDP Provides an Integrated Transportation System

Consistent with Mickey Cornelius's testimony, and his study attached as Ex. 3 to the Supp. Statement, the Second Amended PDP provides an integrated transportation system connecting the proposed development to the existing Maple Lawn roadway network and surrounding roads. The West District includes proposed access at MD Route 216 and Lime Kiln Road and an internal connection to Federal Street within the existing Maple Lawn Garden District. *See* Ex. 3 to the Supp. Statement, at 18. The Apartment Property will utilize the existing Maple Lawn roadway network, including Buch Way and Maple Lawn Boulevard, with supplemental access as shown on the PDP. *Id.*

The PDP-level Traffic Impact Analysis evaluates the surrounding roadway system and proposed access points and concludes that the surrounding road system and proposed access locations are projected to operate with acceptable traffic conditions. *Id.* at 18-19. The Traffic Impact Analysis also recognizes that more detailed Adequate Public Facilities and Chapter 5 traffic analyses will occur at subsequent stages of development review. *Id.* at 25.

The Second Amended PDP therefore establishes the appropriate PDP-level transportation framework while preserving the County's established process for detailed traffic review at later stages.

10. The Second Amended PDP Is Compatible With Existing and Planned Adjacent Land Uses

The Second Amended PDP is compatible with surrounding and planned land uses. The West District has long been planned for residential development. The proposed development remains single-family detached residential development and therefore continues an existing land-use concept rather than introducing a new incompatible use. The Business District apartment development likewise occurs within an established mixed-use environment containing

employment, commercial, retail, and residential uses. The proposed redesignation therefore does not disrupt Maple Lawn's development scheme. It extends an existing residential pattern into a portion of the Business District where residential uses are already directly adjacent.

11. The Second Amended PDP Preserves Natural Features and Required Open Space

The Second Amended PDP continues to preserve the required open-space network and significant natural and historic features. The Maple Lawn Farmstead remains an important feature of the West District. The existing pond will likely be remediated and retained. Open-space areas will continue to provide buffers, community amenities, and recreational opportunities. *See generally* Ex. 1 to Supp. Statement, at Sheet 6.

The plan provides 35.1 percent overall open space and maintains at least 35 percent recorded open space within the MXD. At least ten percent of the gross open-space acreage will be usable for active recreation facilities. Ex. 2 to Supp. Statement, at 5. The proposed development therefore preserves the fundamental open-space structure of Maple Lawn.

12. The Second Amended PDP Utilizes Existing Infrastructure

The Second Amended PDP makes efficient use of existing public infrastructure. As Jessamine Duvall testified, Maple Lawn is located within the Planned Service Area and is already served by public water and sewer. As explained by Mickey Cornelius, the proposed amendment makes use of existing roads, sidewalks, utilities, schools, parks, retail, employment centers, and other public facilities. The Business District apartment development particularly represents an efficient infill opportunity because it reuses existing developed land and underutilized surface parking rather than requiring development of a new greenfield area. As Ms. Duvall explained, this is in harmony with the General Plan.

As confirmed by Ms. Duvall, Mr. Cornelius, and Kevin Foster, the proposal makes productive use of existing infrastructure and underutilized developed land and is consistent with HoCo By Design's planning principles.

13. The Second Amended PDP Does Not Alter the Existing Building-Size Limitations

The Second Amended PDP does not propose changes to the building-size limitations established by the existing Preliminary Development Plan, except for the specific development criteria expressly presented as part of this amendment. The existing limitations otherwise remain in place, subject to subsequent Planning Board review of the amended Comprehensive Sketch Plan and Preliminary Development Plan Criteria. The amendment therefore preserves the established regulatory framework for building size and bulk while providing the specific modifications necessary to implement the proposed development.

C. THE PROPOSED WEST DISTRICT DENSITY IS CONSISTENT WITH THE MXD-3 DISTRICT AND THE INTENDED TRANSITION IN RESIDENTIAL DENSITY

The Second Amended PDP would permit 253 single-family detached dwelling units in the approximately 110-acre West District, compared with the 32 units previously approved for that area. *See* Ex. 4 to Supp. Statement. The increase does not change the basic land-use designation of the West District. The area remains planned for single-family detached residential development. *See generally id.* at Ex. 1, Sheet 6.

The issue is therefore not whether the West District should be developed for residential purposes. It already is part of the approved PDP and has long been planned for future residential development. The issue is the appropriate development intensity within the MXD-3 framework. As Ms. Sauer from the County explained at length—on cross examination—the proposed residential development furthers the original intent of MXD-3 District and the General Plan.

The proposed West District density therefore falls within the flexibility contemplated by the MXD-3 District and provides an appropriate transition between the different residential intensities present within and around Maple Lawn.

D. THE PROPOSED 30-FOOT MD ROUTE 216 SETBACK IS APPROPRIATE AND CONSISTENT WITH COUNTY APARTMENT DEVELOPMENT

The Second Amended PDP proposes a 30-foot setback from MD Route 216 for multi-story residential apartment buildings. Ms. Sauer testified concerning setbacks, explaining that comparable residential apartment zoning districts with similar surroundings permit a 30-foot setback. Ms. Sauer pointed to the Vine property apartments, as well as the RA-15 district. And she testified that the narrower width of Route 216 actually places the building farther than 30 feet from the roadway pavement. Ms. Sauer specifically testified that the proposed 30-foot apartment setback is consistent with setbacks permitted for comparable apartment development elsewhere in the County.

The proposed setback is therefore appropriate to the physical configuration of the site and consistent with County zoning practice for apartment development.

E. THE PROPOSED EMPLOYMENT-TO-OTHER RESIDENTIAL CHANGE IS CONSISTENT WITH MAPLE LAWN'S DEVELOPMENT SCHEME

The Second Amended PDP changes a portion of the Business District from Employment to Other Residential to accommodate the proposed apartment development. That change does not undermine Maple Lawn's mixed-use character.

Ms. Sauer confirmed in her testimony that residential uses presently exist immediately adjacent to the Business District area at issue. She testified similarly that Other Residential uses are present in the Westside District, directly adjacent to Employment uses. Ms. Sauer concluded on the record that changing the affected portion from Employment to Other Residential would neither impair nor be detrimental to Maple Lawn's overall planning and development scheme.

Moreover, the change is limited. The projected number of jobs provided under the First Amended PDP will not change. *See generally*, Economic Impact and Cost of Services Analysis of the Proposed Maple Lawn West Residential Development (the “Irani Report”), Ex. 5 to Supp. Statement at 9. The proposed amendment repurposes a portion of an existing Business District parking area for housing while retaining the overall employment framework.

The amendment consequently strengthens rather than diminishes the mixed-use character of Maple Lawn and the proposed change integrates another residential use into an area already characterized by a mixture of residential and employment uses.

F. THE SECOND AMENDED PDP REFLECTS SUBSTANTIVE COMMUNITY ENGAGEMENT AND A SIGNIFICANTLY DIFFERENT COMMUNITY RESPONSE FROM 2021

The Second Amended PDP is the product of an extensive community engagement process and reflects substantive changes made in response to concerns raised regarding the 2021 proposal. As Michael Greenebaum explained in his testimony, a PDP amendment was submitted in 2021 but was subsequently withdrawn. The current proposal is materially different from that proposal, including in the location and type of proposed residential development. In particular, the current proposal does not place multifamily development in Maple Lawn West. Instead, Maple Lawn West remains a single-family detached residential area, while the proposed approximately 260-unit apartment component is located within the Business District. The Petitioner also retained the existing pond and incorporated the adjacent parcels into the comprehensive Maple Lawn planning framework.

The Petitioner satisfied the applicable community-participation requirements and undertook additional outreach with Maple Lawn Homeowners Association leadership, neighboring residents, and other stakeholders. That process resulted in a signed Memorandum of Understanding (“MOU”) between representatives of the Petitioner and representatives of the

Maple Lawn community concerning the current proposal and the continued development of Maple Lawn. As Mr. Greenebaum testified, the current proposal represents a thorough process with heavy community involvement, and community-initiated change to the original plans. The MOU, he explained, is the culmination of many rounds of good faith and extensive discussions between Petitioners and the community.

The distinction from 2021 is material. The 2021 proposal generated opposition from Maple Lawn residents. In contrast, no Maple Lawn resident appeared in opposition to the Second Amended PDP at the hearing, and the Petitioner and community representatives have entered into the MOU addressing the current proposal. The record therefore reflects a materially revised proposal developed through an iterative process with the affected community. The current Second Amended PDP is not the 2021 proposal repackaged; it reflects changes made in response to community concerns, current planning considerations, and direct engagement with Maple Lawn residents and representatives.

G. THE SECOND AMENDED PDP IS IN HARMONY WITH HOCO BY DESIGN

The Second Amended PDP is in harmony with Howard County's adopted General Plan, HoCo By Design.

1. Maple Lawn Is an Appropriate Location for Targeted Growth

HoCo By Design identifies Maple Lawn as a Tier 1 area for growth and as an area to be strengthened and enhanced. Howard County, Maryland, *HoCo By Design: Howard County's General Plan* (2023) (hereinafter "*HoCo By Design*"), at GCF-20 (map of Howard County depicting growth tiers). The Plan recognizes the County's limited remaining supply of undeveloped land and emphasizes redevelopment and infill within established communities. The Second Amended PDP directs additional housing to an existing, established mixed-use community already served by public infrastructure. The proposal therefore advances the County's targeted-growth strategy.

2. Maple Lawn's Mixed-Use Neighborhood Character Supports Multifamily Housing

HoCo By Design identifies Mixed-Use Neighborhoods as locations where multifamily housing is appropriate. *See HoCo By Design* at DN-32 (grouping multi-family and mixed-use housing together) and DN-54 (providing that County should consider "opportunities for new multi-family communities" in Mixed-Use Neighborhood character areas "to remain socioeconomically diverse and support a healthy economy.") The Plan recognizes that various Future Land Use Map character areas are envisioned to have a range of multifamily housing types and specifically contemplates apartment complexes with greater numbers of units and buildings at a greater scale in Mixed-Use Neighborhood character areas. *Id.*

Kevin Foster testified that Maple Lawn is identified in HoCo By Design as a Mixed-Use Neighborhood and that the General Plan specifically envisions apartment housing within Mixed-Use Neighborhoods. He therefore concluded that the proposed apartment community is consistent with the County's adopted planning vision for this character area and that the Second Amended PDP is in harmony with and advances HoCo By Design.

3. The Second Amended PDP Advances the County's Housing Objectives

HoCo By Design recognizes the need for a broader range of housing choices, including rental housing. As illustrated by Ms. Duvall's testimony, the residential development present in the Second Amended PDP is consistent with HoCo By Design's provisions. Namely, directing future housing growth to the Planned Service Area, redevelopment and infill, acknowledgement of the demand for multifamily rental and MIHU units. As Ms. Duvall testified, Maple Lawn is presently without purpose-built rental housing, and the Second Amended PDP would introduce these housing options without displacing others.

4. The Second Amended PDP Advances Affordable Housing Objectives

HoCo By Design encourages integrating traditional market-rate housing with affordable housing opportunities and providing housing that serves a range of income levels. The Second Amended PDP includes a voluntary commitment to designate 15 percent of the apartment units as MIHUs and construct those units on site. Those approximately 39 MIHUs will be integrated within the apartment community rather than separated from the market-rate housing. As Ms. Duvall testified, these components make the Second Amended PDP consistent with the vision and objectives of HoCo By Design.

5. The Second Amended PDP Advances Infill and Redevelopment

HoCo By Design encourages redevelopment of already-developed land as a means of accommodating future growth. The Business District apartment development is located substantially on existing surface parking and previously disturbed land. Mr. Greenebaum explained how the shift to hybrid work has led to underutilized parking and office space, and the demand for housing is much greater. Mr. Foster, the planning expert, likewise testified that the proposal makes efficient use of existing infrastructure and underutilized developed land and

represents an efficient form of infill redevelopment. The Second Amended PDP therefore advances one of the central development strategies identified by HoCo By Design.

H. THE SECOND AMENDED PDP PROVIDES A POSITIVE FISCAL AND ECONOMIC BENEFIT

The evidence also establishes that the Second Amended PDP will provide a positive fiscal and economic benefit to Howard County. Dr. Irani testified at length about the prospective economic benefits, the manner in which costs to the County would be offset, job creation, and the productive use of existing infrastructure. Dr. Irani also produced a full report detailing these benefits, attached as Exhibit 5 to Petitioners' Supplemental Statement.

The fiscal and economic evidence provides an additional, independent basis supporting approval. The Second Amended PDP advances housing and redevelopment objectives, including the provision of MIHUs and rental housing, while producing a positive fiscal result for the County rather than imposing a fiscal burden.

I. THE DEPARTMENT OF PLANNING AND ZONING'S REVIEW CONFIRMS COMPLIANCE

The Department of Planning and Zoning independently reviewed the Second Amended PDP and prepared a Technical Staff Report evaluating the proposed amendments. As detailed in the recounting of Ms. Sauer's testimony above, the County concluded that the proposed development supports HoCo By Design's objectives, benefits Maple Lawn by adding cohesion to the community, and furthers the original intent of the MXD-3 District and the current General Plan. The County's own technical review therefore independently supports approval.

J. THE SECOND AMENDED PDP PROVIDES THE REQUIRED PHASING AND STAGING

The Petitioner submitted a revised Phasing Plan establishing the timing and sequence of development. *See generally* Ex. 4 to Supp. Statement. The phasing plan provides for coordinated

development of the West District and Business District apartment component and allows infrastructure and transportation improvements to be coordinated with development. The phasing framework is consistent with the MXD requirement for orderly and coordinated development.

K. THE SECOND AMENDED PDP PROVIDES THE APPROPRIATE TRANSPORTATION, PUBLIC FACILITIES, TRANSIT, AND COMMERCIAL FRAMEWORK

The Second Amended PDP provides the required generalized transportation analysis and identifies the location of major roads and access points. As outlined by traffic expert Mickey Cornelius, the proposed amendments are well within the range of what the surrounding transportation network can accommodate, and there are no deficiencies that would preclude approval. The West District includes proposed access at MD Route 216 and Lime Kiln Road and an internal connection to Federal Street. The Apartment Property will use existing Maple Lawn roadway connections, including Buch Way and Maple Lawn Boulevard. The development will also remain subject to the County's Adequate Public Facilities requirements at the applicable stage of development review.

The Petition provides that the Mixed Use Development will continue to be served by the public facilities serving Maple Lawn and that the proposed development will be required to satisfy all applicable APFO requirements. The transportation framework also incorporates existing and proposed public transit facilities. As detailed above, Mr. Cornelius also evaluated the amendment's possible effect on parking, and found no cause for concern given the existing supply. Overall, he concluded the proposal makes efficient use of existing transportation infrastructure without creating a parking deficiency.

Finally, the Second Amended PDP does not propose a new retail center. The existing retail centers remain part of the Maple Lawn development framework, and the employment component remains approximately 1.86 million square feet. *See* Ex. 2 to Supp. Statement, at 5. The proposed

amendment therefore adds residential housing while maintaining the transportation, public-facilities, employment, transit, and commercial framework of the existing MXD.

L. THE INTENSITY AND SCALE OF THE PROPOSED AMENDMENTS ARE APPROPRIATE

The Second Amended PDP provides an appropriate intensity and scale of development in relation to the site's environmental features and the existing and planned development in the vicinity. The overall residential density would increase from 2.2 to 3.0 dwelling units per gross acre, which is the maximum density permitted within the RR-MXD-3 District. The West District would contain 253 single-family detached units, providing an appropriate transition between the more intensive residential areas to the east and lower-density residential development to the west. The Business District apartment development places multifamily housing within an existing mixed-use activity center, where the County's current General Plan contemplates apartment development. The proposed 30-foot MD Route 216 apartment setback is consistent with setbacks permitted for apartment development elsewhere in the County, and the physical configuration of the MD Route 216 right-of-way places the building farther from the actual roadway pavement than the setback measurement alone indicates. The proposed intensity and scale therefore reflect the characteristics of the existing Maple Lawn community, the MXD-3 District, the surrounding development pattern, and the County's current planning policies.

M. THE SECOND AMENDED PDP PRESERVES MAPLE LAWN'S FUNDAMENTAL MIXED-USE CHARACTER

The Second Amended PDP does not convert Maple Lawn into a predominantly residential development. The amended PDP continues to provide substantial employment uses, commercial uses, residential uses, and open space. The employment component remains approximately 1.86 million square feet. The open-space component remains above the applicable minimum. The existing focal point remains unchanged. The proposal introduces multifamily rental housing into

the Business District while retaining the existing employment and commercial framework. The amendment therefore strengthens the relationship among the various components of Maple Lawn rather than separating them.

As Mr. Greenebaum testified, the original vision for Maple Lawn has always been to create a complete mixed-use community in which people can live, work, shop, dine, and recreate. The proposed amendment continues that vision while responding to how people live and work today.

III. CONCLUSION

The Second Amended PDP satisfies the applicable requirements of Section 127.0 of the Howard County Zoning Regulations and the criteria applicable to the proposed amendments to the existing Maple Lawn Preliminary Development Plan.

Maple Lawn has been an approved and substantially implemented MXD for more than twenty-five years. The Original PDP and First Amended PDP established a unified planning framework integrating residential, employment, commercial, recreational, and open-space uses. The Second Amended PDP builds upon that framework rather than departing from it. It satisfies the applicable MXD-3 land-use requirements. It encompasses the required contiguous planning area and incorporates immediately adjacent parcels into the existing PDP in a logical and comprehensive manner. It provides a revised phasing plan. It maintains more than the required amount of open space. It maintains the required residential and employment components. It uses permitted MXD-3 land uses. It keeps the multifamily component below the applicable 30 percent limitation. It maintains orderly growth and integration of land uses. It remains consistent with applicable environmental policies. It preserves Maple Lawn's existing focal point. It expands the diversity of housing types through the introduction of apartment and rental housing. It introduces approximately 39 MIHUs through the Petitioner's voluntary 15 percent MIHU commitment for the apartment development. It provides an integrated transportation system. It remains compatible

with existing and planned adjacent land uses. It preserves natural features and the required open-space network. It utilizes existing public infrastructure and previously developed land. It does not alter the existing building-size limitations except as specifically proposed in the amended development criteria. It maintains the existing employment and retail framework. It does not propose new retail centers. It provides appropriate intensity and scale within the MXD-3 framework. It satisfies the applicable public-facilities and transportation framework while preserving detailed review for subsequent stages. And it is in harmony with Howard County's adopted General Plan, HoCo By Design.

The proposed 253 single-family detached dwelling units in Maple Lawn West are consistent with the existing residential planning concept for that area and, as confirmed by Ms. Sauer, provide an appropriate transition between differing residential densities. The proposed apartment development is located within an established mixed-use Business District and would redevelop underutilized, previously disturbed land and surface parking. The proposed Employment-to-Other Residential designation does not impair Maple Lawn's overall development scheme, as confirmed by Ms. Sauer. The proposed 30-foot setback for the multi-story apartment buildings along MD Route 216 is consistent with apartment setbacks permitted elsewhere in the County and, because of the configuration of the MD Route 216 right-of-way, places the buildings farther from the actual roadway than the setback measurement alone suggests.

The Department of Planning and Zoning independently reviewed the Petition and found no insufficiencies with respect to the PDP. Through Ms. Sauer's testimony, DPZ further confirmed that the proposal supports HoCo By Design's targeted-growth policies and that the proposed diverse residential types further the original intent of the MXD-3 District and the current General Plan.

The community record further demonstrates that the Second Amended PDP is materially different from the proposal considered in 2021. The current proposal reflects substantive revisions made following community engagement, including relocating the multifamily component from Maple Lawn West to the Business District, and the Petitioner and Maple Lawn community representatives have entered into a signed MOU addressing the current proposal. No Maple Lawn resident appeared in opposition to the Second Amended PDP at the hearing.

The evidence presented by Petitioner's planning, development, housing, transportation, and economic experts, together with the testimony of Mr. Greenebaum, Mr. Buch, and the independent testimony of DPZ, establishes a consistent and comprehensive record in support of approval. Mr. Foster established compliance with the applicable planning and MXD criteria; Ms. Duvall established the housing-policy need and consistency with HoCo By Design; Mr. Cornelius established that the transportation network, access, circulation, pedestrian facilities, and parking are adequate; Dr. Irani established a positive fiscal and economic impact; Mr. Greenebaum established the continuity of Maple Lawn's mixed-use vision and the extensive community engagement underlying the current proposal; and Mr. Buch established the changed circumstances supporting incorporation of the adjacent parcels.

Dr. Irani's analysis provides particularly significant confirmation that the proposed housing and redevelopment benefits can be achieved without creating a fiscal burden for Howard County. Even after accounting for the proposed MIHUs, the project is projected to generate an annual net fiscal surplus of approximately \$818,000, more than \$10 million in school surcharge revenues, and more than \$100 million in economic output.

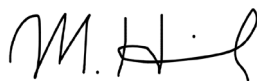
Taken together, the record demonstrates not merely technical compliance, but a coordinated planning response to changed market conditions, documented housing needs, underutilized

developed land, and the evolution of an established mixed-use community. The proposed amendment retains Maple Lawn's employment, commercial, open-space, and residential framework while adding housing in locations where the evidence shows it can be appropriately integrated and served by existing infrastructure.

The Second Amended PDP is therefore a logical and appropriate continuation of an established Mixed Use Development. It satisfies the applicable regulatory criteria, advances the purposes of the MXD-3 District, is compatible with surrounding land uses, provides an appropriate mix of housing and employment, protects required open space and natural features, utilizes existing infrastructure, responds to current housing needs, and is in harmony with Howard County's adopted General Plan.

For the foregoing reasons, Petitioner respectfully requests that the Hearing Examiner recommend approval of Zoning Board Case No. ZB-1134PDP and that the Howard County Zoning Board approve the Second Amended Preliminary Development Plan and associated Preliminary Development Plan Criteria for Maple Lawn.

Respectfully submitted,



MANDEE HEINL
Saul Ewing LLP
Counsel for Petitioner