

IN THE MATTER OF	:	BEFORE THE
G & R Maple Lawn, Inc.	:	ZONING BOARD
	:	OF HOWARD COUNTY
PETITIONER	:	Zoning Board Case No. 1134PDP

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REPORT

On July 15 and 23, 2026, the undersigned, serving as the Howard County Zoning Board Hearing Examiner, and in accordance with the Zoning Board and Hearing Examiner Rules of Procedure, held the evidentiary hearing for the Petition of G & M Maple Lawn, Inc. for a Second Amended Preliminary Development Plan (PDP). The record in 1134PDP application is incorporated into the record of 1134M and the record in 1134M is incorporated into the record of 1134PDP.

The subject Property consists of Tax Map 41, Parcel 330, identified as 11788 Scaggsville Road, and Tax Map 46, Parcels 200 and 226, identified as 11292 Buch Way ("the subject Property"). It is approximately 115.8 acres (109.6 acres West District; 6.2 acres Apartment Property)

The Hearing Examiner viewed the subject Property as required by the Zoning Board/Hearing Examiner Rules of Procedure. Mande Heinl, Esq. represented the

Petitioner. Mike Buch (Petitioner), Kevin Foster (Land Planner), Dr. Darrius Irani (Economist), Mickey Cornelius (Transportation) and Jessamine Duvall (Housing) testified on behalf of Petitioner. Julia Sauer (Division Chief for Public Service and Zoning Administration) testified on behalf of the Department of Planning and Zoning in support of the Petition. Several citizens asked the witnesses questions. Nathaniel Forman, Zoning Counsel, fully participated in the hearing. Mr. Stu Kohn was the only citizen to testify.

The parties of record in the Petition are G & R Maple Lawn, Inc., represented by Mande Heinl, Esq., and Nathaniel Foreman, Esq., Zoning Counsel. Memoranda of Law were filed by Petitioner and Zoning Counsel. Mr. Hurewitz also filed a Memoranda of Law but he is not a party of record in accordance with Rules of Procedure of the Zoning Board Hearing Examiner, Art. III, Subsection D.18. as he did not request orally or in writing to become a party of record. Therefore Mr. Hurewitz's Memoranda was not considered as it was not properly filed.

Petitioner submitted the following exhibits:

Ex 1. Maple Lawn Farms Overview Map

Ex 2. ZB1134M Olde Scaggsville, LLC; G&R Maple Lawn, Inc. - Technical Staff
Report 4/9/2026

Ex 3. HoCo By Design manual

Ex 4. Memorandum of Understanding document

Ex 5. Maple Lawn Farms Parking Map

Ex 6. Traffic Impact Analysis 1/26/2026

Ex 7. Economic Impact Analysis 2/10/2026

FINDINGS OF FACT

Based upon the evidence of record, the Zoning Board Hearing Examiner finds the following facts:

1. Property Identification. The 109.6-acre property in the West District is currently used as an agricultural operation and consists of a house, several barns, and multiple accessory buildings. The Property rises from an elevation of 410 feet along the north property to 470 feet along the west property line. A pond and wetland area are located in the southeast corner.

The 6.2 acres for the Apartment Property includes the southeast portion of the Business District and two adjacent parcels proposed to be added with this PDP. The portion of the Business District is used as a parking lot for the Maple Lawn commercial area, and the two adjacent parcels are developed with modular office buildings.

2. Vicinal Properties.

Direction	Zoning	Land Use
North	RR-DEO/RR-MXD-3	Single-Family Residential
South	RR-DEO/RR-MXD-3	Single-Family Residential/Church
East	RR-MXD-3	Public Schools
West	RR-DEO/B-1/B-2	Single-Family Residential/ Farm/ Commercial

3. Roads. MD-216 consists of two lanes within a variable width right-of-way and the speed limit is 35 mph. Federal Street is a two-lane local street and the speed limit is 25 mph.

The Annual Average Daily Traffic (AADT) on MD-216 was 24,761 in 2019. Traffic Count data is not available for Federal Street.

4. Water and Sewer Service. The Property is in the Planned Service Area for water and sewer. The West District property is not located in the Metropolitan District but will be served by public water and sewer.

5. The General Plan. HoCo By Design describes Maple Lawn as a Mixed-Use Neighborhood, a General Plan character area. The Mixed-Use Neighborhoods include land offering the opportunity to live, work, shop, and play in a master-planned community. Mixed-Use Neighborhoods emphasize a mix of uses, a neighborhood activity center, and one or more neighborhoods connected to the activity center by a network of pathways or walkable streets. The design of Mixed-Use neighborhoods transitions effectively between residential and nonresidential uses and includes safe and convenient pedestrian and bicycle access for nearby residents. Sites effectively minimize the impact of cut-through traffic on nearby neighborhood streets by orienting vehicle access and circulation away from neighborhoods. Residential neighborhoods within and adjacent to activity centers are encouraged to offer different home types of varied lot sizes with a range of home choices.

Within the HoCo By Design Dynamic Neighborhoods chapter, Mixed-Use Neighborhoods are “Various character areas on the FLUM are envisioned to have a range

of multi-family housing types; however, Multi-Family Neighborhood, Mixed-Use Activity Centers, and Mixed-use Neighborhood character areas are envisioned to contain apartment complexes and condominiums with a higher number of units and buildings at a greater scale” (page DN-54).

The proposal is also in harmony with the following policy statement in HoCo By Design. Policy Statement DN-8: “Support the new development and redevelopment of multi-family communities that meet the County’s current and future rental housing demands and ensure that resident displacement is minimized in redevelopment projects.” Implementing Action #1: “Support multi-family housing projects that serve a range of income levels and integrate traditional market rate housing with affordable housing opportunities.”

The proposal to continue to develop this portion of Maple Lawn in the same traditional neighborhood design as the rest of Maple Lawn supports HoCo By design targeted growth policies. The proposed development will be designed with a series of interconnected roads with open spaces and community facilities. The proposed development will also connect to the existing Maple Lawn Garden District via Federal Street, and with a proposed intersection with Scaggsville Road and Lime Kiln Road, making Maple Lawn a cohesive community.

In terms of housing, the variety of housing options are outlined in the proposed

amendment and include a mix of single-family detached homes and multifamily units (apartments). The Petitioner is offering a voluntary 15% percent of the units on the Subject Property as MIHUs. The proposed diverse residential types will result in a variety of lot sizes, housing types, and income diversity that furthers the original intention of the MXD-3 district and current General Plan.

6. Zoning History.

1. Case No. ZB995M

Petitioner: G&R Maple Lawn

Request: Preliminary Development Plan for 507.9 acres consisting of 485

SFD, 395 SFA, 236 apartments, and a maximum of 1,175,460 square feet of employment including 152,370 square feet in retail centers.

Action: Granted, December 29, 2000

2. Case No. ZB1039M

Petitioner: G&R Maple Lawn

Request: To amend the PDP to:

1. Increase the total land area by 97.4 acres to 605.3 acre by adding two properties. The 97.4 acres consists of 19 acres of residential, 44.1 acres of employment, and 34.3 acres of open space;
2. Increase the number of permitted dwellings from 1,116 to 1,340

(485 SFD, 619 SFA, and 236 apartments)

3. Increase the square footage of employment from 1,175,460 to 1,860,012 including an increase of 29,220 square feet of retail and 655,332 square feet of office.

Action: Granted, March 20, 2006

3. Case No.: ZB1127M

Petitioner: G&R Maple Lawn

Request: To amend the PDP to:

1. Increase the maximum overall residential density from 2.2 dwelling units per gross acre to 3.0 dwelling units per gross acre.
2. Change the land use designation of the Maple Lawn West District from Single Family Detached to Other Residential.
3. Increase the permitted dwelling units on the Maple Lawn West District to 157 single family detached dwellings, 148 single family attached dwellings, and 200 apartment dwellings.
4. Adjust the number of dwellings/acre in each land use category and decrease the square footage allowed in retail centers from 181,590 to 181,380.

Action: Withdrawn

4. Case No.: ZB1134 (Rezoning)

Petitioner: Olde Scaggsville, LLC and G&R Maple Lawn, Inc

Request: To rezone Tax Map 46 Parcels 200 & 226 from B-1 to RR-MXD-3

Action: In process – Submitted simultaneously with this PDP amendment

7. Petitioner's Request. The Petitioner proposes to amend the Maple Lawn Farms Preliminary Development Plan (approved through ZB-995M and amended through ZB-1039M) to add 221 single-family detached dwellings to the Maple Lawn West District (Old Farm District), which is currently approved for 32 single-family detached dwellings. The Petitioner also proposes adding 2.47 acres of contiguous land to the PDP as Other Residential land use, change the land use designation of the southeast portion of the Business District to Other Residential land use, and adding 260 apartment units. The dwellings are proposed to be constructed in phases as follows:

Phase 1 (2029) – 260 apartment dwellings

Phase 2 (2030) – 32 single-family detached dwellings (previously approved per ZB-995M)

Phase 3 (2031) – 175 single-family detached dwellings

Phase 4 (2032) – 46 single-family detached dwellings

Vehicular access for Phase 1 is proposed through the terminus of Buch Way, which is accessed from the traffic circle on MD Route 216. Internally, the Apartment Property is planned to connect to Maple Lawn Boulevard by East Market Place. In

addition, there will be an access point from another road off of Maple Lawn Boulevard near the intersection of Maple Lawn Boulevard and Market Street.

The Petitioner is proposing to increase the number of single-family detached dwelling units and add an apartment building. The additional 481 dwellings units will increase the maximum overall residential density from 2.2 dwelling units per gross acre to 3.0. The acreage of each land use category and the number of dwellings is proposed to be amended as follows:

<u>Land Use</u>	<u>Current Acres</u>	<u>Proposed Acres*</u>	<u>Current %</u>	<u>Proposed %</u>
Single-Family – Detached	192.6	194.7	31.8	32
Other Residential	73.6	77.7	12.2	12.8
Employment	122	122	20.2	20.1
Open Space	217.1	213.1	35.8	35.1
Total	605.3	607.5	100	100

<u>Residential Land Use</u>	<u>Current Units</u>	<u>Proposed Units*</u>	<u>Current %</u>	<u>Proposed %</u>
Single-Family – Detached	507	759	37.8	40.0
Single-Family Attached	623	618	46.5	34.2
Apartments	210	444	15.7	25.8
Total	1,340	1,821	100	100

*The proposed acres and proposed units account for as-built conditions and future development proposed under this request.

The Petitioner is also proposing an increase in the total acreage from 605.3 to 607.5 resulting from a pending zoning petition to rezone two adjacent properties from B-1 to RR-MXD-3 and incorporate them into the Maple Lawn Development Plan. This land addition also results in an increase in the permitted square footage of retail centers, which is based on 300 square feet per gross acre, from 181,590 square feet to 182,250.

8. Subdivision Review Committee. As required by Section 127.D.4. of the Zoning Regulations, the Preliminary Development Plan and Criteria were evaluated by the various agencies comprising the Subdivision Review Committee ("SRC"). The comments of SRC agencies are attached to the TSR.

9. Fee Impact Analysis. A fiscal impact analysis was conducted to compare the tax revenue generated by the proposed Maple Lawn West development to the cost of public services provided by Howard County. The analysis determined that the proposed residential development, including single-family homes and apartments in the business district, is expected to generate a combined annual net surplus of just over \$818,000. This includes an estimated annual surplus of approximately \$2.24 million from the single-family homes and a deficit of approximately \$1.42 million associated with the apartment units. Over a 30-year period, the present value of the net fiscal impact is projected to be nearly \$50 million in surplus for the single-family homes and approximately negative \$160 million for the apartments, resulting in mixed long-term outcomes. In addition, the development is expected to generate more than \$10.2 million in one-time school surcharge fees to support construction and maintenance of public schools. An economic

impact analysis further estimates that the proposed development will support approximately 680 jobs, generate \$137 million in economic output, and produce \$56 million in employee compensation.

The following is a summary of the facts elicited through the testimony and exhibits:

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 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 8 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 MXD3 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 10 feet 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

APPLICABLE LAW

A. Details of the Mixed Use Development and evaluation based on the Section 127.0.C, requirements for Mixed Use Developments

1. All Mixed Use Developments are required to be served by public water and public sewer.

The Property is in the Planned Service Area and will be served by public water and sewer.

2. Minimum Area of Preliminary Development Plan

- a. The first Preliminary Development Plan approved for an MXD District must encompass at least 40% of the area of all contiguous MXD-zoned parcels or at least 25 acres, whichever is greater. Subsequent Preliminary Development Plans by a different petitioner for the same MXD District must encompass at least 25 acres. A petition to amend the plan for an existing Mixed Use Development may add areas of any size to the Mixed Use Development.**

The Petitioner is proposing to incorporate two adjacent parcels into the Preliminary Development Plan. These parcels are currently zoned B-1; however, there is an accompanying Zoning Map Amendment Petition, ZB-1134M, requesting that the parcels be rezoned to RR-DEO-MXD-3 prior to this request for the purpose of being added to the Maple Lawn Preliminary Development Plan.

- b. Where there are two or more contiguous MXD-zoned lots or parcels under single ownership, the Preliminary Development Plan shall include the petitioner's entire contiguous acreage.**

The PDP includes the Petitioner's entire contiguous acreage.

3. Proportions of Uses

- a. The Mixed Use Development shall provide the following minimum proportions of land uses:**

<u>Land Use</u>	<u>Minimum % of Gross Area</u> <u>of Mixed Use Development</u>
Open Space	35%
Residential	20%
Employment	15%

The proposed land use proportions are as follows:

<u>Land Use</u>	<u>Minimum % of Gross Area</u> <u>of Mixed Use Development</u>
Open Space	35.1%
Residential	44.8%
Employment	20.1%

b. Areas of a Mixed Use Development in which residential and employment uses are mixed within a single site or building may be used to satisfy the minimum percentage requirements, based on the projected proportions of building area (e.g., if 30% of the floor

area of buildings will be devoted to residential use, then 30% of the site acreage shall be applied to residential land use acreage.)

This criterion does not apply, since no residential and employment uses are mixed within a single site or building.

- c. The first Mixed Use Development approved within an MXD District shall include at least one focal point which shall have an integrated mix of land uses. The focal points may include land uses such as office and/or residential buildings, retail stores and services, civic or public uses, open space, including features such as plazas, squares, or other useable landscaped areas. Subsequent Mixed Use Developments within the same MXD District are not required to have a focal point, however, the land-use mix for all MXD Developments must cumulatively meet the requirements of Section 127.0.C.3.a.**

The focal point for Maple Lawn has been approved and constructed in the Midtown District, as approved on the original PDP (ZB-995M). No changes to the existing focal point, and no additional focal points are proposed.

- d. The Preliminary Development Plan for a Mixed Use Development shall include a staging plan establishing the timing or sequence of development. The staging plan shall establish the earliest reasonable time frame for the recordation of subdivision plats for**

a proportionate mix of land uses. Staging should take into consideration: extension of water and sewer service; efficient use of road network capacity; and the market for residential and employment uses.

The Petitioner submitted a staging plan depicting construction of the development between 2029 and 2032 as shown below:

Phase 1 (2029) – 260 apartment dwellings

Phase 2 (2030) – 32 single-family detached dwellings

Phase 3 (2031) – 175 single-family detached dwellings

Phase 4 (2032) – 46 single-family detached dwellings

The proposal is for residential land uses only. All approved employment land use areas have been constructed; therefore, an evaluation of the staging of commercial vs. residential development is not applicable.

The staging plan shall allow no more than 50% of the acreage designated for residential land use to be recorded prior to commencing plat recordation for employment areas. After plats have been recorded for half of the designated residential acreage, each succeeding stage of development must make substantial progress toward recording the approved mix of land uses.

This criterion does not apply, since the development does not include

employment areas and the entire approved employment area has been constructed.

- e. Recorded open space parcels must always constitute at least 35% of the total recorded land within a Mixed Use Development. At least 10% of the gross open space shall be usable for active recreation facilities.**

Active recreation facility includes but is not limited to ball fields, indoor sports facilities, play meadows, tot lots, and pedestrian, biking pathway system.

The land area of recorded open space parcels will decrease from 217.1 acres to 213.1 acres and decrease from 35.8% to 35.1% of the development. The Petition indicates that at least 10% of the gross open space acreage will be useable for active recreation facilities.

4. Permitted Uses

The Petitioner is proposing single-family detached, apartments, and open space areas which are permitted uses in the MXD-3 zoning district. The Uses of land will be limited to those permitted by the Second Amended PDP and PDP Criteria. Uses permitted only in the R-MH or M-2 District will not be permitted.

5. Accessory Uses

Unless different accessory uses are indicated in the Preliminary

Development Criteria, accessory uses shall be as follows.

- a. The accessory use provisions of Section 109.0 (the R-12 District) shall be applicable to all residential uses in the MXD-3 and MXD-6 Districts.**

The Petition indicates that the accessory use provisions of Section 109.0 will apply to the residential uses.

- b. The accessory use provisions of Section 115.0 (the POR District) and Section 122.0 (the M-1 District) shall be applicable to all employment uses in the MXD-3 and MXD-6 Districts.**

The Petition indicates that the accessory use provisions of Section 115.0 will continue to apply to employment uses.

6. Residential Density

- a. The number of dwelling units permitted in MXD-3 shall be limited to 3.0 dwelling units per gross acre.**

The Second Amended PDP proposes a maximum residential density of 3.0 dwelling units per gross acre, consistent with the MXD-3 Zoning District. The PDP Development criteria currently allow a maximum of 2.8 dwelling units per gross acre for single-family detached land uses. The Petitioner is proposing to increase the single-family detached density to 4.0 dwelling units per gross acre. The apartment density will comply with the current PDP.

- b. Moderate Income Housing Units**

At least 10% of the dwellings in each MXD development shall be Moderate Income Housing Units.

The Petitioner has previously satisfied applicable MIHU requirements for Maple Lawn. The Petitioner indicated that there will be a voluntary 15% MIHU for the multi-family apartment dwelling units.

c. The number of apartment dwelling units allowed by a Preliminary Development Plan for a Mixed Use Development in an MXD-3 District shall be limited to no more than 30% of the total number of dwelling units allowed in the development.

The multifamily apartment dwelling does not exceed 30% of the total number of dwelling units within the Mixed Use District. The proposed amendment will establish 260 apartment dwellings for a total of 25.8% of all dwelling units.

7. Requirements for Employment Uses

The Petitioner is not proposing changes to the requirements related to Employment Uses; therefore, this section does not apply.

8. Open space lots designated for public uses which require a building or buildings to accommodate the principal use shall constitute a

maximum of 30% of the gross acreage of open space within the Mixed Use Development.

The Petition states that open space lots designated for public uses that require a building to accommodate the principal use will not constitute more than 30% of the gross acreage of open space within the MXD district.

9. Bulk Regulations

Requirements regarding setbacks, lot coverage, lot sizes, building heights and all other bulk regulations for the MXD District not established in this section shall be established by the Planning Board through approval of a Comprehensive Sketch Plan and Development Criteria, in addition to any requirements imposed by the Zoning Board in the Preliminary Development Plan and Preliminary Development Criteria.

The Petitioner agrees to comply with this requirement.

10. Other Requirements

The provisions of Section 128.0 (Supplementary Zoning District Regulations) and Section 133.0 (Off Street Parking and Loading Facilities) shall apply in the MXD-3 and MXD-6 Districts unless different requirements are specifically approved in the Comprehensive Sketch Plan and Development Criteria.

The Petitioner indicates that the provisions of Sec. 128.0 and Sec. 133.0 will apply.

B. Evaluation of the Petition Concerning Section 127.D.7, Criteria for Approval of Preliminary Development Plan

a. The plan and criteria will foster orderly growth, integration of uses, and development consistent with the purposes of the MXD District.

The proposal is consistent with the purpose of the MXD District to permit flexible and efficient use of large parcels that have a unified design and are characterized by availability of public facilities, including access to collector or arterial highways.

The West District Property is 109.6 acres and is proposed for 253 dwelling units. The Property will have a unified design by incorporating Traditional Neighborhood Development concepts consisting of a diverse mix of housing, small pedestrian scaled blocks, and an expansive open space network with passive and active recreation facilities. Additionally, as approved in the original Preliminary Development Plan, the development will connect to the overall Maple Lawn Development via Federal Street through the Maple Lawn Garden District.

The Apartment Property is approximately 6.2 acres and is proposed for 260 apartment units. This includes redeveloping an underutilized

parking lot in the Business District and redevelopment of two adjacent parcels proposed to be added to the PDP.

The proposal does not exceed the allowed residential density and complies with required land use mix.

The West District Property has access to MD-216, a Minor Arterial. The Apartment Property has access to Buch Way from MD-216. The Petitioner proposes a phased development with construction occurring from 2029 to 2032. The development will be required to comply with the Adequate Public Facilities Ordinance (APFO), which tests for school and road capacity, at the site development plan stage for each phase.

b. The Mixed Use Development will be phased to conform to the phasing of road improvements that are needed to serve the proposed development, including improvements to road links, intersections and interchanges for both State and County roads.

Phase one includes a 260-unit apartment building that will be developed on a portion of the southeast Business District and the proposed incorporated parcels. Access to the apartment building will be provided primarily by Buch Way, and additional access is proposed at Maple Lawn Boulevard by way of East Market Place. The remaining phases include construction of single-family

detached dwellings in the West District. Access to the West District is proposed via an intersection with Scaggsville Road and Lime Kiln Road, and internally through an extension of Federal Street.

- c. The staging plan establishes the earliest reasonable time frame for development of the focal point and recordation of subdivision plats for a proportionate mix of land uses in accordance with Section 127.0.C.3.d.**

The focal point was provided in original Preliminary Development Plan and is not required in subsequent amendments.

- d. The plan and criteria are consistent with all applicable environmental policies and requirements.**

As approved on the original Preliminary Development Plan, an extension of Federal Street into the development crosses a stream, wetlands, associated buffers, and floodplain. Additionally, an access road connecting to MD-216 is shown impacting a wetland and associated buffer on the southern portion of the Property. Grading, removal of vegetation cover/trees, and paving are not permitted in these environmentally sensitive areas. Any disturbance in these areas must conform to Sections 16.115 and 16.116 of the Subdivision

and Land Development Regulations and will be evaluated in further detail at the plan submission state.

If the Petitioner's request is approved, the Department encourages flexibility to allow appropriate placement of the crossing and access road to balance safety with minimizing impacts to sensitive environmental features. This evaluation will be done at the SDP stage.

- e. The minimum area, proportions of uses and the density or intensity of development will be consistent with the requirements of Section 127.0.C.**

As noted above in the evaluation of Section 127.0.C., the minimum area, proportions of uses and the density or intensity of development are consistent with the requirements in Sec. 127.0.C.

- f. The relative proportions of residential, employment, and open space uses will be appropriate to the area surrounding the MXD District.**

The proposed development consists of residential and open space uses, which are appropriate to the surrounding properties.

- g. If required, the development will include at least one integrated focal point of sufficient size and variety of land uses to be a distinct focus for the community. A focal point**

is required only for the first Preliminary Development Plan within an MXD District.

The focal point was provided in the first Preliminary Development Plan; therefore, this criterion does not apply.

- h. The location of land designated for retail centers is appropriate for retail and personal service uses which will serve the local neighborhood or community.**

The Petitioner is not proposing retail uses. The existing retail centers were approved through the first and second Preliminary Development Plans and built out.

- i. The development will provide a mix of housing types.**

The Petitioner is proposing a mix of housing consisting of 513 dwelling units, consisting of 260 apartments and 253 single-family detached dwellings. The Petitioner has indicated that there will be a voluntary 15% MIHU for the multi-family apartment dwelling units.

- j. When feasible, public transit facilities and routes will be integrated into the development.**

Public transit facilities were approved through prior Preliminary Development Plans in the Midtown, Hillside, and Business

Districts. The Petitioner is not proposing public transit facilities or routes within the Maple Lawn West development.

- k. The intensity and scale of land use, as determined by proposed densities, F.A.R. limits and other requirements, will be appropriate in relation to the environmental constraints of the site and the character of existing and planned development in the vicinity of the site.**

The environmental constraints consist of a pond and small wetland areas on the north and south portions of the West District Property. These areas will be protected and preserved within a large open space area, except for the proposed vehicular access connection to MD-216, which was contemplated in the original Preliminary Development Plan. These preserved areas will help protect these environmental features by providing a more substantial buffer than is required in the Subdivision and Land Development Regulations.

The property to the east contains three public schools, the properties to the north consist of single-family detached dwellings, a farm and single-family detached dwellings are to the west, and a place of worship and single-family detached homes are to the south.

I. The development will be compatible with existing and planned vicinal land uses. One or more of the following methods may be used to ensure an appropriate relationship between the Mixed Use Development and surrounding land:

(1) Protection and enhancement of a natural feature on the boundary of the Mixed Use Development, such as a forest, wooded stream valley or gradechange, to provide a natural edge to the Mixed Use Development.

The environmental constraints on the boundary of the West District Property consist of a stream and wetland area along the north property line and small wetland areas on the south portions of the Property. These areas will be protected and preserved within a large open space area, except for the internal road which was contemplated in the original Preliminary Development Plan. The preserved areas will help protect these environmental features by providing a more substantial buffer than what is required in the Subdivision and Land Development Regulations. There are no known natural features on the boundary of the Apartment Property that would provide a natural edge to the mixed-use development.

- (2) Creation of open space to provide a transition or a connection between the Mixed-Use Development and adjacent land uses, including off-site open space areas.**

The proposed open space network connects to existing open space areas and protects environmentally sensitive features. Open space areas in the West District will support parks and outdoor recreational facilities. Open Space is not proposed on the Apartment Property.

- (3) Use of an existing or planned major road on the edge of the Mixed-Use Development as a separation between different uses.**

MD-216 (Scaggsville road), a Minor Arterial, is located on the southern edge of the West District Property and separates the proposed developed from single-family dwellings to the south. MD-216 is located on the southern edge of the Apartment Property. The PDP Development Criteria requires a 300-foot minimum setback for residential buildings from MD-216. The Petitioner is proposing to require a 30-foot setback from multi-story residential apartment buildings from MD-216.

- (4) Establishment of landscape design concepts applicable to the edges of the MXD District where specified types of**

land uses abut. Such standards may include the use of vegetation, berms, walls or fences.

The current PDP requires a 50-foot open space buffer from residential communities. An open space network, consisting of vegetation, is provided along the edge of the proposed West District development. The Apartment Property proposes a landscape edge adjacent to the county-owned institutional property.

(5) Establishment of setback requirements, accompanied by landscape design standards, along the edges of the Mixed-Use Development where different land uses will meet.

The Petitioner is proposing to add a 30-foot setback for multi-story residential apartment buildings from MD Route 216. No other setback changes are proposed to the existing Development Criteria.

(6) Control of the size of buildings along the edges of the Mixed-Use development through limits on building height, F.A.R. or other requirements.

The Petitioner is not proposing new building size limitations. Therefore, the requirements established on the current PDP will apply to the proposed development.

(7) Provision of a transition in land uses such that uses on the edge of the Mixed Use Development are similar to adjacent land uses outside the development.

The property to the east contains three public schools, the properties to the north consist of single-family detached dwellings, a farm and single-family detached dwellings are to the west, and a place of worship and single-family detached homes are to the south.

The Petitioner is providing a transition in land uses by proposing lower density single-family detached dwellings along the perimeter. The apartment building will be adjacent to existing commercial and retail uses. Additionally, open space area provided between the development and adjacent properties as an additional transition.

m. The proposed major open space network will accomplish the following:

(1) Connect, wherever possible, to existing and planned open space adjoining the development.

The proposed open space network connects to existing open space areas and protects environmentally sensitive features. Open space areas in the West

District will support parks and outdoor recreational facilities.

(2) Protect major environmental features such as large forest stands or stream valleys; and

The open space network preserves a significant area adjacent to the stream and wetland area north of the Property as well as the pond area on the southern portion of the site. These preserved areas will help protect the environmental features by providing a substantial buffer.

(3) Provide adequate useable land in appropriate locations for parks or recreational facilities. The determination of compliance with this criterion shall be based on a finding that at least 10% of the gross open space shall be usable for active recreation facilities. Active recreation facility includes but is not limited to ball fields, indoor sports facilities, play meadows, tot lots, and pedestrian, biking pathway system.

The proposed open space network connects to existing open space areas and protects environmentally sensitive features. Open space areas in the West

District will support parks and outdoor recreational facilities. Compliance with the 10% minimum active recreation requirement will be reviewed at the Site Development Plan stage.

(4) Provide appropriate sites for needed public facilities such as schools and libraries.

The Maple Lawn development has previously established the needs for public facilities, no other changes have been proposed.

n. The proposed development will provide housing and jobs within pedestrian access of each other.

The proposed dwelling units are less than one mile from the Maple Lawn Employment area, which can be accessed by a sidewalk on MD-216.

CONCLUSIONS OF LAW

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 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

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. 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. 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. 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. Those units constitute approximately 25.8 percent of the total 1,821 dwelling units within Maple Lawn, 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.

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. The proposed development pattern also places additional residential density within an already planned development area rather than expanding development into an unrelated area. 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. 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 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. 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. 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. 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.

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. 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. 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. The increase does not change the basic land-use designation of the West District. The area remains planned for single-family detached residential development.

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 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.

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. 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. 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. 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.

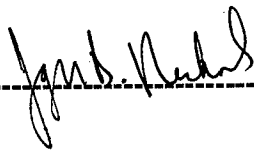
M. THE SECOND AMENDED PDP PRESERVES MAPLE LAWN'S FUNDAMENTAL MIXED-USE CHARACTER

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.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joyce B. Nichols", is written over a horizontal dashed line.

Joyce B. Nichols

Zoning Board Hearing Examiner

October 7, 2026