

HRVC Limited Partnership,	*	BEFORE THE ZONING BOARD
c/o Kimco Realty Corporation	*	OF HOWARD COUNTY
PETITIONER	*	ZONING BOARD CASE NO. 1119M
* * * * *	*	* * * * *

DECISION AND ORDER

Over the course of multiple hearings, beginning July 24, 2019 and culminating December 1, 2021, the Zoning Board of Howard County, Maryland (the “Zoning Board”) considered the petition of HRVC Limited Partnership, c/o Kimco Realty Corporation (“Kimco” and “Petitioner”) to approve an amendment of the Columbia-New Town Preliminary Development Plan (“the PDP”) for a Major Village Center Redevelopment under the Howard County Zoning Regulations (“HCZR”), section 125.0.J, for the Hickory Ridge Village Center (“HRVC”), consisting of 14.65 acres of land located generally at the southeast corner of the Cedar Lane intersection with Freetown Road, 6400-6480 Freetown Road (excluding 6440 Freetown Road); Tax Map 35, Grid 18, Parcel 423, Lot PAR A, and Tax Map 35, Grid 17, Parcel 423, Lot 113 (“the Property”), in the Fourth Election District of Howard County.

The notice of hearing was advertised, the subject property was posted with notice of the hearing, and the adjoining property owners were mailed notice of the hearing as evidenced by the certificates of posting, advertising and mailing to adjoining property owners which were entered into the record. Pursuant to the Zoning Board’s Rules of Procedure, all of the reports and official documents pertaining to the petition, including the petition, the Technical Staff Report (“TSR”) of the Department of Planning and Zoning (“DPZ”), and the Planning Board’s recommendation, were entered or incorporated into the record of the hearing. The Department of Planning and Zoning

recommended granting the amendment of the Columbia-New Town Preliminary Development Plan for a Major Village Center Redevelopment of the Property in its December 15, 2017 Technical Staff Report. The Planning Board recommended approval of the petition.

The Petitioners were represented by Sang Oh, Esq. A number of protestants testified in opposition to the petition, some of whom were represented by Allan Schwartz, Esq., who was also himself a party to the proceeding. The Hickory Ridge Community Association (also referred to as the “Village Board”), represented initially by the late Thomas Meachum, Esq. and subsequently by Macy Nelson, Esq., also participated in the hearing.

The parties presented their cases over the course of multiple hearings, as noted, beginning with hearings held with all persons physically present, but shifted to hearings conducted “virtually” after the conclusion of Petitioner’s case in chief and as Protestants began their case, as a result of the pandemic.

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

FINDINGS OF FACT

1. Petitioner requests amendment of the PDP for a Major Village Center Redevelopment of the Property. The PDP depicts the HRVC, which consists of a 66,655-square foot grocery building with in-line retail, a 29,912 square foot multi-unit commercial building, pedestrian promenade, drive-through bank, assisted living facility, daycare center, and a motor vehicle fueling facility.

2. Kimco proposes to demolish the multi-unit commercial building and the bank, reconfigure the promenade into a courtyard plaza, and construct 35,216 square feet of new retail/commercial space, a 230-unit apartment building, and a 3,229 square foot drive-through bank

3. Additions of 540 and 3,944 square feet are proposed to the grocery building, as well as architectural changes.

4. A new four-story apartment/retail building is proposed for the northwest corner of the site, at the intersection of Cedar Lane and Freetown Road. The building is proposed to include a parking garage, wrapped with the residential units, containing 393 parking spaces for the residents. The building would also include 10,365 square feet of retail space, an internal courtyard for residents, and multiple external courtyards.

5. Two 4,400 and one 11,559 square foot retail/restaurant buildings are also proposed, to be located south of the apartment/retail building.

6. The existing bus stop is proposed to remain, but at a location in the HRVC not specified.

7. A new parking lot is proposed south of the new retail buildings and across from the grocery store, replacing the existing surface parking lot.

8. Geoffrey Goins, Zoning Division Chief, testified on behalf of DPZ and presented its TSR.

9. Mr. Goins testimony and the TSR support a conclusion that the proposed amendment, if approved, would permit residential uses, namely a 230-dwelling unit, four-story apartment building in the northwest corner of the site, which, with revisions made by the Petitioner upon recommendations from the Design Advisory Panel, would to the extent appropriate support and enhance, but not overwhelm, other uses in the village center. As stated on pages 5-6 of the

TSR, “the Design Advisory Panel found that the residential building does not overwhelm other uses ... [but] supports and enhances them by providing a market for commercial uses....” DPZ agreed with this evaluation and expressed its analysis that the proposal would result in a development that meets the specific definition of a New Town Village Center, as reflected in Mr. Goins testimony and in the TSR on page 8, “As stated in Section A and criterion 1 above, the proposed Village Center meets the definition of a New Town Village Center.” Mr. Goins also testified, consistent with Section 103.0 of the HCZR, that for terms not defined in the in the HCZR, DPZ applies the definition provided in any standard dictionary, and that “overwhelm” would be so defined.

10. Jill Manion, Zoning Supervisor, testified on behalf of DPZ with respect to a parking study.

11. The following individuals testified in support of the petition: Gregory Reed, Vice President for construction and development for Kimco; Michael Workosky, a traffic engineer; Matthew Fitzsimmons, an architect; Eric Stein; Ellen Levin; Steve Hannon; James Bach; Harry Schwartz; Alison Hickman; George Clack; Susan Clack; Stephen Sternheimer; Donna Britton; Shahriar Etemadi; Bill Salganik; and Sam Mangione.

12. Gregory Reed testified that the conversion of HRVC from exclusively commercial uses to consist of a mix of uses inclusive of residential uses is necessary to maintain the viability of the commercial uses, including retail, offices, and restaurants, in part by providing a “captive audience” of residents and their visitors who may shop at the village center. He explained Kimco’s experience at another Columbia-New Town Village Center, Wilde Lake, and why that supports the necessity to redevelop HRVC as proposed by the petition, including the addition of residential uses.

13. Mr. Reed explained the process Kimco followed for reaching the design proposed by their petition, including receiving community input, which included requests for and adjustments to reduce the number of units from 300 to 230 in the residential building and the height of the structure from being five floors to four floors.

14. As to whether the residential uses would overwhelm the rest of the HRVC, as proposed, he stated that the predicted trips generated after redevelopment would be 80 percent commercial, that two-thirds of the overall site would remain commercial, and that the footprint of the residential building itself, including its parking garage, would be approximately 2.5 acres while the commercial structures would be around 2.1 acres.

15. Mr. Reed stated that the remaining number of units and size of the residential building is necessary for the commercial viability of the project.

16. Mr. Reed acknowledged on cross-examination that the residential structure would be taller in terms of feet than the nearby Sunrise Senior Living Building, which Kimco used in its proposal as a comparison, but asserted that the manner in which the design of the residential structure visually breaks it up reduces the impact of the building so that he does not believe it would overwhelm the HRVC. In response to questions from the Zoning Board, Mr. Reed also admitted that the Sunrise Building is only three floors tall, albeit with a peaked roof, and therefore not as tall in terms of floors as the proposed four floor residential structure.

17. Matthew Fitzsimmons testified that he is an architect employed at Hord, Coplan, Macht, which is the planning, architecture and design consultant engaged by Kimco for the redevelopment of the HRVC. With respect to the residential uses proposed for the HRVC, Mr. Fitzsimmons opined that, among other qualities, the proposed four-story building maximizes the limited pervious surfaces at the area result, supports greater housing choice, permits retail at the

site, permits residential density to be compatible, and is a conventional market building type that allows the desired amenities and attracts a diverse residential population of a variety of ages and mobility levels.

18. Mr. Fitzsimmons opined on cross-examination that considering the size of the residential building as compared to the retail building, based on the square footage and heights of the structures, that the residential and retail uses would support each other. He disagreed that comparing the square footage dedicated to the respective uses is an appropriate approach to determining whether the residential uses would overwhelm the other uses at the village center. He proposed instead that comparing the relative intensity of the uses, as measured by the volume of persons who would engage in each use, is a better approach. Harry Schwarz testified in support of the petition, as revised in response to criticism of the number of apartment units and height of the residential structure. With these changes, he suggested that conversion of current parking space to residential use is consistent with smart growth of the County and consistent with general plan goals. *See*, Supporters' Exhibit 2.

19. Allison Hickman testified in support of the petition, encouraging the Zoning Board, "not to focus on absolute square footage comparison," but rather "on utility and a clean, modern forward-looking design." Supporters' Exhibit 3. She supported the proposed residential building height and not the reduction of it to 36 feet. She said that the greater height would permit ground floor retail and better blend the building into the village center. She felt the scale and quantity of units proposed by the petition is attractive and appropriate to support the stores and restaurants in the development.

20. Allison Sultan testified on behalf of the Hickory Ridge Community Association, in part presenting conditions the Village Board viewed as necessary for approval of the petition. The

Village Board, as stated in Protestant HRCA's exhibit 4, Specific Village Board Conditions for Approval of ZB 1119M, stated opposition to approval unless five requirements are met, including: reduction in the number of apartment units so as to not overwhelm the other uses at the HRVC and reduction of the height of the apartment building to no more than 36 feet as specified in the Village Center Community Plan.

21. The following individuals testified in opposition to the petition: Rhona Schwartz; Chris Alleva; Liane DesRoches; Greg DesRoches; Kristine Amari; James Ridgell; Calvin Bland; Roger Lawson; Lisa Dean; Elaine Persons; Christine Piatko; Loreen Heinz; Lane Page; Nancy Schweiss; Martin Hamburg; Esta Glazer; Andrew Bates; Lada Onyshkevych; Paul Rivers; and Joel Hurewitz. A common theme of many Protestant witnesses was that the proposed residential development, as set forth in the plan, would overwhelm the other uses, especially based upon its relative square footage, its overall height, and its setback from its surroundings.

22. Liane DesRoches testified that the nearby Sunrise Senior Living building is not comparable for understanding the visual impact of the proposed residential structure, due at least in part to being situated on a lower ground level. She noted that the proposed residential structure will alter the view of the village center from adjacent roads, giving an "impression that corner is totally occupied by an apartment complex." Protestant Exhibit 38, p. 2. She notes that "approximately 254,000 square feet of residential space would overwhelm the 105,000 square feet of retail space in the village center." Protestant Exhibit 38, p.2. Ms. DesRoches stated that "[t]he design of the apartment building is fine ... [and] not overwhelming [but] ... the execution of that design ... [t]he scale, height, and mass of the apartment building overpowers the village center." Protestant Exhibit 38, p. 6.

23. Roger Lawson opposed the petition, stating in part that the proposed residential building would consist of four floors of 63,600 square feet each, occupying 1.47 acres while the proposed new retail would be half of that footprint. He stated that this results in setbacks for both Cedar Lane and Freetown Road that are inappropriate.

24. Lisa Dean testified that the proposal, if approved, would result in the existing, non-residential uses being overwhelmed, by moving the village center from the existing 97,321 square feet of retail with no residential uses to residential uses being 150% of the retail uses, even after those retail uses are also increased. She stated that this would result in the primary use of the village center in terms of the area of land used being residential. She noted that the height of the residential structure would be disproportionate to the non-residential uses and block sight lines to the retail uses.

25. Esta Glazer spoke in opposition to the petition. She criticized the process, especially the portion of the hearing conducted “virtually.” She disagreed that the square footage of the residential units and related parking, at approximately 350,000 square feet, does not overwhelm the 105,000 square feet of retail space. She expressed fear that the road and walkway design would not be safe. She said that the changes in the plan as it evolved, including reducing the proposed number of residential units, were not sufficient.

CONCLUSIONS OF LAW

26. Petitioners, as those seeking the approval of an amendment to the PDP, have the burden of demonstrating to the Zoning Board that their petition and proposed PDP complies with the applicable Howard County Zoning Regulations and that the amendment to the PDP should be permitted at the proposed site. If Petitioners do not meet their burden, the Zoning Board is not

permitted to grant the requested amendment. Petitioners have the burden of showing, by a preponderance of the competent, material and substantial evidence, that it is entitled to the relief requested and that the request meets all prescribed standards and requirements, pursuant to Section 2.403D.3 of the Zoning Board's Rules of Procedure. The Zoning Board concludes that Petitioners have failed to meet their burden.

27. "The petition shall be granted only if the Zoning Board finds that the petition complies with these Regulations and that the amendment to the Preliminary Development Plan shall be permitted at the proposed site." HCZR, Section 125.0.J.5.c.

28. "In its evaluation of the proposed Major Village Center Redevelopment, the Zoning Board shall make findings on the following: (1) Whether the petition complies with the applicable general guides and standards set forth in Howard County Zoning Regulations Section 125.0.B.3; (2) Whether the proposed Major Village Center Redevelopment complies with the specific definition for a New Town Village Center; (3) Whether the petition complies with the Major Village Center Redevelopment criteria in Section 125.0.J.4.a.(8); and (4) Regardless of the Zoning Board's findings on Subsections 5.a. (1) through (3) above, whether the petitioner's property is within the appropriate boundaries of the New Town Village Center." HCZR, Section 125.0.J.5.a.

29. The specific definition for a Village Center, New Town is, "[a] Mixed-Use Development in the New Town District which is in a location designated on the New Town Preliminary Development Plan as a "Village Center", which is designed to be a community focal point and gathering place for the surrounding village neighborhoods by including the following items: ... d. Residential uses, to the extent appropriate to support and enhance, but not overwhelm, other uses in the village center."

30. Petitioner has failed to meet its burden of demonstrating sufficiently to the Zoning Board that the petition proposes and the PDP incorporates, “[r]esidential uses ... [which] support and enhance, but [do] not overwhelm, other uses in the village center” in accordance with Section 103.0 of the Zoning Regulations, as made applicable by Sections 125.0.J.4.a.(8), and 125.0.J.5.a, and 125.0.J.5.c.

31. The HCZR, Section 103.0, provides that, “Terms used in these Zoning Regulations shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of these Zoning Regulation.” There is no specific definition in Section 103.0 nor in any other provision of the HCZR for the term “overwhelm.”

32. Petitioner, in Petitioners’ Closing Memorandum to the Zoning Board at 18, proposes a definition from the Merriam Webster Dictionary for “overwhelm” of: “to cover over completely; to overcome by superior force or numbers; [or] to overpower in thought or feeling.” Without necessarily adopting this specific definition, the Board is not persuaded that even under Petitioner’s own proposed definition that it has met its burden. The Board finds that the number of residential square feet of development proposed, as compared to the square feet of other uses, along with the number of residential units and the height and placement of the residential units, will “overcome” and “overpower” the other uses in the unique Hickory Ridge Village Center, both in the relative dimensions of the uses and the feeling the plan conveys. Petitioner has not met its burden to show by a preponderance of the evidence that it is entitled to the relief requested and that the request meets all prescribed standards and requirements.

33. The Zoning Board bases its conclusion on Findings of Fact 9 and 12-25 and Petitioner’s failure to present evidence sufficient for it to conclude that the residential uses support and enhance, but do not overwhelm, the other uses in the village center.

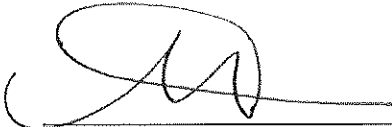
34. The number of residential units, the proportion of the HRVC area occupied by the residential structure as compared to non-residential uses, the overall area of the site dedicated to residential uses as compared to non-residential uses, as well as the height of the residential structure, are such that the Zoning Board is not persuaded that they avoid overwhelming the other uses in the HRVC. This is shown by the totality of the testimony and exhibits admitted into evidence, especially the testimony and the exhibits admitted during the testimony of Mr. Goins, Mr. Reed, Mr. Fitzsimmons, the Hickory Ridge Community Association, and numerous Opponent Parties, including but not limited to: Ms. DesRoches, Mr. Lawson, Ms. Dean and Ms. Glazer. The Zoning Board is not persuaded that the alleged lesser intensity of residential uses versus the other Village Center uses, as explained by Mr. Fitzsimmons, prevents the relative square footage, height, number of units and setbacks of the residential use from overwhelming the other uses.

35. The Board may grant a petition for a Major Village Center Redevelopment only if the proposed rezoning satisfies *all* the standards for approval set forth in Section 125.0.J. The Zoning Board concludes that it may not grant the petition because Petitioner failed to meet its burden and did not persuade the Zoning Board that the proposed Major Village Center Redevelopment complies with the specific definition for a New Town Village Center in the HCZR, Sections 103.0, definition of Village Center, New Town; as made applicable by Sections 125.0.J.4.a.(8), and 125.0.J.5.a, and 125.0.J.5.c. In particular, the Zoning Board is not persuaded that the residential uses do not overwhelm the other uses in the village center.

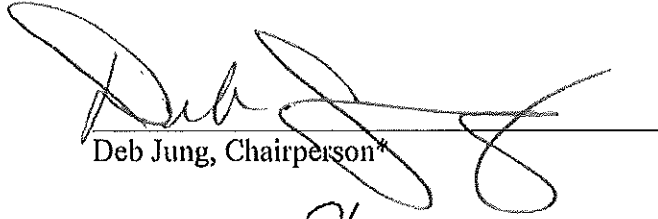
For the foregoing reasons, the Zoning Board of Howard County, Maryland, on this 18
day of July, 2022, hereby **DENIES** the Petitioner's request for amendment of
the Columbia-New Town, Preliminary Development Plan for a Major Village Center
Redevelopment.

ATTEST:

ZONING BOARD OF HOWARD COUNTY



Ashley Aguilar
Administrative Assistant



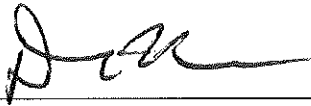
Deb Jung, Chairperson*



Elizabeth Walsh, Vice Chairperson*

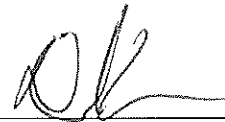
PREPARED BY HOWARD COUNTY
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David Yungmann*

*By signing, each Board member, to the extent he or she was absent from any part of the case,
attests that he or she has listened to the recording of that hearing or portion thereof and reviewed
the exhibits presented.

HRVC Limited Partnership,

* Before the Howard County Zoning Board

c/o Kimco Realty Corporation

Petitioner

* Zoning Board Case No. 1119M

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CONCURRING OPINION

The Zoning Board’s Decision and Order notes in conclusion one “particular” criteria of many that Petitioner failed to sufficiently evidence in and among its eighteen nights of hearings and volumes of related papers. Certainly, “Residential uses, to the extent appropriate to support and enhance, but not overwhelm, other uses in the village center” was the last of the individual required criteria deliberated upon by the body. Our methodical consideration of several other failed proofs pertaining to several other individual required criteria preceded that last discussion, however. What then followed was our vote on the Petition as whole moved by the then-current Chair, foreseeing the mootness of our further consideration as to what several other failed proofs might still remain.

A unanimous Board, for example, earlier that evening had determined that extensive, but largely unspecified modifications would have to be made to the plan as Petitioner then proposed for Petitioner to satisfy another of the individual required criteria—“An outdoor, public, village green, plaza or square, which has both hardscape and softscape elements... designed to function as an accessible, primarily pedestrian-oriented promenade connecting the various village center buildings.” Before that discussion, most of us had confirmed that proofs of yet another individual required criteria—“The needs of the County as a whole and the reasonable needs of the particular area considered”—were most woefully deficient. For me, particularly, the lack of any affordable housing component in this mixed-use proposal, coupled with an acknowledged reduction in public green space and accessibility, was fatal. A majority of us agreed that evening that an entire roadway would have to be deleted from the proposed site layout to address credible and compelling

community concerns with seeming diminished “*pedestrian and bicycle access*” and safety. Even the Department of Planning and Zoning admitted that criteria “*Public transit opportunities*” went largely unaddressed.

Nonetheless, as to each of the individual required criteria, the previewing Department of Planning and Zoning had suggested by twice-amended Technical Staff Report and then sworn testimony that Petitioner indeed had met every applicable burden of proof. The Department’s precursory review, however, did not fare particularly well on cross-examination. As to the “particular” criteria addressed in the Decision and Order, for example, the Department of Planning and Zoning had asserted by written report that “The DAP [Design Advisory Panel] found that the residential building does not overwhelm other uses” but at hearing Department representatives under oath acknowledged that that prior reviewing advisory panel had made no such stated finding at all, hadn’t been required and never was asked to do so.

Lastly, also alluded to but not explicitly stated in the Decision and Order, was the fact that Petitioner and Petitioner only—that is, not the many, many parties wishing to participate in this matter in opposition to the Petition or otherwise—was permitted an in-person submission of evidence provided for by the Zoning Board’s Rules of Procedure. Early-pandemic, and after Petitioner had completed its case-in-chief, the protestants and their own presentations were flung in part, then in whole, into a near lawless virtual realm, several months before even Maryland’s courts considered re-opening for all but emergency proceedings. Due process absent, rules no longer applied or were inconsistently enforced. Even extended this overwhelming procedural advantage, Petitioner’s required proofs—both individually and as a whole—failed entirely.



Zoning Board Vice Chairperson Walsh

HRVC Limited Partnership,
c/o Kimco Realty Corporation

* Before the Howard County Zoning Board

Petitioner

* Zoning Board Case No. 1119M

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DISSENTING OPINION

I dissent from the Decision and Order for ZB case no. 1119M. Over the course of nearly two years, the Zoning Board heard evidence that the proposed re-development plan supports the revitalization of the Hickory Ridge Village Center. While the plan proposed by petitioner certainly had room for improvement, modifications of form, massing, scale, design, and connectivity could have been made that would have supported the community's goals. Under Section 125.0.J.5.e of the Howard County Zoning Regulations, "In the Decision and Order, the Zoning Board may make any amendments or modifications to ... the proposed design guidelines and the proposed concept plan and may establish any other criteria which it deems to be appropriate." This gives the Zoning Board unique flexibility to work with the petitioner to meet community goals.

Future Zoning Boards and petitioners may benefit from additional thoughts and considerations for communities to work through as part of the existing process.

In their origin, Columbia Village Centers are areas of commercial purpose, for village residents to walk, bike, or drive to in order to meet their needs and serve as a social gathering place for village residents. Thus, community character should be determined by the entirety of the village, which

contains, in true New Town zoning fashion, an integrated mix of residential housing types and styles.

Village Centers present a clear opportunity to mix uses and address Howard County's severe housing shortage, all while enhancing retail opportunities, providing access to public transit, and creating walkable, connected community centers. This is noted both in Plan Howard 2030 and in process for Major Village Center Revitalization in the Howard County Zoning Regulations.

The actions to be taken by the Zoning Board in regard to Major Village Center Revitalizations are dictated by Section 125.0.J.5 of the Zoning Regulations. I will cover the first two considerations of this Section as the last two considerations dictate process more than the substance of the Zoning Board deliberations.

1) Does the petition comply with Section 125.0.B.3

Section 125.0.B.3 of the Zoning Regulations states: "The Zoning Board shall consider the following guides and standards in reviewing the petition: the appropriateness of the location of the NT District as evidenced by the General Plan for Howard County; the effect of such District on properties in the surrounding vicinity; traffic patterns and their relation to the health, safety and general welfare of the County; the physical layout of the County; the orderly growth of the County; the availability of essential services; the most appropriate use of the land; the need for adequate open spaces for light and air; the preservation of the scenic beauty of the County; the necessity of facilitating the provision of adequate community utilities and facilities such as public transportation, fire-fighting equipment, water, sewerage, schools, parks and other public requirements, population trends throughout the County and surrounding metropolitan areas and more particularly within the area considered; the proximity of large urban centers to the proposed

NT District; the road building and road widening plans of the State and County, particularly for the area considered; the needs of the County as a whole and the reasonable needs of the particular area considered; the character of the land within the District and its peculiar suitability for particular uses; and such other matters relevant and pertinent to the relationship of the District to the comprehensive zoning plan of the area.”

This Regulation does not fit neatly with the Village Center redevelopment process because this section refers to the creation of a New Town zoning district as a whole, and a Village Center redevelopment is an investment and revitalization of an area within an already existing New Town zoning district. Discussions throughout the year and a half of the ZB1119M proceeding considered each aspect of this section as shown by the record.

Village Centers in general, and the Hickory Ridge Village Center in particular, are ideal sites for mixed-use revitalization. Village Centers exist within the Planned Service Area to receive public water and sewer, as well as access to public transportation, pedestrian, and bicycle connectivity as a major destination. From their inclusion in the existing General Plan as locations designated for growth and revitalization, residential populations at Village Center sites are included in projections and considerations for the availability of essential services and the provision of adequate community utilities and facilities, such as public transportation, fire-fighting equipment, water, sewerage, schools, parks, and other public requirements.

Job growth and subsequently our human population growth in central Maryland are projected to increase, continuing the pressure on Howard County’s limited availability of homes. This upward pressure has increased the average home sale price and simultaneously increased the total amount of property taxes paid by homeowners. Without the inclusion of Village Center redevelopments like the Hickory Ridge Village Center, Howard County will continue to lose

older residents due to financial constraints, and younger residents will be unable to find housing. This increasing disparity is antithetical to the creation of Columbia, known in our code as New Town, since the creation of Columbia was only possible due to the New Town zoning regulations that encourage integrated housing types.

2) Does the redevelopment comply with the definition of a New Town Village Center?

By definition, a Village Center must be a mixed-use development that is designed to be a community focal point and gathering place for the surrounding village neighborhoods by including the following items:

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

By definition, residential uses must be included to the extent appropriate to support and enhance but not overwhelm the other uses. To that end, it may be helpful to future decision makers to provide ideas on how to determine and evaluate the impact of the term "overwhelm." The Zoning Board should aim for the balance of a commercial center with a bit of housing and a housing

complex with a bit of commercial. We should strive for a Village Center that mixes uses and provides robust public amenities unique to the Village Center, which can be achieved through the creation of the residential housing.

Much of the deliberation in ZB1119M centered on whether multi-family housing was compatible with the Hickory Ridge Village Community and the Village Center. The Rouse vision that created Columbia centered on an integrated community, not just by race, but also by socioeconomic status. Integrating housing types is critical to fostering a socioeconomically integrated community. Multi-family housing exists throughout every village and should be considered compatible with the existing community.

Another aspect of the discussion centered around the concept of ‘overwhelming.’ As the Zoning Board members learned through the hearing, there are seemingly endless ways to perceive something as overwhelming. Some have proposed vehicle trip generation, some proposed total square footage, some proposed the first level of square footage comparison and more to define this concept.

Ultimately, this subjective term will continue to be interpreted in a subjective manner. I hope to provide a few considerations. First, residential is a required component in the Village Center plans. The question is not if residential uses should be part of a Village Center redevelopment; per the Zoning Regulations, such uses must be part of the proposal. The ultimate questions around residential uses are matters of form and intensity. Vehicle trip generation is certainly an element to consider, as restaurants are extremely trip heavy, while other uses, including residential, generate fewer trips.

When mixing uses in a single structure, the first floor as retail and commercial will have higher ceiling height requirements. I encourage future Zoning Boards to shy away from sheer height as a standalone measure. Additionally, the use of square footage as a simple 1:1 comparison should not be used, as different uses have different square footage needs. A site as important as a Village Center should be given the nuanced consideration that an important community hub deserves. Many of these aspects will need to be considered at the beginning of a project in order to implement them, and I hope that future communities and petitioners will have these discussions early in the process.

When analyzing a Village Center Redevelopment Plan, consideration should be given to the Center's proposed density. The Village Center should be the densest site of housing within a village due to its mixed use nature and best practices in community design. Had Jim Rouse known of the climate crisis we are living through, I expect he would have designed our communities to reduce emissions and promote sustainability, which requires denser housing types to be available. With denser housing options located at walkable and mixed use Village Centers, the remainder of neighborhoods, which contain a variety of garden apartments, duplexes, townhomes, and single family detached homes, will experience less upward pressure on housing prices in the area.

There are a variety of housing needs in Howard County, and Village Center redevelopments present a profound opportunity to create the homes that our community is lacking. We have a shortage of many types of affordable residential units.

On the rental side, we have a severe shortage of units available to people with disabilities who rely on disability income and to those needing an affordable rental rate. As a community founded on inclusion, it is imperative that Howard County include Disability Income Housing Units

(DIHU) at every future Village Center redevelopment. Because DIHU units are generally subsidized by the other rental units, this may require an additional density bonus needed to make these units a reality and financially feasible. Village Centers are ideal locations for Disability Income Housing Units given their walkable nature, proximity to amenities and public transit.

Additionally, we lack homeownership opportunities for lower-income residents, including seniors, who are living on a fixed income. According to the last rental survey, Howard County has a need for more than 3,500 unit for seniors who live in Howard County who make less than \$50,000 per year. This is an issue that disproportionately affects women and people of color given the history of discriminatory housing laws in the United States that prevented these populations from gaining wealth and homeownership opportunities at a similar rate to white men.

Other options that have been explored elsewhere in the country include hybrid rental and condo buildings. This type of hybrid building would provide a mix of unit types and allow many of the existing village residents to downsize into a homeownership opportunity that could better fit their existing lifestyle. If a rental and condo hybrid structure is not feasible, I still believe that a path could be found to create disability income units in a condo only building. This can be accomplished through master leasing and home purchases through local nonprofit partners to manage the units with their clients.

Providing a range of residential housing at Village Centers can also assist in reducing Howard County's commuting traffic. With around 75% of Howard County's workforce commuting into our County from other jurisdictions, creating housing that would allow some of these workers to live closer to their jobs would decrease climate-impacting greenhouse gas emissions, reduce traffic, and allow for more time and opportunities for County residents and employees to connect

with their neighbors, volunteer in their communities or simply spend more time with their families.

Given the flexibility the Zoning Board has to establish criteria, as set forth in Section 125.0.J.5.e, Village Center redevelopments provide a clear opportunity to create attractive amenities that draw residents together and build connected relationships with one another in community. For example, the residential buildings could feature amenities as proposed in this petition, such as the dog washing station, that would be available to the entire village, which would bring neighbors together much in the same way that residents currently meet at Columbia's communal mailboxes. Attractions such as splash pads, bocce courts, community gardens, or other community-generated ideas could also be integrated into Village Center redevelopments in the future.

Another solution regarding mixed use Village Centers that can be utilized to address resident's parking concerns would be to incorporate the concept proposed by Professor Donald Shoup to manage high demand parking. Under this concept, the petitioner would be required to make community investment parking in the closest front rows to reduce the likelihood of residential parking in commercial parking spaces. Low-cost parking fees can then be directly donated to the local village community association to pay for other amenities in the village or programming to activate the community spaces. Through this process, the closest commercial parking spaces will favor those going to the Village Center for retail or commercial purposes. Reducing parking minimums is also crucial to reducing our reliance on fossil fuels, activating community space, reducing heat island effects of surface parking, and improving stormwater management. When surface parking is reduced, this space could be used for community amenities such as community gardens, splash pads, play areas, canopied lounge areas for conversation, or parklets. We must plan and build for a resilient future.

Columbia Village Centers are vital community hubs that are in danger of neglect and decay unless our community comes together and shares a collaborative vision that supports the vision and values of Columbia. Jim Rouse's vision for Columbia was that of a community where "a CEO and a Janitor could live in the same neighborhood." Unfortunately, 50 years after Columbia's inception, we are now a place where CEOs lives and janitors must commute long distances to work in Columbia and their children are denied the opportunity to learn and play together, or swim on the neighborhood swim team together. We can do better. As a child of this community, as a mother in this community, and as a Zoning Board member, I implore us to stay true to our values and to evolve with sustainability and resilience into the future. I DISSENT from the denial of this petition.

A handwritten signature in black ink, consisting of the letters 'C', 'E', and 'R' in a cursive, stylized font.

Zoning Board Member Rigby