



February 1, 2018

TECHNICAL STAFF REPORT

Planning Board Meeting of February 15, 2018

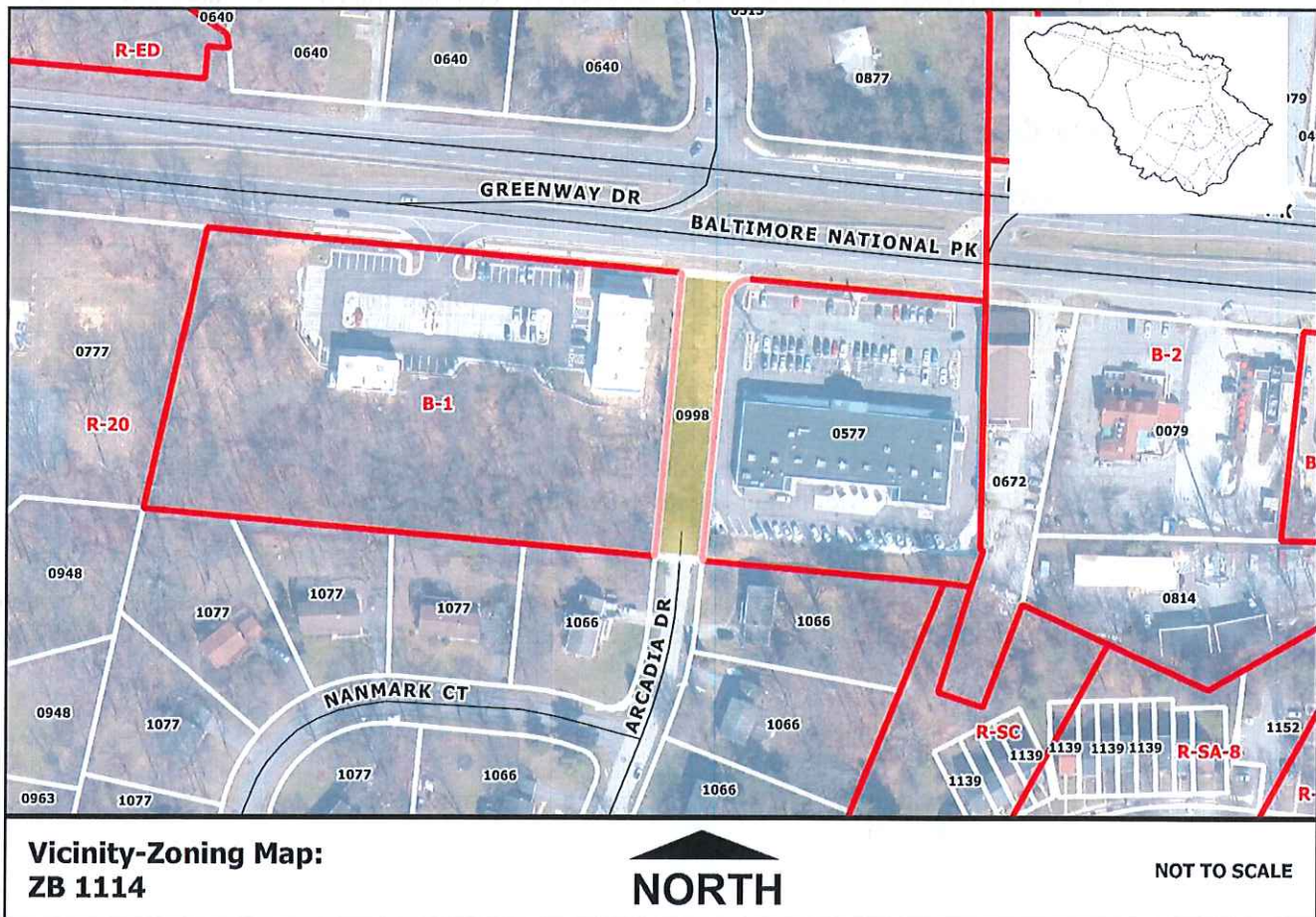
Case No./Petitioners: ZB-1114M – Caltabiano Family, LLC

Location: Second Election District
South side of Baltimore National Pike approximately 860 feet west of Plumtree Drive.
Tax Map 24, Grid 4, Parcel 998; Currently 9491 Baltimore National Pike
(the "Property").

Area of Property: 0.316 acre

Current Zoning: R-20

Proposed Zoning: B-1, with site plan documentation for a 2,000-square foot addition to the Chatham Plaza retail center, and a new entrance driveway, parking spaces, and retaining walls.



I. DESCRIPTION OF PROPOSAL

The Petitioner requests to rezone the Property from the R-20 (Residential: Single) District to the B-1 (Business: Local) District, in accordance with Section 100.0.G.2 Site Plan Zoning Petitions. The Petitioner asserts that the Zoning Map Amendment is justified based on Mistake in zoning when the R-20 zoning was retained in the 2013 Comprehensive Zoning Plan (“2013 CZP”).

Site Plan

The site plan depicts a 2,000 square-foot addition to the existing shopping center and a new vehicle circulation area consisting of eight parallel parking spaces, a right-out exit, and access to drive-through windows on the east side of the building. An eight-foot privacy fence is shown along the south side of the parking area behind the building, with landscaping between the fence and the property line to screen the site from the residences to the south. Stairs and a sidewalk provide pedestrian access to Arcadia Drive.

II. BACKGROUND INFORMATION

A. Property Description

The Property is approximately 50 feet by 270 feet and currently vacant. There are trees/vegetation in the southern half and the northern half is mostly open. From the eastern side, the Property slopes down to the west.

B. Vicinal Properties

Direction	Zoning	Land Use
North	R-20	US 40
East	B-1	Commercial
South	R-20	Single-family Detached Dwellings
West	B-1	Commercial

C. Roads

Baltimore National Pike has three eastbound lanes, two westbound lanes, and an acceleration lane, within a variable width right-of-way, along the front property line. It has a posted speed limit of 45 miles per hour.

According to Maryland Department of Transportation data, the traffic volume on Baltimore National Pike from Bethany Lane to US 29 was 53,481 AADT (annual average daily traffic) as of 2016.

D. Water and Sewer Service

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

E. General Plan

The Property is designated as Established Community on the *PlanHoward 2030* maps
Baltimore National Pike is an Intermediate Arterial.

F. Route 40 Corridor

The Property is within the Route 40 corridor; therefore, the Route 40 Design Manual applies and the proposed development may be subject to Design Advisory Panel review.

G. Subdivision Review Committee (SRC)

The SRC evaluated the site plan according to Section 100.0.G.2.c. of the Zoning Regulations. On October 25, 2017, the Department of Planning and Zoning certified the proposed site plan has the potential to comply with all technical requirements of the reviewing agencies, without substantial changes to the plan in subsequent stages of review. Please refer to the attached memorandum and SRC comments.

III. ZONING HISTORY

A. Subject Property and Adjacent Properties

The Property and the properties to the south were zoned R-20 in the 1961 Comprehensive Zoning Plan and have all retained the R-20 zoning since that time.

Parcel 577 to the east was zoned R-20 in the 1961 Comprehensive Zoning Plan, and this zoning was retained until February 24, 1988 when it was rezoned to B-1 in Zoning Board Case ZB 847M.

Parcel 77 to the west was zoned R-20 in the 1961 Comprehensive Zoning Plan, and this zoning was retained until March 19, 2012 when it was rezoned to B-1 in Zoning Board Case ZB 1094M. This rezoning was approved based on Mistake in zoning.

IV. EVALUATIONS AND CONCLUSIONS

A. Evaluation of the Petition Concerning the General Plan

The proposal is in harmony with the following PlanHoward 2030 policies that encourage renovating existing commercial centers to enhance commercial areas, specifically in the Route 40 corridor.

POLICY 5.9

“Continue to enhance the vitality of the Route 40 Corridor.”

Implementing Action - Enhance Route 40.

“Encourage commercial renovation, and where appropriate, mixed-use redevelopment by promoting collaboration between owners and neighbors to create attractive focal points that serve the community.”

POLICY 10.2

“Focus growth in Downtown Columbia, Route 1 and Route 40 Corridors, and some Columbia Village Centers, as well as some older commercial or industrial areas which have redevelopment potential.”

POLICY 10.6

“Improve the competitiveness and design of commercial areas.”

Implementing Action-Older Commercial Properties.

“Promote renovation or redevelopment of older commercial centers, particularly those showing indications of decline. Develop strategies to encourage older commercial centers to become stronger community focal points through design improvements.”

B. Evaluation of the Petition Concerning the Change Rule

The Petitioner does not allege a substantial change in the character of the neighborhood subsequent to the 2013 CZP, therefore DPZ did not evaluate that standard.

C. Evaluation of the Petition Concerning the Mistake Rule

To substantiate a Mistake in zoning, evidence must show that the Zoning Board erred when it adopted the comprehensive zoning map.

DPZ concurs with the Petitioner’s assertion that the R-20 zoning is a mistake. The Property is inappropriate for residential development since the lot size is below the minimum 20,000 square feet. Other conditions that do not support residential use are the long and narrow shape and location between two B-1 zoned parcels and on an intermediate arterial highway. Furthermore, the Petitioner contends that the Zoning Board retained the R-20 zoning with the assumption that the Property would be used as a public right-of-way to extend Arcadia Drive and connect with Baltimore National Pike. However, the Property is privately owned and the County does not plan to acquire the Property to extend the road.

D. Evaluation of Site Plan Documentation Factors in Section 100.G.2.d.

1. *The compatibility of the proposed development with the existing and potential land uses of the surrounding areas.*

The proposed development includes parking and vehicle circulation improvements to the existing Chatham Plaza retail center. Therefore, it is compatible with adjacent commercial uses along Baltimore National Pike. Additionally, the proposed eight foot tall privacy fence and landscaping will screen the shopping center from the R-20 zoned residential neighborhood to the south.

2. *Protection of the environmental integrity of the subject property and adjoining areas in the location and design of site improvements.*

While there are no environmentally sensitive areas on the Property or on Parcel 577, there are environmentally sensitive areas on Parcel 77 to the west. The proposed development on the Property does not impact these environmentally sensitive areas.

3. *The availability of safe road access for the proposed development.*

Baltimore National Pike is under the jurisdiction of the State Highway Administration (SHA). SHA commented that the new egress is acceptable, and that a new access permit will be required. Safety will be further evaluated and confirmed during review of an access permit.

4. *Compatibility of the proposed development with the policies and objectives of the Howard County General Plan.*

The proposed development is in harmony with the following General Plan policies:

- Policy 5.9 "Continue to enhance the vitality of the Route 40 Corridor";
- 10.2 "Focus growth in Downtown Columbia, Route 1 and Route 40 Corridors, and some Columbia Village Centers, as well as some older commercial or industrial areas which have redevelopment potential of the *PlanHoward 2030* General Plan;
- Policy 10.6 "Improve the competitiveness and design of commercial areas."

V. RECOMMENDATION

For the reasons noted above, the Department of Planning and Zoning recommends the request to rezone the Property from R-20 to B-1 with the site plan submitted on October 18, 2017, be APPROVED.

Approved by:

 2-1-18
Valdis Lazdins, Director Date

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



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

Subject: ZB 1114M-Arcadia Drive, Parcels 577 and 998

To: Geoff Goins, Chief: Division of Public Service and Zoning Administration

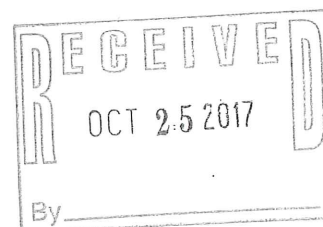
From: Kent Sheubrooks, Chief, Division of Land Development *TKM faks*

Date: October 25, 2017

The Division of Land Development has reviewed revised plans for ZB 1114M in accordance with the Howard County Subdivision and Land Development Regulations and the Howard County Zoning Regulations. Based on review of the revised plans, the Division of Land Development believes the proposal meets the MINIMUM requirements of the B-1 zoning district.

The Division of Land Development has no additional comments.

Should this rezoning be approved, the project will be reviewed in greater detail at the Environmental Concept Plan (ECP), Final Plan and Site Development Plan (SDP) stages. Approval of any zoning change does not constitute an approval of any subsequent and associated ECP, subdivision plan/plat and/or site development plan and/or red-line revision plan. The applicant and consultant should expect additional and more detailed review comments (including comments that may alter the overall site design) as this project progresses through the plan review process.



Lalush, Bob

From: Scott Newill <SNewill@sha.state.md.us>
Sent: Tuesday, August 01, 2017 10:57 AM
To: Lalush, Bob
Cc: Maenhardt, Tanya; Sheubrooks, Kent
Subject: ZB1114M-Caltabiano family -- SHA Comments

Bob,

Below, please find the comments from SHA for the subject rezoning petition which should be included in the staff report.

The design plan which was provided with the ZB cover and write up showed the existing right-out exit on the western end of the shopping strip being relocated to the 'small strip of land' and becoming the new right-out. This would allow the shopping strip to be slightly expanded in both building area and parking, as shown on the plan. The plan also included plantings, etc which disallowed connection of existing Arcadia Drive with the proposed relocated right-out.

SHA has no objection to the right-out being shifted to the 'small strip of land' and recommends the County require installation of the proposed plantings and/or other barriers at the rear of the strip so that Arcadia Drive cannot be joined to the proposed 'small strip of land' pavement and thus become a thru street. SHA does not support any connection of existing Arcadia Drive to the proposed 'small strip of land' and further on to US 40.

Should you require additional information, please do not hesitate to contact me directly.

Regards,

Scott

D. SCOTT NEWILL

Maryland Department of Transportation (MDOT)

State Highway Administration (SHA)

Regional Engineer

District 7 Access Management
5111 Buckeystown Pike



Howard Soil Conservation District
Phone (410) 313-0680
FAX (410) 489-5674
www.howardsed.org

14735 Frederick Road, Cooksville, MD 21723

Mr. Kent Sheubrooks
Howard County Dept. of Planning & Zoning
Division of Land Development

Date: August 3, 2017

Re: Caltabiano Family
ZB-1114M

The above referenced plan has been reviewed by the Howard Soil Conservation District for compliance with sediment control, pond safety, temporary stormwater management, and sensitive area protection requirements. Results of the review are as follows:

- (X) Howard SCD approval is not required. However, the following recommendations and requests are being made to the Department of Planning & Zoning.
- () The plan is approved, subject to signatures being placed on the original(s). Any alterations to the plan shall void approval.
- () Address all comments which, due to their minor nature, may be addressed directly on the original(s) at the time of formal signature approval. There is no need to resubmit the plan.
- () Address all comments as noted below and resubmit the plan for further review.

REVIEW COMMENTS:

1. The Howard Soil Conservation District offers no comments for this project.

Warning: All soils have limitations, ranging from slight to severe, for building homes, constructing roads and ponds, and various other uses. Please consult the *Soil Survey of Howard County* for determining soil types and their suitability for development, engineering and building.

Technical Review by: Bob Robertson
Bob Robertson

Howard County

Department of Planning and Zoning

Subject: Planning Board Case No: ZB1114M
Applicant: Caltabiano Family, LLC
Petition: To rezone a 0.316 acre +/- strip of land situated between two B-1 parcels from R-20 to B-1.

To: Division of Zoning Administration and Enforcement
Department of Planning and Zoning

Department Engineering Division
Department of Planning and Zoning

Department Engineering Division has reviewed the above referenced petition and...

Based on an examination of the petition, we offer the following comments:

1. The request appears to have no adverse engineering impact on the adjacent properties.
2. All improvements must comply with current Howard County design criteria.

If you have any questions concerning this matter please contact me at extension 2420.



Chad Edmondson
Chad Edmondson, P.E., Chief

CE/pmt

cc: James M. Irvin, Director, Department of Public Works
Thomas E. Butler, Department of Public Works
Reading File
File



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350
Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

RECEIVED

JUL 18 2017

PLAN REVIEW DIVISION

Subject: SRC Agenda
ZB 1114M -Caltabiano Family, LLC

To: Department of Fire and Rescue Services
Environmental Health
Soil Conservation
Development Engineering Division
Department of Inspections, Licenses and Permits
Department of Recreation
Department of Public Works
Division of Comprehensive and Community Planning
Division of Transportation - Dave Cookson
State Highway Division



From: Kent Sheubrooks, Chief KS
Division of Land Development

Date: July 17, 2017

The attached Zoning Board Petition **ZB 1114M** has been scheduled for the **August 10, 2017** SRC meeting. This is a zoning map amendment with a site plan documentation proposal to rezone approximately 0.316 acres +/- strip of land situated between two **B-1** parcels from **R-20 (Residential:Single)** to **B-1(Business:Local)** Zoning District. In accordance with Section 100.G.2.c. of the Zoning Regulations, please review the site plan to determine if the proposed development has the potential to comply with technical requirements without substantial changes.

Please forward all comments to the Division of Land Development. If you have any questions, please contact me or Bob Lalush.

Attachment

Cc: Division of Public Service & Zoning Administration
Land Development
Research Division

No Comment

[Signature] 7.24.17



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3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

Subject: **SRC Agenda**
ZB 1114M –Caltabiano Family, LLC

To: Department of Fire and Rescue Services
Environmental Health
Soil Conservation
Development Engineering Division
Department of Inspections, Licenses and Permits
Department of Recreation
Department of Public Works
Division of Comprehensive and Community Planning
Division of Transportation – Dave Cookson
State Highway Division

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Division of Land Development

Date: July 17, 2017

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Research Division

no comment
[Signature]



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NO Comments
[Signature]