

1 **DAVID MOXLEY,** \* **BEFORE THE**  
2 **PETITIONER** \* **PLANNING BOARD OF**  
3 **ZRA-179** \* **HOWARD COUNTY, MARYLAND**

4 \* \* \* \* \*

5 **SUMMARY OF MOTIONS:** *To recommend partial approval and partial denial in accordance with*  
6 *the Department of Planning and Zoning recommendation*

7 **ACTIONS:** *Recommended partial approval and partial denial; Votes 3 to 0, except*  
8 *for Motion No. 8 the vote was 2-1.*

9 \* \* \* \* \*

10 **RECOMMENDATION**

11 On January 25 and February 15, 2018, the Planning Board of Howard County, Maryland, considered  
12 the petition of David Moxley to amend Section 127.6 TNC (Traditional Neighborhood Center) Overlay  
13 District of the Zoning Regulations.

14 The Planning Board considered the petition, the Department of Planning and Zoning (DPZ) Technical  
15 Staff Report and Recommendation, and the comments of reviewing agencies. The petition proposed several  
16 amendments that impact properties subject to the TNC Overlay District (TNC). DPZ recommended denial of  
17 the amendments, except for minor changes to permitted uses and bulk regulations consistent with the purpose  
18 of TNC and Route 40 Manual.

19 Sean Davis represented the Petitioner and testified that the TNC District is intended to allow for the  
20 redevelopment of the designated properties, but the Route 40 Corridor has not redeveloped as successfully as  
21 the Route 1 Corridor. He stated that TNC is very similar to the CAC District, therefore many of the proposed  
22 amendments are based on the CAC District regulations. The petitioner stated that the TNC requirements  
23 hinder development of the property and the proposed amendments will improve redevelopment potential  
24 consistent with the objectives for Route 40.

25 Testimony

26 Lisa Markovitz, representing the Normandy Home Owners Association, testified that the Petitioner  
27 and the other owners of the Normandy Shopping Center requested the current TNC designation, and later  
28 amended it to reduce some of the original requirements. She stated her opposition to allowing residential uses  
29 without the obligation to improve the existing shopping center. Ms. Markovitz concluded by saying that the  
30 Home Owners Association agrees with DPZ's recommendations except they believe nursing homes should be  
31 a Conditional Use and not by right.

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1 Board Discussion and Recommendation

2 The Board disagreed with the Petitioner's assertion that the TNC District is identical to the CAC  
3 District, noting that each district is unique to a particular corridor and redevelopment plan. The Board  
4 concurred with the recommendations in the DPZ technical staff report and considered each proposed  
5 amendment separately. The Board recommended Council Council approve proposed amendments to Howard  
6 County Zoning Regulations Sections 127.6.C.7, 127.C.17, 127.C.29, and 127.6.E.4, and deny the proposed  
7 amendments to Sections 127.B, 127.6.E.2, 127.6.E.3, 127.6.E.7, 127.6.F.2, 127.6.F.3.c, 127.6.F.3.c.(1),  
8 127.6.F.3.e, 127.6.G.2.a and 127.6.G.2.b. The motions and votes are summarized as follows:  
9

10 **Motion 1- Section 127.6.B Application of TNC District:**

11 Mr. Coleman motioned to recommend denial. Mr. McAliley seconded.

12 **Vote:**

13 3 yea.

14 0 nay. The motion was carried.

15 **Motion 2 – Section 127.6.C.7 and 127.6.C.17 Uses Permitted as a Matter of Right:**

16 Mr. Coleman motioned to recommend approval with DPZ's revisions as detailed in the staff report. Mr.  
17 McAliley seconded.

18 **Vote:**

19 3 yea.

20 0 nay. The motion was carried.

21 **Motion 3 – Section 127.6.C.29 Uses Permitted as a Matter of Right:**

22 Mr. McAliley motioned to recommend approval. Mr. Coleman seconded.

23 **Vote:**

24 3 yea.

25 0 nay. The motion was carried.

26 **Motion 4 – Section 127.6.E.2, 127.6.E.3 and 127.6.E.7 Bulk Regulations:**

27 Mr. Coleman motioned to recommend denial. Mr. McAliley seconded.

28 **Vote:**

29 3 yea.

30 0 nay. The motion was carried.

31 **Motion 5 – Section 127.6.E.4 Bulk Regulations:**

32 Mr. Coleman motioned to recommend approval with DPZ's revisions as detailed in the staff report. Mr.  
33 McAliley seconded.

34 **Vote:**

35 3 yea.

36 0 nay. The motion was carried.

37 **Motion 6 – Section 127.6.F.2 Requirements for TNC Development:**

38 Mr. Coleman motioned to recommend denial. Mr. McAliley seconded.

39 **Vote:**

40 3 yea.

41 0 nay. The motion was carried.

1 **Motion 7 – 127.6.F.3.c and 127.6.F.3.c.(1) Requirements for TNC Development:**

2 Mr. Coleman motioned to recommend denial. Mr. McAliley seconded.

3 **Vote:**

4 3 yea.

5 0 nay. The motion was carried.

6 **Motion 8 – Section 127.6.F.3.e Requirements for TNC Development:**

7 Mr. Coleman motioned to recommend denial. Mr. McAliley seconded.

8 **Vote:**

9 2 yea.

10 1 nay. Ms. Adler dissented. The motion was carried.

11 **Motion 9 – Section 127.6.G.2.a and 127.6.G.2.b Compliance with Route 40 Design Manual:**

12 Mr. Coleman motioned to recommend denial. Mr. McAliley seconded.

13 **Vote:**

14 3 yea.

15 0 nay. The motion was carried.

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17 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 21st day of June  
18 2018, recommends that amendments to ZRA-179, as described above, be partially approved and partially  
19 denied as recommended by DPZ.


20  
21 HOWARD COUNTY PLANNING BOARD

22 ABSENT

23 \_\_\_\_\_  
Phillips Engelke, Chair

24 ABSENT

25 \_\_\_\_\_  
Erica Roberts, Vice-chair

26   
27 Delphine Adler

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29 Ed Coleman

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31 Kevin McAliley

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33 ATTEST:

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35 Valdis Lazdins, Executive Secretary