

**Dorsey's Ridge, LLC
Petitioner**

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PLANNING BOARD OF

*

HOWARD COUNTY, MARYLAND

ZB 1106M

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MOTION: *To recommend approval of the Zoning Map Amendment petition request to rezone 10.9 acres from R-ED to CEF-R, in accordance with the Department of Planning and Zoning recommendation.*

ACTION: *Recommended Approval; Vote 5 to 0.*

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RECOMMENDATION

On March 17, 2016 the Planning Board of Howard County, Maryland, considered the petition of Dorsey's Ridge, LLC for a Zoning Map Amendment to rezone the subject property from the R-ED (Residential: Environmental Development) District to the CEF-R (Community Enhancement Floating – Residential) District with a Development Concept Plan (“DCP”). The subject property is located in Ellicott City at the terminus of Cooks Lane approximately 1,000 feet northwest of Old Columbia Pike, and is described as Tax Map 24, Grid 18, Parcel 260, Lots 1-3; 3956, 3952 & 3960 Cooks Lane (the “Property”). Under the proposed rezoning, the Petitioner will redevelop the Property as a single-family attached development.

The petition and the Department of Planning and Zoning Technical Staff Report and Recommendation were presented to the Board for its consideration. The Department of Planning and Zoning recommended approval of the petition based on findings that the petition met the evaluation criteria for a CEF District in Section 121.0.I of the Zoning Regulations, and the required findings in Section 121.0.J.8.b.

A board member questioned how the proportionality of enhancements is measured and expressed concerns about the project's proximity to the river at the rear of the site related to runoff, flooding and storm water management. This member said that storm water management is very important in this development because of the potential for creating flooding risks to existing off-site houses. DPZ staff responded that the criterion is difficult to measure. However, the retention of the historic house, the open space and road improvements are enhancements which are adequate in scale to compensate for increased development intensity.

The Petitioner was represented by Bill Erskine, Esq. Mr. Erskine introduced the project and said that in other rezoning cases, only the single required pre-submission community meeting is conducted. However, this case was treated differently and for the first time in his experience, a public outreach consultant was engaged. Numerous outreach meetings were held with various communities and organizations. Through an interpretive process, the Petitioner was able to provide more than one response to community comments through evolving plan revisions.

David Woessner of the development team, described extensive outreach efforts contacting organizations far outside of the required notification range. He said that numerous community meetings informed the process in order to address citizen concerns. As a result, density was reduced; public roads replaced private roads; architectural details were refined; and groups of townhouses were reoriented. Through the outreach process, the team learned which amenities are important, such as Cooks Lane improvements and neighborhood connectivity. In response to immediate concerns, the cul-de-sac will be constructed sooner rather than later and this will provide a turnaround area for school buses and a safe waiting area for children.

A board member asked why setbacks were not shown on the plan and Mr. Woessner responded that setbacks are not necessary since the property is entirely surrounded by open space. Another board member expressed concerns about the impact of grading and runoff on adjoining properties, particularly along the western perimeter adjacent to the Bluffs. Mr. Woessner explained that due to the Property's proximity to the stream, the project is required to exceed state standards for attenuating 100-year storms. He said the development team is discussing the potential for upgrading certain off-site storm water management facilities to ensure that problems do not occur.

Fred Dorsey, President of Preservation Howard County, spoke about his role in the process. Mr. Dorsey said discussions with the development team resulted in the preservation of a one-acre park-like setting surrounding the historic house to retain some of the original context of the house. He also said saving the green area is very significant to the site design. He commented that in some other subdivisions that have retained a historic house, the new houses have been built close to the historic house destroying the character of the setting.

Testimony:

Robert Freed, Vice President of the Bluffs at Ellicott Mills Homeowners Association, said he is pleased to hear the Board express concerns about drainage. He said the Bluffs development comprises 36 townhouses at a much less dense ratio than that proposed for Dorsey's Ridge. His concern is that the plan view gives a somewhat misleading idea of the site topography. He said from the central ridge line, the topography drops so there is actually a "hollow" along the western boundary. He cannot see this project going forward without requiring extensive grading and the proposal doesn't give a clear idea of the grading involved. Along the western edge of the Bluffs, a few houses have the sump pumps running frequently in the spring and he is concerned that grading will result in runoff/drainage issues.

Mark Bobotec, a resident of Keywadin, complimented the development team for their outreach efforts. He said he is happy with the off-site connections; and expressed the importance of connectivity for the

community to safely walk and bike to Long Gate. However, his major concerns are traffic impacts and whether the increased density is balanced by the enhancements. He said that if this project is approved, it sets a standard for future CEF developments. As the owner and possible future developer of a large tract of land at Bethany Lane and MD 99, he questions whether the Board would approve seven times the permitted density for that project.

Mickey Cornelius, the development team traffic engineer, said the team conducted a traffic study although one was not required. He said the number of trips projected for the proposed development is 40 a.m. peak hour and 46 p.m. peak hour. He said the project would not significantly increase traffic and there would be little change to conditions on Old Columbia Pike. He said the level of service would not change with 70 units.

A board member asked Mr. Erskine if the density is proposed to be three times greater than allowed in R-ED. Mr. Erskine responded that there is no cap in CEF but once accepted, the development is bound by the approved amount. He said the team struggled with finding the appropriate proportion of enhancements to density and that it is virtually impossible to place a dollar amount on enhancements.

Phil Engelke made a motion to discuss the petition in a work session. Erica Roberts seconded the motion.

Discussion:

The Planning Board offered the following comments:

- Impressed with the high level of community outreach and the progression of changes in plans in response to community contact.
- There are no metrics for measuring the enhancements. Impressed that the developer has taken a modest farm house and made it the center piece of the development by creating a town square; a village that is really unique.
- It is a great project; impressed with the conscientious site design and the restoration of the historic house.
- The community outreach program was excellent and complimented the developer on setting a new standard in this regard. Involving Mr. Dorsey in creating the green and saving the large trees around the historic house was innovative planning. The wing walls and the single-family detached façade on the houses facing the village green will give a very attractive appearance to the development. The preservation of the historic house is a wonderful bonus and a good amount of thought went into the

idea of streaming the income from the apartments in the historic house to finance the upkeep of the house.

- Very concerned about drainage issues. The drop in topography on the west side of the site is very severe, so assurances must be in place to safeguard that ground water and underground water issues are thoroughly addressed in future plan stages.
- The design elements are very nice; pleased that the developer involved schools in the outreach process.
- The availability of the house for use by the public is a very good amenity. However, the network of sidewalks and paths is an amenity that truly can be used by the larger community and represents a very significant multiplier as a proportion of enhancements.
- The project should be approved for the following reasons: it contains a high quality of design; the development's intensity is proportionate to the amenities, especially the connectivity system between multiple neighborhoods; and the restoration of the historic house and smoke house.
- The Zoning Board should carefully consider the following: adequacy of schools, traffic issues, storm water management, appropriate buffering from neighboring properties, and the provision of an appropriate landscape transition between the southwestern portion of the site and the townhouses of the Bluffs which are closest to the new development.

Motion:

Ms. Adler made a motion to approve the petition in accordance with the recommendation of the Technical Staff Report to rezone the Property to CEF-R with the submitted Development Concept Plan. The Board found that all criteria for granting the CEF zoning have been met and commended the proposal for its quality of design, attention to connectivity to surrounding communities, and the restoration of historic Puel-Fulton house and smokehouse. However, the Board also noted that the Zoning Board should carefully consider the impact of the proposal on schools, traffic, storm water management, and appropriate buffering to neighboring properties. Ms. Roberts seconded the motion.

Vote:

The motion for approval of the petition in accordance with the recommendation of the DPZ Technical Staff Report to rezone the Property to CEF-R passed by a vote of 5 to 0.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 11th day of April, 2016, recommends that Zoning Board Case No. ZB 1106M, as described above, be **APPROVED**.

HOWARD COUNTY PLANNING BOARD



Bill Santos, Chairperson



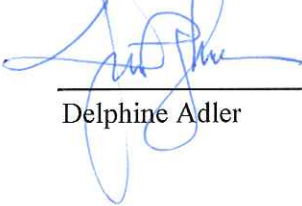
Phil Engelke, Vice Chairperson



Jacqueline Easley



Erica Roberts



Delphine Adler

ATTEST:



Valdis Lazdins
Executive Secretary