



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

March 2, 2016

TECHNICAL STAFF REPORT

*Petition Accepted on February 1, 2016
Planning Board Meeting of March 17, 2016 (Advisory Authority Rules)
Zoning Board Hearing to be scheduled*

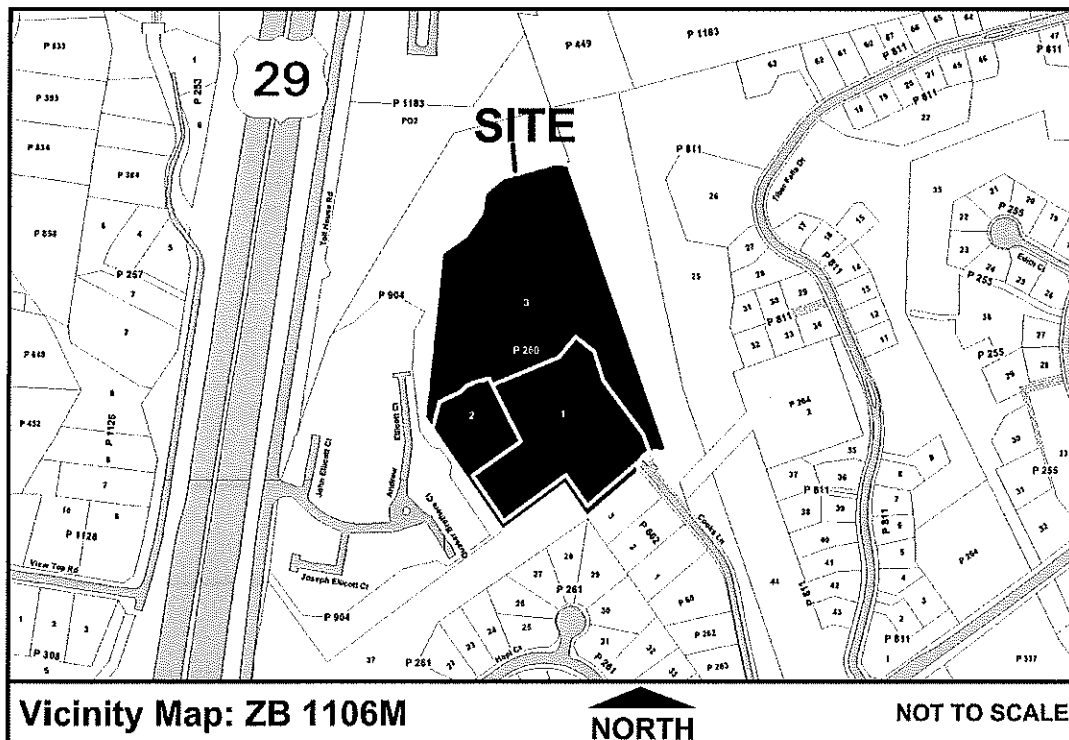
Case No./Petitioner: ZB 1106M Dorsey's Ridge, LLC

Location: Second Election District
Terminus of Cooks Lane approximately 1,000 feet northwest of Old Columbia Pike
Tax Map 24, Grid 18, Parcel 260, Lots 1-3; 3956, 3952 & 3960
Cooks Lane (the "Property")

Area of Site: 10.9 acres

Current Zoning: R-ED (Residential: Environmental Development)

Proposed Zoning: CEF-R (Community Enhancement Floating – Residential) District

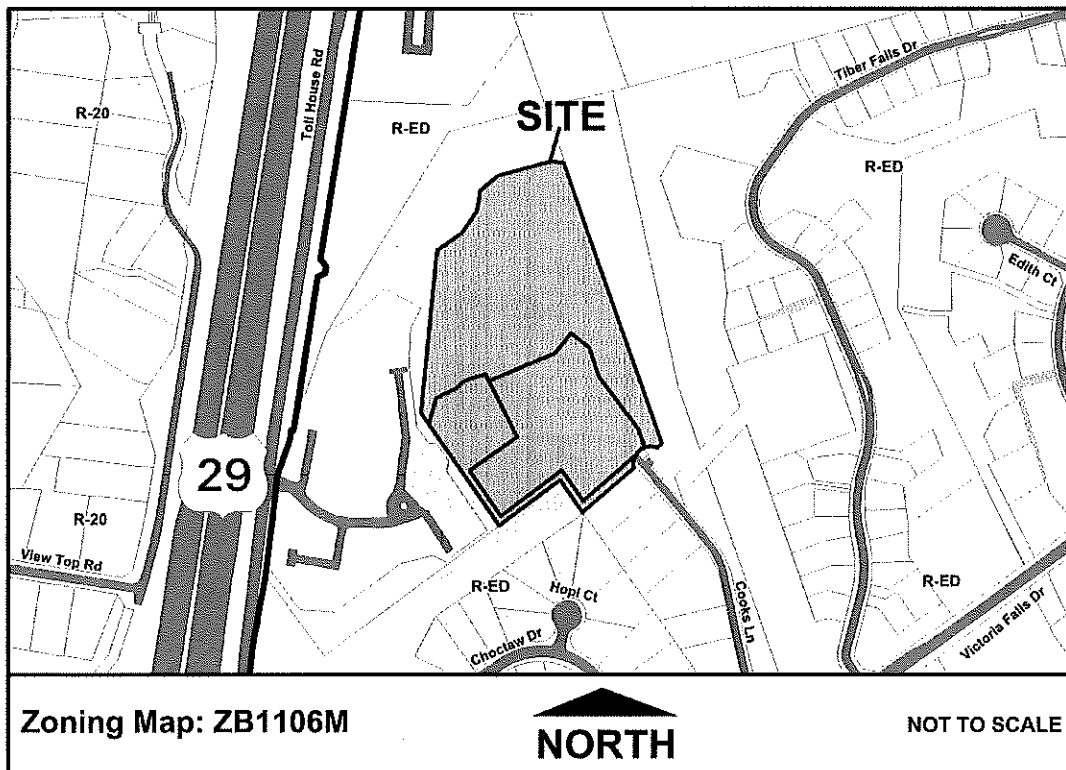


I. BACKGROUND AND SITE ORIENTATION

General Description of Site Location and Existing Conditions

The R-ED zoned Property is located at the terminus of Cooks Lane, approximately 1,000 feet northwest of Old Columbia Pike in Ellicott City. The Property currently comprises Lots 1-3 (Lot 1, 3.2 acres; Lot 2, 1.3 acres and Lot 3, 6.3 acres) as recorded in Record Plat 20613, Wilhide Property, Plat of Revision¹. Under the proposal the lots would be combined to create an approximately 10.9 acre site.

Access is gained from Cooks Lane, a two-lane public road with an approximate 35 foot right-of-way which terminates in a cul-de-sac at the Property frontage. The Property is irregularly shaped and contains a number of improvements. The existing development is concentrated in the southern portion of the Property. Lot 1 comprises the Wilhide Florist business and includes a commercial greenhouse/warehouse building (a confirmed nonconforming use), and an historic residential structure known as the Pue-Fulton house (or "Historic House"). The Pue-Fulton house is listed in the Howard County Historic Sites Inventory as HO-859 and is currently divided into three apartments (a confirmed nonconforming use). Lot 2, located to the west of Lot 1, is improved with a single-family detached residence. Lot 3, located in the northern portion of the site contains an AT&T communications cabinet.



¹ This Record Plat is annotated, "Lot 3 cannot be subdivided or reduced in size as its density supports the residential dwellings within the Bluffs at Ellicott Mills". Prior Record Plat 18442 also contains this same note. Prior Record Plat 8801 contains a note, "Lot No. 3 cannot be further subdivided. It is for one (1) dwelling unit only". This restriction does not apply of the property is re-zoned to CEF.

The northern and northwestern portions of the Property are undeveloped and characterized by sloping to steeply sloping, wooded terrain, which descends to the Tiber Branch stream. A ridge line runs through the site from north to south and the Historic House is located along this ridge. The stream is predominately off-site, although a small portion and a 75 foot stream buffer are located along the northern boundary of the Property.

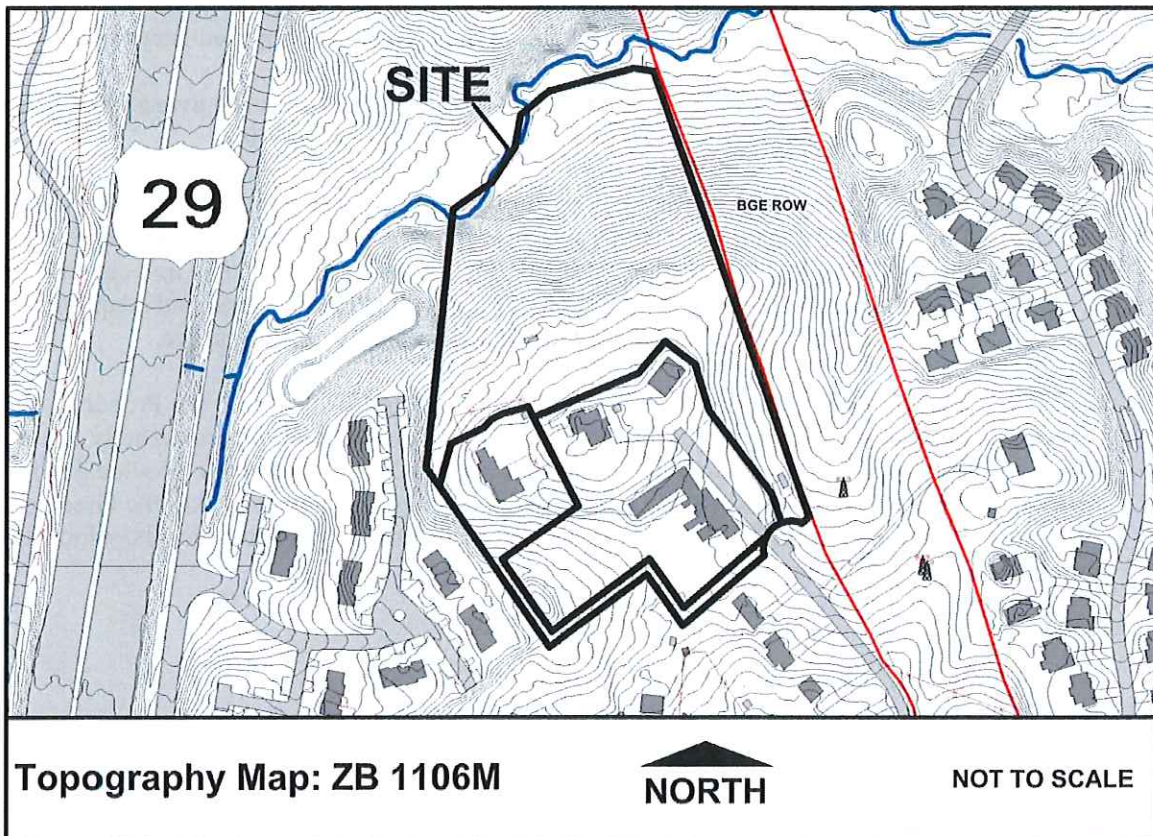
Vicinal Properties

The west, northwest and north sides of the Property adjoin the Bluffs at Ellicott Mills (the "Bluffs") development, an R-ED zoned community of single-family attached homes ("townhouses" or "SFA" throughout this report). Open Space Lot 2 of the Bluffs immediately adjoins these sides of the Property's boundaries. The portion of this open space lot adjoining the northern property line is wide and wooded and the Tiber Branch stream runs through it.

Further to the north, beyond the Tiber Branch stream, is the Toll House development. It consists of SFA dwellings with homes fronting on Quaker Brothers Drive and Andrew Ellicott Court.

Adjoining the east side of the Property is a BGE electric transmission line right-of-way. Further to the east, beyond this transmission line, is the Woods of Tiber Branch II development of single-family detached (or "SFD" throughout this report) homes fronting Tiber Falls Drive.

To the south/southwest is the Keywadin development of SFD homes fronting on Hopi Court and Choctaw Drive. Fronting on the west side of Cooks Lane are six SFD homes. One SFD home derives access from the east side of Cooks Lane via a driveway across the BGE right-of-way.



II. DESCRIPTION OF PROPOSAL

- **The Petitioner proposes a Zoning Map Amendment to rezone the Property from the current R-ED (Residential: Environmental Development) District designation to the CEF-R (Community Enhancement-Residential Floating) District to develop the Property for a single-family attached development. The name given to this proposed new development is Dorsey' Ridge.**
- **The CEF-R District is a floating zone, so it is not necessary to evaluate the issues of Change in the Character of the Neighborhood or Mistake. Instead, the proposal is evaluated based upon the 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. For convenient reference, sections of the Zoning Regulations relevant to this proposal are attached to this TSR as Appendix A.**
- **As is required for CEF District rezoning proposals, the Petitioner has submitted a Development Concept Plan ("DCP") which for this ZB 1106M proposal consists of a compilation of plans and other documents. These materials are principally dated October 20, 2015, except as noted and consist of the following:**
 - Exhibit A; The Development Concept Plan containing three sheets; DCP-01, Existing Conditions; DCP-02, Concept Plan, and DCP-03, Concept Landscape Plan (the "Plan Set");
 - Exhibit B; a 47-page bound booklet entitled "Dorsey's Ridge, Ellicott City, Illustrative Narrative Development Concept Plan" (the "Illustrative Narrative");
 - Exhibit C; the Justification Statement comprising Exhibits C-1 through C-12;
 - Exhibit D; Dorsey's Ridge CEF and Adequate Road Facilities Test Evaluation Traffic Study;
 - Exhibit E; Enhancement #3 Pathway/Connectivity Detail Plan;
 - Letter dated December 8, 2015; Supplement to Exhibit E; and
 - Letter dated December 29, 2015; Supplement to Proposed Bicycle Network Map.
- **Overall Development Scenario: The principal plan which depicts the overall development scenario for the project is the Concept Plan, Plan Set Sheet DCP-02.**

Under the proposal all structures of the existing florist business and the SFD structure on Lot 2 would be removed. The Property would be rezoned to CEF-R and redeveloped with 70 SFA dwellings, and two apartments. The Historic House and an associated smoke house would be retained. The Historic House would be renovated and adaptively reused for the two apartments and to provide new community meeting space.

The Pue-Fulton house, which is more or less centrally located on the Property, would become the focal point of the Dorsey's Ridge development. Approximately one-acre of green space surrounding the Historic House would be preserved to provide a park-like context for the house (the "Green") and large significant trees within the Green would be preserved. The DCP proposes three principal community enhancements, which are described in detail later in this TSR.

- **Residential Development:** The residential development proposes 70 SFA garage units arranged around the Green in 14 buildings. There would be 57 units with rear-load alley-fed garages, and 13 units with front-load garages. A new, predominately public road would be constructed to provide circulation through the site. This road would extend from the Cooks Lane cul-de-sac and loop around the Green. Private alleys would branch off the loop road to provide direct access to units.

Unit Description and Orientation: Of the 57 alley-fed garage units, 50 units (including interior and corner units) would be 20 feet wide, and the seven Moderate Income Housing Units would be 16 feet wide. At the entrance to the site, Building A on the west side of the entrance drive and Building N on the east side would be oriented to face incoming traffic from Cooks Lane. The fronts of Buildings A and B face a small green area. The remaining buildings would be oriented toward the Historic House and Green. The unit fronts of Buildings C, D and E face the Green and the unit ends in Buildings F, G, H, I, M and N face the Green.

The 13 front-load garage units (Buildings J, K and L) would be 32 feet wide. These units would be located on the north side of the Historic House and Green and would be oriented with backs to the existing woods.

Bulk Regulations (Plan Set sheet DCP-02): There would be a maximum of seven units per structure and a maximum building length of 160 feet. The proposed maximum height is 40 feet for principal structures and 15 feet for accessory structures. The proposed density is seven SFA units per gross acre.

- **Parking for the townhouse units would be predominately provided within garages and on driveways. Some parking for the townhouse units and visitor parking spaces would be provided on-street.**

Required: Two parking spaces and 0.5 visitor spaces per townhouse unit are required (175 total spaces). Two parking spaces and 0.3 visitor spaces per apartment unit are required (5 total spaces). This equates to a total of 180 required spaces for the residential component.

The parking requirement for the meeting space use would be based on 10 required spaces per 1,000 square feet of assembly area. This calculation is not shown on the submitted DCP, but an updated Parking Analysis Sheet to the DCP dated February 19, 2016, and attached to this TSR shows the assembly area to be 1,340 square feet, which equates to a requirement of 14 spaces. The total required site parking is 194 spaces.

Provided: Each market rate townhouse would provide two garage spaces and two driveway spaces and each MIHU would provide one garage space and one driveway space.

Buildings H and I, as originally depicted on the Development Concept Plan, did not have driveway parking spaces. On the updated Parking Analysis Sheet the locations of Buildings H and I were slightly modified from the original DCP. This change provides two driveway spaces for each market rate townhouse and one driveway space for each MIHU. A total of 266 spaces are provided within the garages and on driveways for the townhouse units.

There are 32 on-street/surface parking spaces along the east side of the entrance drive and at various points around the Green. A total of 298 spaces are provided on the site.

▪ **Community Enhancements:**

Three principal community enhancements are proposed:

1. The restoration of the Pue-Fulton and smoke house;
2. Cooks Lane improvements (#2) and Cooks Lane school bus turnaround (#2A); and
3. Sidewalk, crosswalk and pathway connections between several neighborhoods and the through the BGE right-of-way to schools and shopping.

Community enhancements are described in detail in Section IV.A.9.b of this TSR.

▪ **For the required list of uses that will be permitted as a matter of right in the proposed CEF-R District, the Petitioner proposes:**

1. Single-family attached dwelling units
2. Conservation areas, including wildlife and forest preserves, environmental areas and similar uses.
3. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
4. Community meeting facility, interpretive exhibits, and apartments located in a historic structure listed on the Howard County Inventory of Historic Sites².

The required list of proposed uses permitted as a matter of right and proposed accessory uses is located on Sheet DCP-02.

▪ **Ten percent of the dwelling units are required to be Moderate Income Housing Units (“MIHUs”). Based on the provision of 72 dwelling units, eight MIHUs are required.**

The Moderate Income Housing Units would be provided as seven, 16-foot wide townhouses with one-car garages and one driveway parking space, and one apartment within the Historic House.

III. ZONING HISTORY

- A. Case No. NCU 05-008
Petitioner: Wilhide Florist
Request: Nonconforming use for a commercial florist and greenhouse business
Action: Granted, December 27, 2005
- B. Case No. NCU 02-02
Petitioner: Leon E. (Jr.) and Beverly M. Wilhide
Request: Nonconforming use for three apartments in a single-family detached dwelling
Action: Granted, July 2, 2002
- C. With the 1977 Comprehensive Zoning Plan, the Property became zoned R-ED, and this zoning

² At the SDP stage the language “listed on the Howard County Inventory of Historic Sites” should be revised to be consistent with standard language of the Zoning Regulations, which reads “as defined in these Regulations”.

has been maintained since that date.

- D. Case No. BA 669-C
Petitioner: Wilhide Florist
Request: Special Permit to operate a commercial florist and greenhouse business on R-20 zoned land
Action: Granted, June 1, 1971

III. BACKGROUND INFORMATION

A. Roads

Cooks Lane is a two lane, open section (without curb and gutter) road which terminates in a cul-de-sac within an approximately 35 foot wide right-of-way. There is no posted speed limit.

Currently, visibility from the proposed entrance onto Cooks Lane appears to be acceptable. Traffic on Cooks Lane is minimal since it provides access to the uses on the Property and only seven houses. The proposed development would result in a significant increase in traffic; therefore, a formal traffic study and sight distance evaluation will be required at the SDP stage.

There is no available traffic volume data for Cooks Lane. According to 2011 data from the Department of Public Works, the traffic volume on Old Columbia Pike north of MD 103 was 6,970 AADT (average annual daily trips).

B. Water and Sewer Service

The Property is within the Planned Service Area for Water and Sewer.

C. General Plan

The Property is designated an Established Community on the Designated Place Types Map of *PlanHOWARD 2030*.

Cooks Lane is designated a local road on the Functional Road Classification Map of *PlanHOWARD 2030*, while Old Columbia Pike is a Major Collector.

E. Adequate Public Facilities Ordinance

A Site Development Plan for the proposed development is subject to the requirement to pass APFO tests for housing allocations, and adequate school and road facilities.

IV. EVALUATIONS AND CONCLUSIONS

A. Evaluation of petition according to Section 120.0.I of the Zoning Regulations, Criteria for a CEF District:

1. **The proposed CEF District is located within the Planned Service Area for both water and sewer.**

The Property is located within the Planned Service Area for both water and sewer.

2. **A proposed CEF-R or CEF-M District shall have frontage on and access to an arterial or collector roadway, or a local road if access to the local road is safe based on road conditions and accident history and the local road is not internal to a residential development.**

The Property is located on and has direct access to Cooks Lane, a local road. The road meets the criterion that it is not internal to a residential development since it is bounded on the west by the Bluffs townhouse development and on the east by the BGE right-of-way. Cooks Lane or its intersection with Old Columbia Pike do not have a history of crashes, according to Exhibit C-10, the Traffic Statement.

3. **For all properties, the minimum development size for any CEF District shall be five acres.**

The Property is 10.9 acres.

4. **The proposed CEF District is not located in an existing M-2, TOD, NT, MXD, or PGCC District.**

The existing zoning is R-ED.

5. **A proposed CEF-R District is not located in an existing non-residential zoning district unless the proposed CEF-R District adjoins a residential zoning district.**

The Property is located in a residential zoning district.

6. **The proposed CEF District is not permitted within the interior of a neighborhood comprising only single-family detached dwellings.**

The Property is not within the interior of a SFD neighborhood. Townhouse developments are to the west and north; a BGE right-of-way is to the east, and further to the east are SFD homes. Single-family detached homes are located to the south/southwest and along the west side of Cooks Lane. One SFD home has a driveway from the east side of Cooks Lane across the BGE right-of-way.

7. **A CEF development at the proposed location shall be compatible with surrounding residential neighborhoods, existing land uses in the vicinity of the site in terms of providing a transitional use between different zoning districts and/or land uses and the scale, height, mass, and architectural detail of proposed structures.**

Vicinal land uses are predominately SFA and SFD residential uses. The proposed development would predominately be SFA units similar in intensity, scale, height, and mass to land uses in the area.

8. **The proposed CEF development shall include enhancements as provided in Section 121.0.G. The enhancements shall be proportionate to the scale of the CEF development.**

Enhancements are addressed in detail in Section 9.b below. The DCP proposes the following enhancements: preserving environmental features and an historic structure that provides community meeting and exhibition space; Cooks Lane improvements; and pedestrian connections to surrounding communities. The proposed enhancements would be available and valuable to the greater community in accordance with this section.

9. **The proposed CEF District shall meet the criteria of the purpose statement, which states in part, the Community Enhancement Floating (CEF) District is established to encourage the creative development and redevelopment of commercial and residential properties through flexible zoning so that the proposed development complements and enhances the surrounding uses and creates a more coherent, connected development. The CEF District is intended to:**
- a. **Allow greater design flexibility and a broader range of development alternatives than the existing zoning district.**




The Petitioner notes that it is the creation "...of a high-quality pedestrian-oriented and compact community...with design standards that will reduce excessive setbacks, preserve important environmental features and historic assets, create community oriented open spaces and promote a more walkable community. In addition, the flexibility of the District will allow apartments within the Historic House and the retention of forested area at the rear of the site."

Development Alternatives

R-ED zoning permits SFD and SDA; therefore, as a principal housing type, SFA units do not represent a broad range of housing alternatives. However, apartments are not permitted by right in R-ED so the two proposed apartments would represent an alternative housing type and constitute an additional benefit.

Additionally, since demolition of the Historic House is not prohibited, retaining it would be considered a broader development alternative than could be achieved under R-ED zoning.

At the July 2015 informal Zoning Board meeting the development program showed six SFD units, 62 SFA units, and 22 studio flats. The Zoning Board favored a mix of housing types. The mix was revised for the August 2015 DAP meeting, eliminating the SFD units and the studio flats. The following diagram illustrates revisions to the development program:

Current Submission to DPZ (October 20, 2015)	DAP Submission #15-14 (DAP Meeting: August 26, 2015)	Initial Submission to Zoning Board (Meeting: July 7, 2015)
Development Program: <ul style="list-style-type: none"> • 70 new townhomes • Renovated Pue-Fulton House: two residential apartments, community/exhibit space 	Development Program: <ul style="list-style-type: none"> • 74 new townhomes • Renovated Pue-Fulton House: office, one residential apartment, HOA/exhibit space 	Development Program: <ul style="list-style-type: none"> • 6 single family homes • 62 new townhomes • <u>22 studio flats</u> 90 dwelling units • Renovated Pue-Fulton House: community building
		

Design Flexibility

It is not feasible to evaluate a site layout under the existing zoning without the details of a specific project, however; the maximum permitted density is 10 dwelling units.

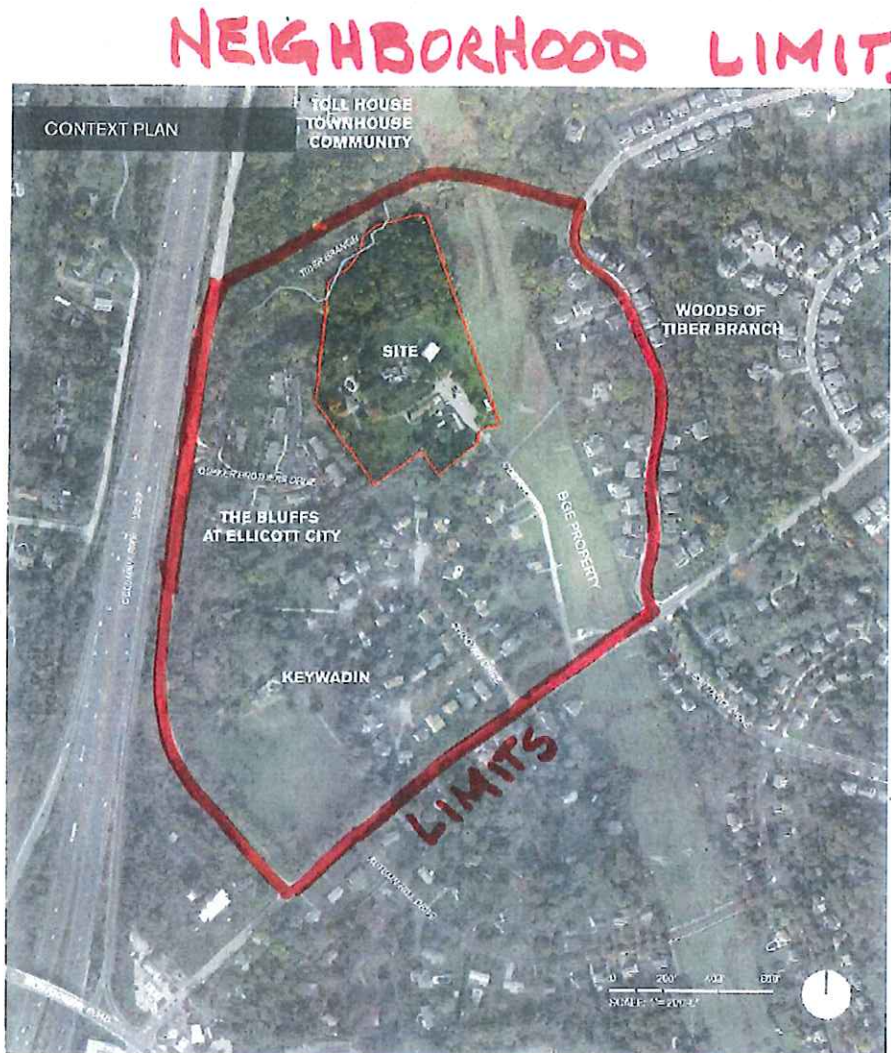
Conclusion

As proposed by the developer, the reuse of the House for apartments and community meeting space; the provision of land for a central, park-like Green, surrounded by townhouses; and the on-site and off-site enhancements, represent various development alternatives which provide a more cohesive development pattern than would likely occur under R-ED zoning.

- b. **Provide features and enhancements which are beneficial to the community in accordance with Section 121.0.G. which states in part,**

Enhancements

The CEF development must contain one or more design features or enhancements which are beneficial to the community as delineated in accordance with Section 121.0.J.2.A and that *exceed minimum standards required by County Regulations*, excluding bulk regulations. *Such features or enhancements must be proportionate to the increase in development intensity and impacts associated with the CEF rezoning compared to the previously existing zoning.* Enhancements shall be free and open to the general public, as opposed to a commercial use. Features or enhancements may be provided on a vicinal site within the delineated community pursuant to evaluation on a case by case basis.



Neighborhood Limits Map (May 21, 2015) defined by Petitioner as required by Section 121.0.J.2.A.

- **DETAILS OF PROPOSED COMMUNITY ENHANCEMENTS:** The development proposal contains three principal community enhancements:

Enhancement 1: Restoration of the Pue-Fulton and smoke house. A detailed description and cost estimate of the proposed restoration is in Exhibit C, pages 8-10. The Historic House would be available for community meetings and events, such as HOA meetings, book clubs, and study groups. The Historic House would also contain interpretive exhibits for the public and provide educational opportunities.

Enhancement 2: Cooks Lane improvements and 2A; Cooks Lane school bus turnaround (described in Exhibit C, pages 10-11 and depicted in the Illustrative Narrative, page 32). The existing road has no curb, gutter, or sidewalks. Under the proposal, Cooks Lane would be widened and improved by adding curb and gutter, sidewalks, and street lights. Off-site improvements include sidewalks along Old Columbia Pike to the west (235 feet) to connect to the Keywadin neighborhood and to the east (125 feet) to connect to the

Woods of Tiber Branch neighborhood. A school bus turnaround and waiting pad for children would be provided at the Cooks Lane terminus as a safety improvement.

Enhancement 3: Sidewalk, crosswalk, and pathway connections between several neighborhoods and through the BGE right-of-way to schools and shopping (described in Exhibit C, pages 13-14 and illustrated in the Illustrative Narrative, pages 32-33). A crosswalk with a refuge island is proposed on Old Columbia Pike that would connect Dorsey's Ridge, Keywadin, and the Woods at Tiber Branch with the communities on the east side of Old Columbia Pike. In addition, a pedestrian path through the BGE right-of-way would connect existing sidewalks and proposed sidewalk extensions.

▪ **COMPARATIVE ANALYSIS:**

The following compares the proposed development enhancements to County requirements as a basis for determining if the proposed development "...*exceeds minimum standards required by County Regulations.*" A comparison of density is also included.

Density

Maximum permitted under existing R-ED zoning:

According to the Record Plat (see page 2 of the TSR) permitted density under R-ED would be based on 4.5 acres (combined size of Lots 1 and 2) plus the one unit on Lot 3. This equates to 10 dwelling units.

Proposed:

72 units (70 townhouses and two apartments). The Record Plat restrictions only apply under current R-ED zoning. If the property were rezoned to CEF the Record Plat restriction would no longer apply (see footnote #1 for additional details).

Open Space/Recreational Open Space

Minimum County Requirement³:

Open Space (OS) and Recreational Open Space (ROS) are different. ROS is a portion of the OS that is accessible and usable for recreation. Under R-ED, Lots 1 and 2 would be subject to both requirements. Lot 3 is not subject to, since it is an existing buildable lot with no further subdivision potential.

Under R-ED the Open Space ("OS") requirement of Section 16.121(a)(2) of the Subdivision Regulations is 50% (or 2.28365 acres for Lots 1 & 2).

Section 16.121(a)(4)(vi) requires 400 square feet of Recreational Open Space per SFA unit and apartment unit. Based on 72 proposed units, 28,800 s.f. of ROS (approximately 0.66 ac.) are required.

³ Source: Division of Land Development, Land Development and Subdivision Regulations

Proposed:

Plan Sheet DCP-01 proposes approximately 4.63 acres of OS. Plan Sheet DCP-02 indicates that 40% of the site's gross acreage would be designated as OS and that active recreation requirements would be fulfilled by a playground, common area of the Green, on-site gathering spaces, mews, and pathways.

An updated Open Space Analysis Sheet to the DCP, dated February 19, 2016, is attached and shows updated OS analysis. It indicates that approximately 4.36 acres of OS are provided and depicts an additional 0.9 acres (non-credited) green space. This additional green space is predominately located along the western and eastern Property boundaries and would not be counted toward fulfilling the minimum OS requirement.

The R-ED 50% OS requirement equates to approximately 2.28 acres. Open Space requirements will be addressed in complete detail at SDP, however; it is clear that the minimum requirements would be exceeded under this proposal.

Landscaping

Minimum County Requirement:

Howard County Landscape Manual requirements as determined at Site Development Plan stage).

Proposed:

Plan Set sheet DCP-03 indicates that minimum Landscape Manual requirements will satisfied.

Enhanced buffer plantings and the retention of large trees not utilized as credit toward required landscaping would be considered enhancements that exceed minimum County landscaping requirements.

Enhancement 1: Restoration of the Pue-Fulton.

There are no County requirements for the retention, restoration, or adaptive reuse of the Historic House.

Enhancement 2: Cooks Lane improvements, and Cooks Lane school bus turnaround:

Given this early stage in the CEF process and available information, it is difficult to quantify the proportional benefits that apply to Cooks Lane improvements. It is possible that improvements to Cooks Lane would not be required under R-ED; although a 10-unit subdivision would be considered a major subdivision.

The Dorsey's Ridge development will produce additional traffic, which could trigger the need for improvements to Cooks Lane. Much depends upon the current condition of the road and other factors that are currently not known. The nature and extent of improvements to Cooks Lane would be considered at the technical review stage. However, based upon the scope of proposed improvements, it is reasonable to presume

that proposed Enhancements 2 and 2A are likely to exceed minimum County requirements.

Enhancement 3: Sidewalk, crosswalk and pathway connections between neighborhoods and to schools and shopping:

While it is difficult to quantify the proportional benefit of a sidewalk on Cooks Lane, it is clear that the proposed off-site crosswalk and sidewalk connections significantly exceed County requirements. The proposed pathway connections extend beyond the delineated community depicted in the Neighborhood Limits Map (see page 11) to provide off-site connections not required by County regulations. These improvements also respond to concerns expressed by residents that they are currently disconnected from one another and from nearby community amenities. DPZ strongly supports the proposed sidewalk and pathway improvements, which are consistent with the goals of Walk Howard, specifically:

- a. Sidewalk on the north side of Old Columbia Pike between Tiber Falls Road and Choctaw Drive;
- b. Pedestrian crossings of Old Columbia Pike and Tiber Falls Road at Tiber Falls Road; and
- c. Pathway in and across BG&E right-of-way between Bali Road and the Veterans Elementary School.

In addition to the proposed enhancements, DPZ requests that an additional community enhancement be considered – the construction of a sidewalk along the south side of Old Columbia Pike between Brittany Drive and Autumn Hill Drive, provided adequate right-of-way exists. This connection would provide pedestrian access to the RTA bus stop at Old Columbia Pike and Toll House Road.

- c. **Provide a higher quality of site design and amenities than is possible to achieve under the standard provisions of existing zoning district requirements.**

The Historic House would likely not be retained under current zoning. The park-like Green around the Historic House helps provide an appropriate setting, retains large trees, and creates outdoor play and relaxation areas. The design of the development creates a mews. These amenities are likely of a higher quality than could be achieved under R-ED.

- d. **Encourage creative architectural design with the most favorable arrangement of site features, based on physical site characteristics and contextual sensitivity to surrounding developments.**

Development will be located on a cleared and previously disturbed hilltop, thereby reducing further site disturbance and protecting environmental features and associated buffers. Townhouses will be arranged to frame the House and Green as the central open space. There will be three types of townhouses - end units facing the House and Green; front loaded garage units that are wider, and rear loaded garage units.

Buildings E, F, G and H will be placed perpendicular to the existing homes of the

Bluffs. This arrangement respects privacy and orients sidewalls toward the Bluffs, rather than the more massive rear facades.

At the entrance to the site, Building A on the west side of the entrance drive and Building N on the east side would be oriented to face incoming traffic from Cooks Lane and will frame the site entrance. The fronts of Buildings A and B face a green area, which provides a transition between the SFD houses on Cooks Lane and the proposed townhouses.

The front doors of corner townhouses are to be located on the side wall so the view will give the impression of a SFD home. Wing walls and building projections help conceal alley parking.

The front-loaded garage units of Buildings J, K and L would be located on the north side of the Historic House and Green and back to the existing woods. These wider units employ architectural features to reduce the visual prominence of garage doors.

The organization of the mews, gathering spaces and houses allow for sight lines to the House and Green area.

e. Serve as a transitional area by providing a mix of uses compatible with the surrounding community or developments.

The surrounding community comprises SFA and SFD developments and the site is bordered by private and public open space. The proposed development would provide a mix of uses compatible with the surrounding community and would function as an appropriate transitional use.

f. Encourage aggregation of underutilized properties.

The site comprises three parcels with a mix of nonconforming commercial and apartment uses. These parcels would be combined into one Property. Under the existing R-ED zoning, the Property is under-utilized given that public water and sewer have been extended to the site and considering its location and proximity to nearby services and schools. Redevelopment would remove the current mix of nonconforming uses and better utilize the Property for residential development, which is more compatible with the existing residential zoning and with surrounding residential land uses.

10. The proposed CEF Development does not comprise parcels which were added to the Planned Service Area to achieve Bay Restoration goals articulated in PlanHOWARD 2030.

This criterion is not applicable.

B. Supplemental information:

The following analysis is proved as supplemental information and responds to specific requirements listed in Subsections to 121.0.J, Procedure for Creation of a CEF District.

Subsection J.3.c:

A summary of the questions, concerns, and comments raised at the preliminary Zoning Board meeting is attached to the TSR as Appendix B. This summary is also in Exhibit C, page 15. Exhibit C-11, Minutes of the Howard County Zoning Board Meeting July 7, 2015, provides further details.

Subsection J.4.b:

The DAP Meeting Summary dated August 26, 2015, is attached.

Subsection J.6:

This section states, "the Technical Staff Report shall evaluate the application based on the "Criteria for a CEF District" in Section 121.0.I above and note any unresolved community comments relevant to these criteria."

Exhibit C, (pages 10-15) contains details of the various community meetings held by the Petitioner. Residents expressed comments related to the topics summarized below. DPZ is not aware of any unresolved community issues at this time.

Residents recommended a school bus turnaround at the Cooks Lane terminus and a standing pad for children, and improvements to Cooks Lane including sidewalks, pavement widening, curb, gutter, and street lights. These are provided in the DCP.

Connectivity: Residents desire a pathway connection from Keywadin to Dorsey's Ridge. The Petitioner is exploring the possibility of providing a connection via a privately owned open space lot within Keywadin. Connections are proposed to off-site locations via the BGE right-of-way, and proposed and existing sidewalks through nearby neighborhoods. Some residents of the Bluffs did not want pedestrian traffic through the community. The DCP responds to this comment by removing a pathway shown on preliminary plans.

Screening and Drainage: Residents of the Bluffs expressed concerns about screening and drainage. These concerns have been addressed with proposed screening as shown on DCP Sheet 3. Concerns about drainage are addressed in Exhibit C, page 12.

School overcrowding: Since the Dorsey's Ridge development is not projected to begin until approximately 8 years from the date of approval, school impacts would be required to be addressed with future plans.

Traffic: The petition includes Exhibit D, an Adequate Road Facilities Test Evaluation Traffic Study. The summary of the submitted Study indicates that the proposed development can satisfy APFO requirements. A formal APFO traffic study will be required at the SDP stage.

C. Evaluation of petition based on the General Plan

The proposed DCP would be in harmony with the policies of PlanHOWARD 2030.

The development proposal would be in harmony with *PlanHoward 2030* policy 4.10, Historic Preservation, which states, "Expand on existing programs to enhance historic preservation and create an historic preservation plan, and associated Implementing Actions."

Implementing Actions:

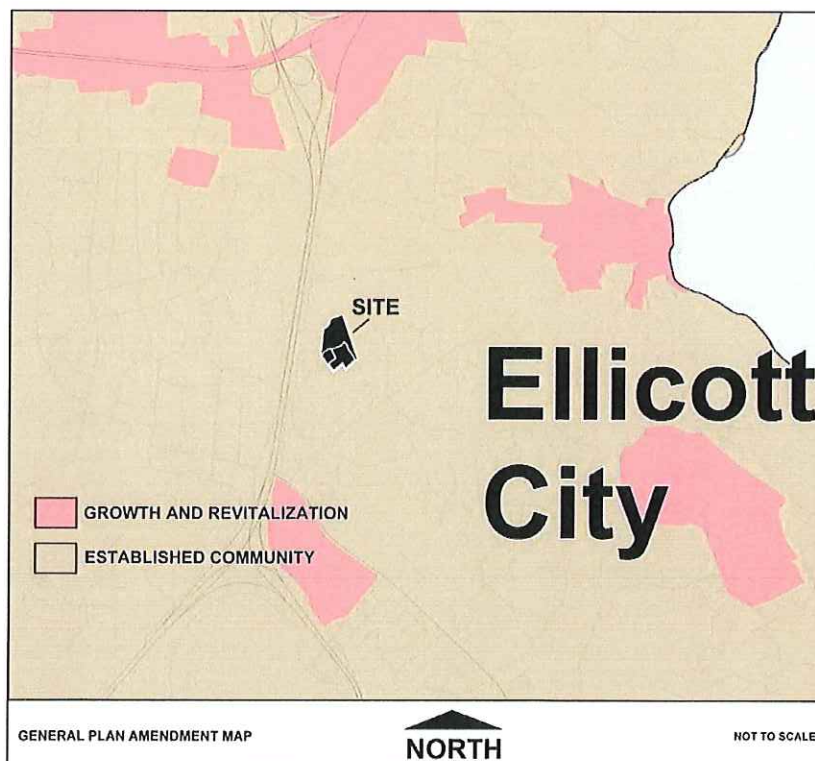
a. Historic Tax Credits. Promote greater use of County historic tax credits for properties in local historic districts or listed on the Historic Sites Inventory.

g. Historic Preservation Strategic Plan. "Work with historic preservation advocates and other stakeholder groups to define more detailed goals and actions to enhance historic preservation in Howard County. Work with historic preservation advocates and other stakeholder groups and create an historic preservation plan to broaden awareness of our heritage and encourage renovation and re-use of historic resources."

h. Public Awareness. "Increase public awareness of historic preservation by expanding and promoting educational opportunities for residents to learn about the County's history and historic sites."

The DCP is consistent with compact development and connectivity goals promoted by General Plan Policy 6.5.d, "Encourage compact development with adequate green spaces and connectivity within and between developments which provides residents with a high quality of life and allows residents to take advantage of the benefits of the compact development."

The DCP fulfills the recommendations of Policy 10.1, which encourages the County to "consider zoning modifications that would provide more flexibility in order to allow limited compatible infill that enhances an existing community."



V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request to rezone the Property from R-ED to CEF-R be **APPROVED** subject to the following recommendation:

1. It is recommended that a privacy fence be installed along the south/southwest Property boundary adjacent to the proposed landscape buffer.

Report drafted by:

Amy Gruber 3-2-16
Zan Koldeyey, Planning Specialist II Date

Approved by:

Valdis Laidins 3-2-16
Valdis Laidins, Director Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.VL:ZLK/zlk

APPENDIX A – RELEVANT SECTIONS OF ZONING REGULATIONS

SECTION 121.0: - CEF (Community Enhancement Floating) District

A. Purpose

The Community Enhancement Floating (CEF) District is established to encourage the creative development and redevelopment of commercial and residential properties through flexible zoning so that the proposed development complements and enhances the surrounding uses and creates a more coherent, connected development. While it is envisioned that the CEF District could place residential uses on land zoned for employment in some circumstances, it should not be viewed primarily as a way to convert land zoned for employment to residential.

The CEF District is intended to:

1. Allow greater design flexibility and a broader range of development alternatives than the existing zoning district;
2. Provide features and enhancements which are beneficial to the community in accordance with Section 121.0.G.
3. Provide a higher quality of site design and amenities than is possible to achieve under the standard provisions of existing zoning district requirements;
4. Encourage creative architectural design with the most favorable arrangement of site features, based on physical site characteristics and contextual sensitivity to surrounding developments;
5. Serve as a transitional area by providing a mix of uses compatible with the surrounding community or developments; and
6. Encourage aggregation of underutilized properties.

G. Enhancements

The CEF development must contain one or more design features or enhancements which are beneficial to the community as delineated in accordance with Section 121.0.J.2.A and that exceed minimum standards required by County regulations, excluding bulk regulations. Such features or enhancements must be proportionate to the increase in development intensity and impacts associated with the CEF rezoning compared to the previously existing zoning. Enhancements shall be free and open to the general public, as opposed to a commercial use. Features or enhancements may be provided on a vicinal site within the delineated community pursuant to evaluation on a case by case basis. Enhancements may include:

1. Community parks or gathering spaces, playgrounds, dog parks, or recreation facilities that are open to the general public;
2. Enhanced environmental open space which incorporates environmental restoration of streams, wetlands or forests, or enhanced landscaping;
3. Bicycle, pedestrian or transit improvements which provide connections to off-site destinations or bicycle, pedestrian or transit facilities; or
4. Other community enhancements identified on the Development Concept Plan.

I. Criteria for a CEF District

The CEF District may be established at a particular location if the following criteria are met:

1. The proposed CEF District is located within the planned service area for both public water and sewer service.
2. A proposed CEF-C District shall have frontage on and access to an arterial or major collector road. A proposed CEF-R or CEF-M District shall have frontage on and access to an arterial or collector roadway, or a local road if access to the local road is safe based on road conditions and accident history and the local road is not internal to a residential development.
3. For all properties, the minimum development size for any CEF District shall be five acres
4. The proposed CEF District is not located in an existing M-2, TOD, NT, MXD, or PGCC District.
5. A Proposed CEF-R District is not located in an existing non-residential zoning district unless the proposed CEF-R District adjoins a residential zoning district.
6. The proposed CEF District is not permitted within the interior of a neighborhood comprising only single-family detached dwellings.
7. A CEF development at the proposed location shall be compatible with surrounding residential neighborhoods, existing land uses in the vicinity of the site in terms of providing a transitional use between different zoning districts and/or land uses and the scale, height, mass, and architectural detail of proposed structures.
8. The proposed CEF development shall include enhancements as provided in Section 121.0.G. enhancements shall be proportionate to the scale of the CEF development.
9. The proposed CEF District shall meet the criteria of the purpose statement.
10. The proposed CEF Development does not comprise parcels which were added to the Planned Service Area to achieve Bay Restoration goals articulated in *Plan Howard 2030*.

J. Procedure for Creation of a CEF District

1. The owner of an interest in a tract of land in Howard County may petition the Zoning Board to designate the property as a CEF District.
2. Prior to preparing a specific plan and submitting an application for a CEF District, the petitioner is required to meet with the Department of Planning and Zoning to discuss the overall concept for the intended CEF District and its relationship to the purpose of the CEF District. The initial CEF plan shall include:
 - a. A map delineating the boundary of the community surrounding the CEF District, which includes:
 - (1) A justification for such boundary and a summary description of the community in terms of land-use mix and intensity and any important natural or manmade features that define the character of the community;

- (2) The location of the proposed CEF District in relation to the surrounding community; and
 - (3) An explanation of any key environmental, infrastructure or other relationships between the proposed CEF District and the surrounding community.
 - b. A conceptual plan that includes:
 - (1) Immediately adjoining parcels and uses;
 - (2) Existing on-site natural and development features, clarifying those to be retained or removed;
 - (3) The proposed development envelope;
 - (4) Proposed permitted uses and their general locations, including the proposed square foot area of non-residential uses, the number of residential units, and the unit types;
 - (5) The general locations of road, pedestrian, and bicycle connections to the surrounding community;
 - (6) A description of proposed community enhancements; and
 - (7) A statement as to how the proposed Development Concept Plan conforms to the purpose statement for the CEF District and how the proposed CEF District will have a greater benefit to Howard County and the surrounding community than a conventional development of the property using the existing zoning district regulations. The Department of Planning and Zoning shall, as a result of this meeting, evaluate whether the proposal may potentially meet the objectives of the CEF District.
3. After the petitioner has conferred with the Department of Planning and Zoning and prior to the petitioner preparing a detailed CEF plan and application, the Zoning Board shall hold an initial meeting on the initial CEF plan.
 - a. The purpose of the initial meeting is to review the petitioner's initial CEF plan, review the Department of Planning and Zoning's preliminary evaluation, and to allow citizens and the Zoning Board to ask questions, raise concerns, and make suggestions regarding the initial CEF plan prior to the applicant preparing the detailed CEF plan.
 - b. At the meeting the petitioner shall present the initial CEF plan.
 - c. A summary of the questions, concerns and comments raised at the preliminary hearing shall be provided by the petitioner in accordance with Section 16.128(C), included in the application, and attached to the Technical Staff Report produced by the Department of Planning and Zoning.

- d. The petitioner shall comply with all provisions of Section 16.128 (C) – (J) before, during, and after the initial meeting.
4. Prior to filing an application for a CEF District, the petitioner shall present a detailed CEF plan to:
 - a. The community at a meeting in accordance with Section 16.128, presubmission community meetings; and
 - b. The design advisory panel for evaluation in accordance with the procedures established in Section 16.1500 of the Howard County Code. The Design Advisory Panel recommendations shall be included in the Technical Staff Report produced by the Department of Planning and Zoning and forwarded to the Planning Board for its consideration of the CEF District. If the CEF Development Concept Plan proposes the conversion of non-residentially zoned land to residential uses, the Technical Staff Report shall also include a fiscal note that evaluates the impact of the proposal on County tax revenues, as well as estimates of the future expenses to the county for providing public facilities and services for the residential uses.
 5. The application shall be submitted to the Department of Planning and Zoning and shall initially include:
 - a. A Development Concept Plan which includes sheets depicting all existing natural and current development features of the Community Enhancement Floating District land area, and also depicting and/or listing, as may be appropriate, the following:
 - (1) A boundary survey
 - (2) Permitted uses
 - (3) Accessory uses
 - (4) Buildings and other structures
 - (5) Parking areas and number of parking spaces
 - (6) Points and widths of vehicular ingress and egress
 - (7) Site enhancements which fulfill CEF District objectives in accordance with Sections 121.0.A and 121.0.G
 - (8) Landscaping
 - (9) Hardscaping including pedestrian and bicycle connections to off-site facilities
 - (10) Retained natural features such as wetlands, steep slopes, and tree and forest cover
 - (11) Architectural elevations of all sides of all buildings and significant structures, with exterior materials specified
 - (12) Exterior lighting plan with lighting structures and light sources given on specific lighting product information sheets
 - (13) Information on the adjoining properties, including the owner name, zoning, existing use, and existing site improvements
 - (14) Presubmission community meeting minutes and a summary of design modifications made in response to interaction with the community
 - b. A map delineating the boundary of the community surrounding the CEF District and written justification for such boundary.

- c. A written justification statement that expresses in detail:
 - (1) How the proposed Development Concept Plan conforms to the purpose statement for the CEF District.
 - (2) How the proposed CEF District will promote the policies established in the General Plan and any goals established in relevant corridor, community or small area plans, and will be of greater benefit to Howard County and more appropriate than the existing zoning.
 - (3) Supporting documentation, including but not limited to market studies and traffic studies as required by the Department of Planning and Zoning based on the scale of the project and the type and location of proposed uses.
6. The Technical Staff Report shall evaluate the application based on the "Criteria for a CEF District" in Section 121.0.I above and note any unresolved community comments relevant to these criteria.
7. The Planning Board shall hold a public meeting on the application and shall make a recommendation to the Zoning Board based on the "Criteria for a CEF District" in Section 121.0.I above.
8. Decision by the Zoning Board:
 - a. The Zoning Board shall hold a public hearing on the petition and may approve, approve with modifications or deny the petition.
 - b. In its evaluation of the proposed CEF District, the Zoning Board shall make findings on the following:
 - (1) Whether the petition will accomplish the purposes of the CEF District;
 - (2) Whether the petition complies with the criteria for a CEF District in Section 121.0.I; and
 - (3) Whether the petition meets the Moderate Income Housing Unit requirements.
 - c. If the petition is approved:
 - (1) The Zoning Board may modify or apply additional requirements to any part of the Development Concept Plan including, but not limited to, uses, bulk regulations, days and hours of business, or other operational issues including removal of facilities in the event of closure. The Board, at its discretion, may hold additional hearings on any modifications or additional requirements to the plan it deems appropriate.
 - (2) Should the Board approve any modifications or additions, then at the petitioner's request, the Board shall hold a hearing on such modifications or additional requirements. At the conclusion of such hearing, the Board may change any of the modifications or additional requirements. If the petitioner does not accept the

final modifications or additional requirements, the petitioner may withdraw the petition without prejudice.

(3) The Decision and Order of the Zoning Board shall:

- (a) Create a CEF District covering the land in the petition;
- (b) Approve the concept plan;
- (c) Establish the bulk regulations, use categories, accessory uses and any restrictions or modifications; and
- (d) Approve the community enhancements.

d. A copy of the Development Concept Plan and Criteria shall be provided by the petitioner and certified as approved by the Zoning Board and a verified copy of the same shall be forwarded to the Department of Planning and Zoning and the petitioner.

APPENDIX B – SUMMARY OF INITIAL ZONING BOARD MEETING

At the Initial Zoning Board meeting held on July 7, 2015, the Zoning Board members made several important suggestions that we have fully adopted into our revised plan including: making the internal roads public, increasing the number of parking spaces, reducing density, providing in depth detail on the historical significance of the historic Pue-Fulton House, and modification of the townhouse architecture to eliminate the effect created by garage doors in 24 foot wide units facing the rear of the historic Pue-Fulton House. Accordingly, the proposed density of the project has been reduced from 90 units to 72 units – inclusive of the two apartments, which are integral to the upkeep of the historic Pue-Fulton House. Please see the attached **Exhibit C-11**, Minutes for the Initial Zoning Board meeting held on July 7, 2015.

In addition, based upon the suggestions of several Zoning Board members, the internal roads are proposed to be publicly owned and maintained. To achieve more parking spaces, driveways were lengthened to 18-20 feet. This will provide room for 2 additional cars in each driveway. In addition we have created 35 common spaces scattered throughout the community that will be available for visitor parking. The historic Pue-Fulton House will not be open during holidays when guest parking spaces will be in high demand. The proposed number of parking spaces is 279, which means there will be 3.9 spaces per dwelling unit.