



August 24, 2017

TECHNICAL STAFF REPORT

Planning Board Meeting of September 7, 2017

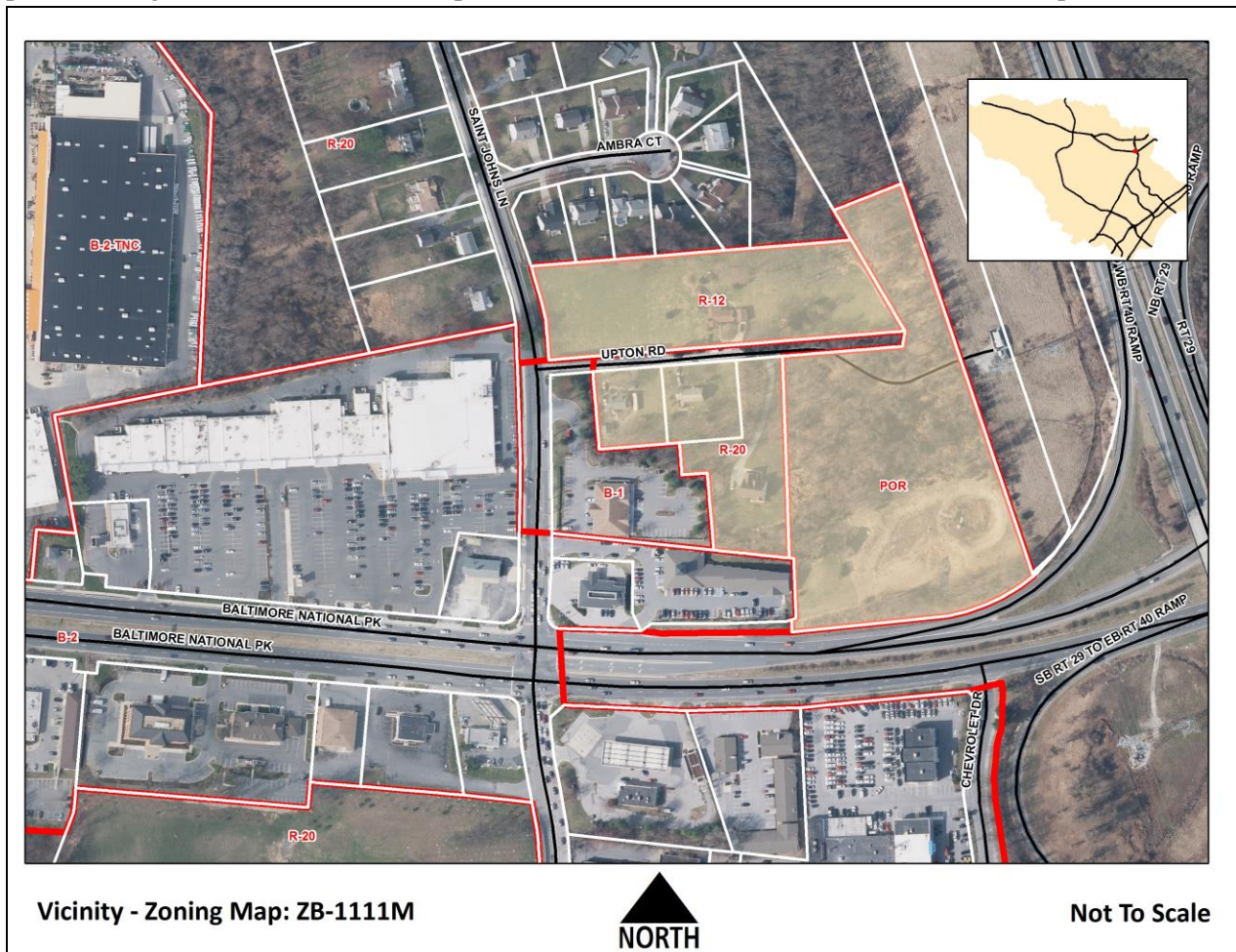
Case No./Petitioners: ZB-1111M – Maple Grove at St. Johns, LLC and Upton Properties, LLC

Location: Fourth Election District
East side of St. Johns Lane approximately 520 feet north of Baltimore-National Pike
Tax Map 24, Grid 5, Parcels 1190, 41, 455, 40, and 81; 9011, 9060, 9061, 9071 and 9081
Upton Road (the "Property").

Area of Property: 10.84 acres

Current Zoning: R-20 (Parcels 40, 81, and 455), R-12 (Parcel 41), and POR (Parcel 1190)

Proposed Zoning: R-A-15, with site plan documentation for a 115 unit townhouse development



I. DESCRIPTION OF PROPOSAL

The petitioners request a Zoning Map Amendment to rezone the property from R-12, R-20 and POR to R-A-15, according to Section 100.0.G.2.- Site Plan Zoning Petitions, for a 115 unit townhouse development. The petitioners assert that the Zoning Map Amendment is justified based on a mistake in zoning associated with the 2013 Comprehensive Zoning Plan (“2013 CZP”).

During the 2013 Comprehensive Zoning process, all five parcels were submitted as individual map amendment requests by separate property owners. The petitioners assert that the Zoning Board denied the individual requests citing concerns about “...the desirability of a holistic plan that encompassed all five parcels...” rather than separate developments on the parcels; and an “...inability to create an appropriate transition/buffer area between the commercially zoned property to the south and single-family detached properties to the north.”¹ The petitioners suggest that the lack of a single development plan encompassing all five parcels was a critical factor in the Zoning Board’s decision to retain the zoning of the three R-20 zoned parcels and the one POR zoned parcel.

The petitioners propose to combine all five parcels into a single townhouse development that will serve as a transition between commercial properties to the south and residential properties to the north.

Site Plan

The proposed development consists of 115 townhomes on 10.28 net acres (11 units per acre). The maximum density allowed in the R-A 15 District is 15 dwelling units per net acre. The development contains 17 buildings consisting of: one 3-unit building, two 6-unit buildings, two 8-unit buildings and twelve 7-unit buildings.

Access would be from Upton Road, which is proposed to be relocated and redesigned with a cul-de-sac on the east end. An additional 20-foot wide emergency access road is proposed north of Upton Road, in response to comments from the Department of Fire and Rescue Services.

The townhomes predominantly have rear-loading, one-car garages, almost all of which are accessed by private alleys. Only four buildings, located along the south side of the property, do not contain garages. The petition describes the orientation of townhouses as “...a village main street style aesthetic.” The two buildings at the front of the property face St. Johns Lane, provide a residential transition, and will screen much of the development.

The required parking for the 115 townhomes is 2.5 spaces per unit, for a total of 288 spaces. The site plan depicts 301 parking spaces, consisting of 81 garage parking spaces, 81 driveway parking spaces, 35 on-street parking spaces along Upton Road, and 104 “common parking” spaces. Most of the common parking spaces are in front of Lots 90 through 115, on the south side of the site, and 21 spaces are located behind Lots 15 through 25, on the north side of the site. Sidewalks are in front of all of the buildings, along the streets.

The site plan depicts 5.53 acres of open space, which represents 53.7% of the property and exceeds the 25% requirement. Much of this open space provides buffer areas on the north side of the development, along the existing Cove Wood subdivision, and on the south side of the development, along US 40. The

¹ The Petitioner further justifies the mistake assertion in the “Supplement for Petition to Amend Zoning Map of Howard County.” This document replaces the response given in the original Petition.

proposal includes two recreational open space areas: one contains a playground and a community center and is located near the northeastern corner, the other is depicted near the northwestern corner, at St. Johns Lane.

The proposal complies with the Landscape Manual and includes landscaping along all perimeters and throughout the development. Noise walls are located along the east and south sides of the site and buffer the development from US 29 and US 40.

A Traffic Impact Analysis prepared by The Traffic Group, dated August 18, 2016, concludes “The projected southbound St. Johns Lane queues of 315 and 284 feet will not impact the proposed driveway which is located approximately 500 feet north of US 40. Therefore, based on this data and analyses, the proposed development can be accommodated along St. Johns Lane and has a minimal impact to the intersection of US 40 @ St. Johns Lane operations.” A Sight Distance Analysis - “Intersection Site Distance Exhibit”, was submitted September 2, 2017, and shows that from the proposed entrance on St. Johns Lane, there is an intersection sight distance of 387 feet to the south and 445 feet to the north. Both the Traffic Impact Analysis and the Sight Distance Analysis were evaluated during the Subdivision Review Committee process.

II. BACKGROUND INFORMATION

A. Property Description

The property consists of five irregularly shaped parcels, totaling 10.84 acres. Parcel 1190, the easternmost, is zoned POR. The southern area of Parcel 1190 is cleared and contains a privately owned and maintained stormwater management facility. The northern portion is predominantly wooded and unimproved, except for a driveway that runs from the end of Upton Road to a commercial communications facility located on the BG&E owned Parcel 449 to the east.

Parcel 41 comprises most of the northern area of the property and is zoned R-12. It is predominantly an open lawn with perimeter vegetation.

The remaining three parcels, located on the south side of Upton Road, Parcel 40, Parcel 81, and Parcel 455, are zoned R-20 and each contain a single family detached dwelling. All buildings will be removed prior to development.

The highest elevation is located on the west side lot line of Parcel 455. From this point, the elevation descends 50 or more feet to the northeast, east and southeast, with the lowest elevation at the southeast corner.

B. Vicinal Properties

Direction	Zoning	Land Use
North	R-20 (One Family Residential)	Single Family Detached
South	R-20 / B-2 (Business General)	Shopping center / US 40 right-of-way
East	R-20	BG&E transmission lines
West	B-1 (Business Local) / B-2	Shopping centers

C. Roads

St. Johns Lane transitions from one southbound lane and one northbound lane to two southbound lanes and one northbound lane, within a variable width right-of-way. The speed limit is 30 miles per hour.

A detailed sight distance analysis “Intersection Site Distance Exhibit”, was submitted on September 2, 2017, and reviewed during the Subdivision Review Committee (SRC) process. This analysis shows an intersection sight distance of 387 feet to the south and 445 feet to the north, measured from the St. John’s Lane entrance.

According to State Highway Administration data, the traffic volume on St. Johns Lane north of US 40 was 6,494 AADT (annual average daily traffic) as of 2015.

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

Parcel 1190 is designated as Growth and Revitalization on the *PlanHoward 2030* maps. All other parcels are designated Established Community.

St. Johns Lane, south of Upton Road, is depicted as a Major Collector on the *PlanHoward 2030* Transportation Map and as a Minor Collector north of Upton Road.

F. Route 40 Corridor

A large portion of the property is within the Route 40 corridor and is, therefore, subject to review by the Design Advisory Panel and the Route 40 Design Manual applies.

G. Subdivision Review Committee

The SRC evaluated the site plan according to Section 100.0.G.2.c. of the Zoning Regulations. On April 17, 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 site development stages of review. Please refer to the attached memorandum and SRC comments.

III. ZONING HISTORY

A. Subject Property and Adjacent Properties

On the 1961 zoning map the area north of Baltimore National Pike was zoned R-20, except that land within 300 feet of Baltimore National Pike was zoned B-2. The 300-foot was generally measured from the edge of the road; thus, a large portion of Parcel 1190 and Parcel 455 would have been zoned B-2. All of adjacent Parcel 38 and Parcel 446 and most of Parcel 39 would have been zoned B-2. Parcels 40, 41, and 81 and all other land to the north would have been zoned R-20. Across St. Johns Lane, to the west, this same 300-foot B-2 pattern was applied along

Baltimore National Pike, with R-20 to the north of the B-2 district. However, in 1968 a 3.3-acre triangle that fronted St. Johns Lane was rezoned from R-20 to B-2 in Zoning Board case ZB 505. This land later became the northern part of the St. Johns Plaza shopping center.

The zoning pattern described above remained until the 1977 Comprehensive Zoning Plan, when the B-2 zoned areas of Parcel 1190, Parcel 455, and, Parcel 39 were rezoned to R-20. Across St. Johns Lane, to the west, the St. Johns Plaza property remained B-2, but the area to the north was rezoned to R-20.

The 1985 Comprehensive Zoning Plan maintained zoning similar to the 1977 Comprehensive Zoning Plan. The one change in the 1993 Comprehensive Zoning Plan occurred when the adjacent Parcel 39 was rezoned to the current B-1.

In the initial 2004 Comprehensive Zoning Plan, the property remained R-20, with B-1 and B-2 on the adjacent properties to the south and southwest. However, in the 2005 Continuation of the Comprehensive Zoning Plan, Parcel 1190 was rezoned from R-20 to POR.

The property's zoning remained the same until the 2013 Comprehensive Zoning Plan, when Parcel 41 was rezoned from R-20 to R-12 in Amendment No. 24.002. The four other parcels that constitute the property were the subject of map amendment requests that were denied. These were:

- Amendment No. 24.001, a request to rezone Parcel 455 from R-20 to B-1;
- Amendment No. 24.004, a request to rezone Parcels 40 and 81 from R-20 to R-SA-8; and
- Amendment No. 24.005, a request to rezone Parcel 1190 from POR to R-A-15.

IV. EVALUATIONS AND CONCLUSIONS

A. Evaluation of the Petition Concerning the General Plan

The petitioners assert that ZB-1111M is in harmony with the following PlanHoward 2030 policies:

POLICY 5.9

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

Policy 5.9 encourages mixed-use residential developments, which can occur horizontally or vertically, in the Route 40 Corridor in order to support the vitality of existing businesses and spur commercial growth. The establishment of the TNC (Traditional Neighborhood Center) Overlay District, which encourages the redevelopment of shopping centers into mixed use residential centers, on multiple properties throughout the Route 40 Corridor is a result of this policy.

The proposed townhouse development adds to the overall mixed-use concept within the US 40 Corridor by placing more residences within close proximity to the Route 40 corridor businesses. The proposed development encourages a pedestrian crosswalk across St. Johns Lane to connect with the St. Johns Plaza shopping center. A sidewalk along the east side of St. Johns Lane provides access to the nearby businesses to the south. Higher density residential development of

the property can help to enhance the vitality of the Route 40 Corridor. Therefore, DPZ concurs that the proposal is in harmony with Policy 5.9.

POLICY 10.1

“Protect and enhance established communities through compatible infill, sustainability improvements, and strategic public infrastructure investments.”

The four residentially zoned parcels are designated Established Communities in the General Plan. However, the property is on the edge of an established community, in a transition area between R-20 zoned single family properties and shopping centers in the B-1/B-2 zoning districts. The concept of “infill”, as described in the Sustaining Established Communities section of Chapter 10, is primarily related to properties that are interior to an established community. Additionally, the property’s location within the Route 40 corridor and Parcel 1190’s designation as a Targeted Growth and Revitalization Area supports higher utilization than single family detached dwellings. The Growth and Revitalization Area designation encourages “opportunities for higher density, mixed-use development, with enhanced access to transit and community amenities. The designation further states that higher density mixed use development results in “housing and employment to more people with fewer impacts on the health and environment, maximum use of existing infrastructure, and is necessary to support a multimodal transportation network.”

Transitional areas commonly consist of higher density infill residential development, such as townhomes and apartments, that can serve as an intermediary use. The proposed townhouse development is consistent with the Growth and Revitalization Area objectives for higher density, mixed use areas. Therefore, DPZ concurs that the proposal is in harmony with Policy 10.1.

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.”

As stated in the evaluation of Policy 5.9 above, residential growth is encouraged within the Route 40 corridor to create mixed use environments, and to support the vitality of commercial land uses. The proposal for an R-A-15-zoned townhouse development, as a transitional use between the commercial properties on US 40 and adjacent R-20 neighborhoods, is consistent with the existing zoning/land use pattern within the Route 40 corridor. The Chatham Garden Apartments and the Plumtree Apartments developments located farther to the west are examples of R-A-15 zoned developments that function as transitional uses. Therefore, DPZ concurs that the proposal is in harmony with Policy 10.2.

B. Evaluation of the Petition Concerning the Change Rule

The Petitioners do not allege a substantial change in the character of the neighborhood subsequent to the 2013 CZP, therefore DPZ did not evaluate the petition from 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.

The Petitioners assert that the Zoning Board declined to rezone the 5 parcels during the 2013 CZP because they were under separate ownership and could not be assembled for a single development. According to the petitioners, Zoning Board members expressed concerns about "...the desirability of a holistic plan that encompassed all five parcels..." rather than potential separate developments on the parcels, and an "...inability to create an appropriate transition/buffer area between the commercially zoned property to the south and single-family detached properties to the north." The petitioners suggest that the lack of a single development plan, encompassing all five parcels, was a critical factor in the Zoning Board's decision to deny the individual rezoning request and retain the existing zoning.

The petitioners propose combining all five parcels into a single townhouse development that will serve as a transition between commercial properties to the south and residential ones to the north. Thus, DPZ concurs that the 2013 CZP decision of the Zoning Board to retain the existing zoning districts was based on a false assumption - that joint-ownership was not possible, and thus constitutes a mistake.

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 townhouse development introduces slightly higher residential densities than the existing zoning; however, the proposal is compatible with surrounding development patterns and serves as an appropriate transition between commercial uses to the south and the residential neighborhood to the north. Additionally, the development will act to buffer the adjacent residential neighborhood from US 40 and the shopping center.

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

The only environmentally sensitive features near the property are an intermittent stream and wetlands area located at the property line north of lots 25 through 32, in the northeastern area of the site. Further, the plan depicts required wetland and stream buffers. During Site Development Plan review, DPZ will further evaluate environmental features through an Environmental Concept Plan and ensure compliance with the relevant Subdivision and Land Development requirements.

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

According to the American Association of State Highway and Transportation Official guidelines, there is an estimated stopping sight distance of 200 feet for a car going 30 miles per hour. As noted above in the Background Information section, the sight distance analysis submitted with ZB-1111M indicates that from the Upton Road and St. Johns Lane intersection there is sight distance of 387 feet to the south and 445 feet to the north.

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”;
- Policy 10.1 “Protect and enhance established communities through compatible infill, sustainability improvements, and strategic public infrastructure investments”;
- 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.

V. RECOMMENDATION

For the reasons noted above, the Department of Planning and Zoning recommends the request to rezone the property from R-12, R-20 and POR to R-A-15, subject to the Maple Grove plan as submitted on April 28, 2017, be APPROVED.

Approved by:

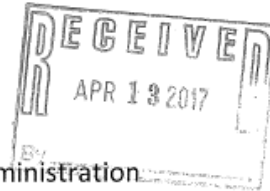

Valdis Lazdins, Director

8/23/17
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 1111M-Maple Grove at St. John, LLC

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

From: Kent Sheubrooks, Chief, Division of Land Development *KS*

Date: April 17, 2017

The Division of Land Development has reviewed revised plans for ZB 1111M 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 R-A-15 (residential: Apartments) zoning district. **However, the Division encourages the attached comments be incorporated into any exhibit and Staff Report that accompanies the request for rezoning.**

The Division of Land Development is also forwarding comments from the Development Engineering Division and the Office of Transportation (in the form of an e-mail attachment). Any remaining comments from other Subdivision Review Committee (SRC) agencies will be forwarded when and if received.

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.

attachments

Tanya Krista-Maenhardt

DEPARTMENT OF PLANNING AND ZONING
Division of Land Development

April 10, 2017
ZB-1111M, Maple Grove

If you have any questions, please contact Tanya Krista-Maenhardt by email at tmaenhardt@howardcountymd.gov.

1. Confirm General Notes #1, #2, and #12 reference the most current dates associated with this proposed project.
2. Correct General Note #10 to reference March 7, 2017 (not August 2014).
3. **County environmental Staff has conducted a preliminary site visit and concurs with location of environmental features as shown on the Forest Stand Delineation (FSD). If the project is permitted to move forward, the FSD, FSD Narrative and Wetland Report will be reviewed in greater detail at the ECP stage.**
4. Staff assumes fee-simple lots will be proposed. If so, amend General Note #9 to indicate that forest conservation will be addressed with the subdivision plan (not the Site Development Plan (SDP)).
5. Amend General Note #20 to state: "Forest Conservation (FC) requirements are proposed to be fulfilled in an offsite bank". (Remove the words "will be").
6. **Staff believes this project is located within the Tiber-Hudson Watershed and will be subject to Council Bill 80. Any questions should be forwarded directly to the Development Engineering Division.**
7. **Currently there is a driveway to the adjoining property owned by BGE (and the location of high-tension powerlines). It is labeled as "to be removed" on Sheet 1 of the exhibit. Access to this property will still need to be provided. Clarify/confirm how access will be provided should the project be approved.**
8. Add area of forest to the Site Data on Sheet 1 of the exhibit.
9. Add a note under the Site Data to see Sheet 2 for recreational open space and parking information.
10. **REPEAT REMINDER:** Based on the information provided this subdivision would need approval of the following alternative compliance requests in order to comply with the Subdivision and Land Development Regulations.
 - a. *Section 16.1205(a)(7)&(10)* – In accordance with State Bill 666 specimen trees may not be removed unless an alternative compliance request is submitted and approved. This plan proposes to remove multiple specimen trees.
 - b. *Section 16.120(c)(4)* – Single-family attached lots must provide frontage on a public street, or a private street if within 200 feet of a public road.
11. **REMINDER:** Lots 47-54 exceed the maximum building length indicated in Section 112.0.D.1.e of the Zoning Regulations. Approval would need to be granted by the Planning Director.

Tanya Krista-Maenhardt

12. The subdivision frontage on St. John's Lane is split between a minor collector and major collector. Please indicate the demarcation line of these two road classifications on **Sheet 1**.
13. Correct the USE of adjacent Parcel 449. It contains high-tension power lines and is not a "residential" use. All sheets.
14. On Sheets 2-4, in the row of parking nearest Lot 40, there are only 7 parking spaces (not 8) shown. Correct all sheets and the Parking Tabulation.
15. **This proposal is highly dense, with limited and basic recreational areas/opportunities and "non-useable" yards for 38 lots. This seems to be an excessive number of lots. If approved, the applicant and consultant are advised to consider removal of some of the lots and re-design of the project/unit type/recreational areas to allow for a more useable design/community overall.**

KS/TKM

T:\Shared\DL\Zoning Cases\ZB1111M Maple Grove April 2017 additional comments



Howard County

Department of Planning and Zoning

Subject: Planning Board Case No: ZB1111M
Applicant: Maple Grove at St. Johns, LLC
Petition: To amend the zoning of 9011 (POR), 9060 (R-12), 9061 (R-20), 9071 (R-20), and 9081 (R-20) Upton Road from their present Districts (as noted) to R-A-15 (Residential: Apartments) with the accompanying Site Development Plan.

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

From: Development Engineering Division
Department of Planning and Zoning


Date: March 22, 2017

Based on a revised submission addressing our previous comments we revise our comments as follows:

The Development Engineering Division has reviewed the above referenced petition and offers the following:

1. At Site Development Plan, an APFO Roads Test Evaluation shall be required in accordance with DMV III, Chapter 4.
2. At Site Development Plan, the public water must be looped if more than 50 units.
3. At Site Development Plan, provide written verification from the Department of Fire & Rescue Services that a secondary access is not required.
4. At Site Development Plan, where public utility lines are located within the alley, decks will be required to meet the 10' offset to the public easement unless waivers have been approved by DPW/BOE.
5. At Site Development Plan, a Noise Study is required and all mitigation shall be shown and detailed for construction.
6. All improvements must comply with current Howard County design criteria.

If you have any questions concerning this matter please contact me at extension 2450.


Chad Edmondson, P.E., Chief
Development Engineering Division

CE/pmt

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

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Maenhardt, Tanya

From: Cookson, David
Sent: Wednesday, April 12, 2017 5:47 PM
To: Maenhardt, Tanya
Cc: Jackson, Rashidi; Muldoon, Brian; Cookson, David
Subject: ZB 111M Maple Grove at St. John-Office of Transportation Response

Tanya

The applicant addressed all the comments from the first round; therefore OOT has no additional comments on the zoning board petition.

If you need us to submit a formal memo, please let me know.

Thanks

David

David Cookson | Planning Manager

Howard County Office of Transportation
3430 Court House Drive | Ellicott City, MD 21043
410.313.3842 (w) | 202.812.1300 (m)



HOWARD COUNTY DEPARTMENT OF FIRE AND RESCUE SERVICES

6751 Columbia Gateway Drive, Suite 400, Columbia, Maryland 21046
410-313-6000

JOHN S. BUTLER, INTERIM FIRE CHIEF • ALLAN H. KITTLEMAN, COUNTY EXECUTIVE

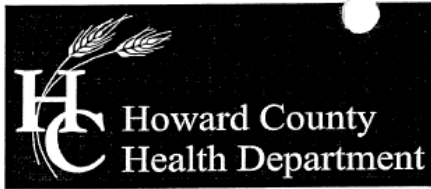
SUBJECT: ZB 1111M – MAPLE GROVE AT ST. JOHN, LLC

TO : Chad Edmondson
Planning and Zoning, Engineering
FROM: Assistant Chief Daniel Merson
Office of the Fire Marshal
DATE: SEPTEMBER 30, 2016

RECEIVED
OCT 6 2016
Development/Permitting Division
10000 Columbia Gateway Drive

Howard County Fire and Rescue has no objections to the rezoning of the property, but submits the following comments for your appropriate action:

- In accordance with Howard County Fire Code subsection 18.2.3.3.1 multiple access roads are required on all developments with over 100 units.
- All access roads, including the private alleys shall have an unobstructed width of not less than 20 feet. This is accordance with Howard County Fire Code subsection 18.2.3.4.1.1
- The Alleys shall be marked as fire lanes in accordance to Howard County Fire Code.



Bureau of Environmental Health

8930 Stanford Boulevard, Columbia, MD 21045
Main: 410-313-2640 | Fax: 410-313-2648
TDD 410-313-2323 | Toll Free 1-866-313-6300
www.hchealth.org
Facebook: www.facebook.com/hocohealth
Twitter: HowardCoHealthDep

Maura J. Rossman, M.D., Health Officer

MEMORANDUM

TO: Kent Sheubrooks
Division of Land Development

FROM: Jeff Williams *JW*
Program Supervisor, Well & Septic Program
Bureau of Environmental Health

RE: **ZB-1111M**

DATE: September 28, 2016

The Health Department has reviewed the above referenced petition and has the following comment:

- The Health Department record of demolition of the building on that property indicates that the existing septic tank was pumped out, but the tank and drywell were to be properly abandoned during demolition with documentation submitted to the Health Department. There is no record of that documentation having been submitted to us. There are two cleanouts shown on the site plan that may be the sewage disposal system components in need of proper abandonment. The sewage disposal system components must be properly abandoned by crushing and/or filling with clean dirt fill to the ground surface and documentation of such must be submitted to the Health Department.



Howard County
Internal Memorandum

Subject: ZB 1111M – Maple Grove at St. John, LLC (Route 40)

To: Kent Sheubrooks, Division of Land Development

From: Kate Bolinger, Division of Comprehensive and Community Planning

Date: October 7, 2016

I have reviewed the Zoning Board Petition ZB 1111M associated with the proposed Maple Grove project. My only comment is a reminder to the applicant regarding the Design Advisory Panel:

- The property assemblage does not front Route 40, but falls within the Route 40 study area. As a result, the proposed project will be subject to the *Route 40 Design Manual* and review by the Design Advisory Panel, following resolution of the current zoning board petition.

Please let me know if you have any questions.

cc: Geoff Goins, Division of Public Service and Zoning Administration
Kristin O'Connor, Chief, Division of Comprehensive and Community Planning

SUPPLEMENT FOR PETITION TO AMEND ZONING MAP OF HOWARD COUNTY

9. *Statement as to whether or not there is an allegation of mistake in the current zoning, and, if so, the nature of the mistake and the facts to support the allegation*

During the last comprehensive zoning, parcels located at 9011, 9060, 9061, 9017, and 9081 Upton Road (collectively, the "Property") were evaluated individually based on disparate ownership and separate requests for different zoning districts. During a Comprehensive Zoning Work Session for the Zoning Authority on June 11, 2013, Marsha McLaughlin, former director of the Department of Planning and Zoning, commented that "in an ideal world, someone would buy [all of the parcels] and offer a single proposal that would integrate them all."¹ Council-members echoed that sentiment, repeatedly commenting as to the desirability of a holistic plan that encompassed all five parcels. In the absence of such an assemblage, Council-members expressed their perceived inability to create an appropriate transition/buffer area between the commercially zoned property to the south and single-family detached properties to the north.

The absence of a single coherent plan prompted the Zoning Authority to leave the pre-existing R-20 and POR zoning in place. However, the factual premise that the Property could not be assembled under a single proposal has proven incorrect with the passage of time. With this Petition to Amend the Zoning Map, Petitioners are proposing to develop the Property in a manner that integrates all of the properties included in this Petition and provides a transitional buffer zone between commercial and single-family detached residential properties on either side of the Property. Had the Council known at the time of the last Comprehensive Zoning that these properties would be owned and developed collectively, it would not have made the decision that it did in 2013 to keep the Property in three different zoning districts and, thereby, retain the R-20 zoning for 9061, 9071, and 9081 Upton Road.

The unified ownership of the Property between the Petitioners with a redevelopment proposal for a R-A-15 buffer zone were both either: (i) events which were reasonably probable of fruition in the foreseeable future; or (ii) events occurring subsequent to the time of the last comprehensive zoning, which show that the Zoning Authority's assumption and premise at the time of the last comprehensive zoning (i.e. that there would not be a joint-ownership with a coherent proposal for all five parcels) has proven to be false with the passage of time. Thus, the Zoning Authority's decision not to rezone any of the Property during the last comprehensive is a mistake.

¹ A transcript of the June 11, 2013 Work Session will be provided to the Zoning Board at or prior to the hearing for this matter.

July 25, 2017
Page 2 of 2

R-A-15 zoning would be appropriate for this Property and is consistent with the Zoning Authority's interest in creating a transition/buffer zone at this location. The Property's current zoning (a mix of single-family detached and assisted-living) is incongruent with the surrounding neighborhood and adjoining properties, particularly the commercial properties to the south and a principal arterial of Rt. 29 to the east. With the passage of time, it has become apparent that this Property, now proposed to be developed under a unified plan, would be better utilized as the "ideal" buffer zone described by Director McLaughlin in 2013.