

1 **G & R MAPLE LAWN, LLC** * **BEFORE THE**
 2 **PETITIONER** * **PLANNING BOARD OF**
 3 **CASE NO: ZB-1127M** * **HOWARD COUNTY, MARYLAND**

4
 5 * * * * *

6 **MOTION:** *To recommend denial of the request to amend the Maple Lawn Farms Preliminary*
 7 *Development Plan.*

8 **ACTION:** *Recommend Denial; Vote 4-1.*

9 * * * * *

10
 11 On July 8, 2021, July 22, 2021, and August 5, 2021, the Planning Board of Howard County,
 12 Maryland, considered the petition of G & R Maple Lawn to amend the Maple Lawn Farms Preliminary
 13 Development Plan Zoning as follows:

- 14 • Increase the maximum overall residential density from 2.2 dwelling units per gross acre to 3.0
 15 and the maximum density for Single Family Detached areas from 2.8 dwelling units per gross
 16 acre to 4.3;
- 17 • Change the land use designation of the Maple Lawn West District from Single Family Detached
 18 to Other Residential;
- 19 • Increase the permitted dwellings units on the Maple Lawn West District to 157 single family
 20 detached dwellings, 148 single family attached dwellings, and 200 apartment dwellings; and
- 21 • Adjust the number of dwellings/acres in each land use category and decrease the square footage
 22 allowed in retail centers from 181,590 to 181,380.

23
 24 Additionally, the Planning Board considered the Department of Planning and Zoning (DPZ)
 25 Technical Staff Report, including comments from SRC (Subdivision Review Committee) members, and
 26 public testimony. DPZ determined that the petition met the criteria in Sec. 127.0 of the Howard County
 27 Zoning Regulations (HCZR) related to amending a Preliminary Development Plan in the MXD zoning
 28 district.

29
 30 The Petitioner was represented by attorneys Sang Oh and Thomas Coale. Mr. Coale called three
 31 witnesses, Kevin Foster, a landscape architect, Carl Gutchick, a civil engineer, and Mickey Cornelius, a traffic
 32 engineer. Mr. Foster provided an overview of the existing Maple Lawn Development and a detailed
 33 description of the proposed development of Maple Lawn West. Mr. Gutchick addressed certain criteria from
 34 Sec. 127.0 and explained how the petition complies with these criteria and the PlanHoward2030 policies. Mr.

1 Cornelius provided an overview of the traffic study that was submitted with the petition and answered
2 questions from Planning Board members related to traffic impact of the proposed development.

3 Mr. Oh summarized the witnesses' testimony and discussed the proposed density in relation to other
4 communities within the County and stated that the density is consistent with State/County policies related to
5 residential growth. Mr. Oh called Joel Gallihue as a school capacity expert witness. Mr. Gallihue testified that
6 the proposed development will have an impact on the elementary school capacity in the early stages of
7 development, which will then transfer to the middle school. He asserted that the impact to the high school
8 capacity will be minimal. He also testified regarding the recent increase in the school surcharge fee and
9 asserted that the potential fees generated by the proposed development will be approximately \$10 million,
10 which can be used for the construction of additional school facilities.

11
12 Testimony

13 The Planning Board heard testimony from 50 members of the public, including representatives of
14 multiple neighborhood associations, at the July 22, 2021 public meeting. Many individuals that spoke in
15 opposition to the amendment expressed concern about the increased density of the property stating that the
16 increase from 32 dwelling units to 505 is not appropriate for the location as it represents a transition to the
17 rural part of the County. Former Zoning Board members testified that the original PDP approval was based on
18 the subject property remaining as a low-density single family detached development that would serve as a
19 transition between the Maple Lawn Mixed Use area and the rural area to the west.

20 Additionally, testimony cited concerns about the current overcrowding of Fulton Elementary School
21 and the impact that 473 additional dwelling units will have on this situation, as well as the potential for
22 increased traffic on MD-216 and through the residential portion of Maple Lawn north of the property.

23 The individuals that spoke in favor stated that the property is an appropriate location for additional
24 residential growth since it designated as a growth and revitalization in PlanHoward 2030, the development
25 will produce needed affordable housing through the Moderate Income Housing Units (MIHU), and the
26 additional homes will result in customers that will help the commercial area of Maple Lawn thrive and
27 provide housing for the county's workforce.

28
29 Board Discussion and Recommendation

30 In work session, the Planning Board discussed the issues raised during the public testimony regarding
31 the impact to school capacity and traffic. The Board determined that these issues are evaluated through the
32 Adequate Public Facilities Ordinance (APFO) at the development plan stage. The Board evaluated the petition
33 for compliance with each of the criteria in Sec. 127.0 of the HCZR and generally agreed that most of the
34 criteria were met but expressed concern about the density of the development. The Board discussed the

1 suitable residential density of the site and generally agreed that proposed density increase was not appropriate
2 in relation to the character of the existing development in the vicinity. Therefore, the Board determined that
3 the petition does not comply with Sections 127.0.D.7.k and 127.0.D.7.1.7.
4

5 Mr. Engelke made a motion to recommend DENIAL of the petition asserting that the petition does
6 not comply with Sections 127.0.D.7.k and 127.0.D.7.1.7 of the HCZR. Ms. Adler seconded the motion. The
7 motion passed by a vote of 4 to 1. Mr. McAliley did not support the recommendation.
8

9 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 3rd day
10 September, 2021, recommends that Zoning Board Case No. ZB 1127M, as described above,
11 be **DENIED** by the Howard County Zoning Board.
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13
14

15 HOWARD COUNTY PLANNING BOARD

DocuSigned by:

16 *Edward T. Coleman*

17 Ed Coleman, Chair
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18 DISSENT

19 Kevin McAliley, Vice-chair

DocuSigned by:

20 *Delphine Adler*

21 Delphine Adler
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22 *Erica Roberts*

23 Erica Roberts
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24 *Phillips Engelke*

25 Phillips Engelke
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27
28 ATTEST:

DocuSigned by:

29 *Amy Gowan*

30 Amy Gowan, Executive Secretary
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 6

7 **DISSENTING OPINION**

8 I voted to amend the Maple Lawn Farms Preliminary Development Plan because I feel that after
 9 studying the general plan PlanHoward2030, the recent recommendations from professionals and
 10 community leaders on the HoCo by Design task force and strategic teams, recent public survey
 11 results, and attending in-person and virtual meetings, and hearing testimony from residents and local
 12 representatives, all information lead to one result.

13
 14 There must be additional density and diversity in housing options built in Howard County, especially
 15 where land is available in the PSA. There is currently little or no land left to develop what is needed,
 16 so as a Planning Board member, I felt I must recommend zoning updates to allow building mixed
 17 income affordable housing here, especially since there is very little density and housing diversity in
 18 the area.

19
 20 Information presented to amend Maple Lawn Farms Preliminary Development Plan to increase
 21 residential density for Single Family Detached areas; change land use of Maple Lawn West District;
 22 to increase permitted dwelling units on the Maple Lawn West District; to adjust number of
 23 dwellings/acres in each land use category and decrease square footage allowed in retail centers, met
 24 the Planning Board criteria.

25
 26 Verbal and written testimony offered by County housing authority representatives and housing
 27 advocates matched the science and figures that were found in the aforementioned documents and
 28 studies. Within the PSA, there are simply very few, if any locations that are in the “Transformative”
 29 category where housing increases may be absorbed by the surrounding community where existing
 30 resources are resilient and flexible.

31

1 I have attended PlanHoward Academy at Howard Community College and participated in public
2 discussions and strategic planning sessions with several chosen professionals in numerous fields of
3 study relating to APFO, housing, schools, traffic, zoning and planning, and had advance knowledge
4 of information that had been shared regarding this location and this topic.

5
6 During the Planning Board public worksession, I shared examples of the studies and how the area
7 was viewed by the community in surveys and in virtual planning meetings. My information was not
8 seen as sufficient to overrule testimony of residents and individuals who had not accessed the most
9 recent Plan Howard 2030 and HoCo by Design data and studies.

10
11 Here is an example of some of the HoCo By Design - [\(DRAFT\) Market Analysis & Strategic](#)
12 [Development Recommendations \(amazonaws.com\)](#)

13
14 Preferences are Changing

15
16 Howard County has historically been one of the most preferred locations in which to live. Given
17 rising affordability issues and land constraints—this positioning could potentially be at risk, should
18 households and jobs choose to locate elsewhere. In the future, economic and demographic trends are
19 likely to necessitate continued investment into the factors that make Howard County an attractive
20 place to be, ranging from its housing inventory to its infrastructure.

21
22 Shrinking of Household Sizes

23
24 Nationally, the average household size has fallen significantly over the last few decades, from 2.75
25 in 1980 to 2.48 in 2018. Although these trends have moderated in recent years, there is little
26 evidence to suggest that they will reverse, given delayed household formation and marriage rates.
27 Similar to the aging population base, the smaller household sizes have spurred a need for more
28 diverse housing than what exists in most suburban communities. Historical development
29 paradigms—which have historically favored larger, detached homes—may not be sufficient to meet
30 market demands going forward.

31

1 Small PSA Boundary Expansions

2
3 Two small expansions to the Planned Service Area boundary are included in the HoCo by Design
4 General Plan, including 1) an area immediately west of Maple Lawn/Sho Nuf Turkey Farm between
5 the Hammond Branch Waterway and Lime Kiln Road, and 2) an area immediately north of the
6 HCPSS facility south of Winter Thicket Road and west of Manor Lane.

7
8 Here is an example of some of the HoCo By Design - Housing and Neighborhoods Strategic
9 Advisory Group Findings www.hocobydesign.com/strategic-advisory-groups-2:

10
11 Targeted and strategic infill development and redevelopment can offer an opportunity to
12 accommodate growth and change in Howard County through the 2040 planning horizon.

13
14 Economic development principles advocate for a diversified development strategy in the County for
15 continued growth and prosperity moving forward.

16
17 Support is growing to emphasize physical form and design over only land use and density when
18 determining the County's best path forward.

19
20 Development Patterns in Howard County have evolved over time (from agrarian to rural to suburban
21 to suburban activity centers) and will evolve again in the future.

22
23 The scale of development, and the number and placement of specific design elements in a
24 development, should recognize the different ways people experience a space (whether by
25 automobile, bus, bicycle, or foot).

26
27 Cultural influences and the experiences they might create should be promoted and reinforced during
28 the planning process.

29
30 New residential home options and types will accommodate changing lifestyle choices and residential
31 demand, enabling investment opportunities to accommodate and improve public infrastructure.

1
2 New retail investment opportunities will arise with new housing and our changing lifestyle choices
3 of the future.

4
5 Telework is likely to remain higher than before COVID.

6
7 Rapidly evolving transportation technologies could reshape the need for road and parking capacity
8 improvements (especially in light of forthcoming CAV innovations).

9

10 **Strategic Advisory Groups**

11

12 The HoCo By Design team formed three Strategic Advisory Groups to delve into specific
13 opportunities and challenges that were identified through the planning process. The SAGs addressed
14 three different general areas: Planning for School Capacity and Growth (schools), Diversifying
15 Housing Stock and Creating Opportunities for “Missing Middle Housing” (housing), and Examining
16 Climate Change and Natural Resources (environment). SAG members comprised a multi-
17 disciplinary group of experts that acted as advisors to the project team, similar to policy think tanks.
18 SAG meeting materials, findings and conclusions are shared with the Planning Advisory
19 Committee and the public via the www.hocobydesign.com website.

20

21

22 FINAL: July 30, 2021

23

24 **Background** The Howard County Housing Opportunities Master Plan (HOMP) recommends that
25 the County consider making land use, planning and zoning changes to facilitate the development of
26 lower-cost and diverse housing typologies, such as, duplexes, triplexes, quadplexes, courtyard
27 apartments, cottage courtyards, live-work units and accessory dwelling units (ADU), throughout the
28 County to address the shortage of housing units for its low and moderate income workforce and
29 growing senior population.

30

1 To complement this HOMP recommendation, the HoCo By Design Housing and Neighborhoods
2 Strategic Advisory Group (SAG) focused their discussions on the following:

- 3
- 4 1) What missing middle housing could look like
 - 5 2) Where in the county could missing middle housing could be located; and
 - 6 3) What zoning changes need to occur to make it possible
- 7

8 **Definitions**

9

10 Missing Middle Housing – For the purposes of the General Plan, missing middle housing refers to a
11 range of small- to medium-size home choices that seek to offer different price points for residents
12 living in Howard County. Homes are compatible in scale and character with surrounding
13 neighborhoods, or integrated into new or existing activity centers throughout the County as a
14 transition between different land uses or building types. Missing middle homes may be represented
15 by a single, multi-unit building on a single lot, or a cluster of homes oriented around a common
16 green space.

17

18 Examples of Missing Middle Housing Typologies - Duplexes, triplexes, quadplexes, courtyard
19 apartments, live/work units, multi-use dwellings, cottage courtyards, accessory dwelling units
20 (ADU), plus others that could be considered.

21

22 **SAG Statement – Why missing middle housing is important**

23

24 • Howard County has fewer housing units for each job than nearly every other jurisdiction in the
25 region, with an estimated undersupply of more than 20,000 units. Failure to meet the County’s
26 workforce housing demands will exacerbate the issues of housing affordability and cause more of
27 the County’s workforce to live in neighboring Counties. In addition to the current 20,000-unit
28 shortfall, over the next 20 years, based on household growth, there will be demand for an additional
29 30,000 more housing units, a significant portion of which need to be missing middle housing if the
30 County is to meet the workforce housing demands.

31

1 • Missing middle housing fosters racial and socioeconomic diversity, which has historically
 2 distinguished Howard County from other jurisdictions in the region and across the country, by
 3 increasing supply of financially attainable housing and greater array of housing types in all areas of
 4 the County.

5
 6 • Multiple populations cannot afford to buy or rent a home in Howard County which has an impact
 7 on the County’s diversity. The HOMP provides data on some of these populations in Appendix C,
 8 pages 52 - 58.

9
 10 • The creation of missing middle housing would be a boon for both the County’s growing senior
 11 population, as it provides housing options for downsizing and aging in community, and new workers
 12 to Howard County.

13
 14 • Missing Middle Housing contributes opportunities for additional housing for persons with
 15 disabilities.

16
 17 • Missing Middle housing contributes to a stronger economy by increasing dynamism, contributing
 18 to wealth expansion, creating new investments, and driving community growth by attracting young
 19 professionals, entrepreneurs, and more varied education and professional backgrounds.

20
 21 The matrix below reflects findings from the SAG meetings and includes some of the
 22 recommendations from the HOMP that were presented to or discussed by the SAG.

23

Key Findings	Policy Statements	Mechanism for Implementation
BALANCING LIMITED DEVELOPABLE LAND WITH PENT UP HOUSING DEMAND		
Limited developable land remains in the County. There is pent-up demand for housing, especially among the County’s workforce.	Activity centers with planned density increases, such as Gateway, should be targeted to meet missing middle housing demands. Allow existing activity centers to include vertical and horizontal multi--use housing. New and existing activity centers should be walkable or connected to transit and	<ul style="list-style-type: none"> • Establish a master plan for Gateway as an activity center that includes targets for diverse housing stock to meet missing middle and affordable housing goals. • Remove zoning barriers to multi-use housing in existing neighborhoods and new or existing activity centers.

	mobility corridors.	<ul style="list-style-type: none"> • Consider establishing a new mixed-density and mixed-use zoning district that allows (or requires) diverse housing types at multiple price points.
	<p>Seek infill development and redevelopment opportunities for missing middle housing that respect the character and integrity of a neighborhood.</p> <p>Scale, density, form and location should be considered when identifying opportunity locations for missing middle housing, especially through infill development and redevelopment. Seek opportunities for missing middle housing in underutilized business parks or underdeveloped commercial and industrial sites.</p>	<ul style="list-style-type: none"> • Establish design requirements, pattern book or form-based approach for missing middle housing types to make certain that new construction is consistent with the character of the surrounding existing housing. • Update zoning code and subdivision regulations to facilitate development of missing middle housing and provide design guidance for predictability. (see Zoning Finding for additional details)
	Denser development of missing middle housing should be located inside the PSA where there are connections to transit, employment and educational opportunities.	<ul style="list-style-type: none"> • Through the General Plan, establish criteria and expectations for missing middle housing locations.
	Consider setting minimum growth targets for missing middle housing and ADUs taking into consideration the various populations that are identified in the HOMP.	<ul style="list-style-type: none"> • Establish minimum missing middle housing and ADU development targets in the General Plan.
Key Findings	Policy Statements	Mechanism for Implementation
ZONING		
The current Zoning Regulations limit opportunities for the development of missing middle housing typologies.	Create tools and incentives to allow a broader range of missing middle housing.	<ul style="list-style-type: none"> • Update zoning code and subdivision regulations to facilitate development of missing middle housing.

		<ul style="list-style-type: none"> • Explore an ADU design book, form-based code, or other development standard that may assist in the integration of missing middle housing types in existing neighborhoods. o Explore form-based zoning for minor subdivisions • Evaluate the following zoning tools to create missing middle opportunities: <ul style="list-style-type: none"> o Eliminating barriers to housing stock diversification, for example, overly restrictive bulk regulations that preclude certain housing types by-right. o Zoning overlays or floating zone that could be applied to activity centers and transportation corridors. o Parking reductions and smaller lot sizes (lot width and lot area) o Incentives such as TDRs and density bonuses. o Explore opportunities for integrating missing middle housing typologies that follow inclusionary zoning practices. o Allow duplex and triplex homes by right in single family zoning categories.
Key Findings	Policy Statements	Mechanism for Implementation
FINANCIALLY ATTAINABLE		
As identified in the Housing Opportunities Master Plan: <ul style="list-style-type: none"> • Most new housing being built 	Rules or requirements for the County that implement goals and policies in the General Plan	<ul style="list-style-type: none"> • Explore alternatives to accommodate on-site MIHU provision, such as density

<p>by the market is not affordable to households making more than 80% of Area Median Income (AMI) (rental) and more than 120% of AMI (for-sale). AMI for a family of four in 2020 was \$120,000.1</p> <ul style="list-style-type: none"> • Just 9% of housing in Howard County is affordable to households making less than 60% AMI, and virtually no for-sale homes that have been built in the last two decades are affordable to this group. <p>The County has limited affordable housing options for seniors, disabled residents and other special needs populations. The County’s essential workers, such as, first responders, educators and hospital staff, encounter challenges attaining housing in the County.</p>	<p>for missing middle housing should also address issues of home affordability and attainability for a diverse population, including, but not limited to, seniors, small families, middle income earners, young professionals and essential workers.</p> <p>Incentivize the development of diverse and attainable housing choices especially for households making less than 60% of AMI through land use and zoning policy.</p>	<p>bonuses, as well as apply zoning categories that enable housing types more conducive to on-site MIHU provision across a broader area.</p> <ul style="list-style-type: none"> • Explore barriers to developing housing for diverse populations. • Make County investments through land disposition, capital spending or public-private partnerships for financially attainable missing middle opportunities and possible co-location of housing and public facilities. • Establish criteria for flexible use and disposition of County land assets that would promote development of affordable missing middle housing. • Explore potential financial incentives such as tax credit programs, grants, and trust funds, that encourage Missing Middle typologies. <p>o Consider offering incentives to intended renters and homebuyers of MMH.</p> <ul style="list-style-type: none"> • Consider offering local tax credits, fee reductions, and density bonuses to developers to incentivize the production of Missing Middle Housing both as for-sale and rental properties.
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ENVIRONMENTAL AND INFRASTRUCTURE CHALLENGES

<p>Environmental and infrastructure challenges, such as, stormwater management, lack of sidewalks, limited public transportation and limited school capacity, may limit the</p>	<p>Plan for missing middle housing in areas where there would be minimal environmental impacts and supported by existing infrastructure, such as, bike paths, sidewalks, transit,</p>	<ul style="list-style-type: none"> • Encourage use of green building materials to help minimize infrastructure and environmental impacts. • Develop targeted
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<p>number of neighborhoods and locations where missing middle housing can be developed.</p>	<p>schools etc.</p>	<p>neighborhood improvement programs that address infrastructure needs.</p> <ul style="list-style-type: none"> • Consider offering density bonuses in exchange for addressing neighborhood infrastructure deficits.
<p>RURAL WEST, WELL/SEPTIC, SHARED AND MULTI-USE SEPTIC</p>		
<p>Residential development in the rural west follows a low density, large lot development pattern and is generally unaffordable to low, moderate and workforce income households Well/septic limitations in the rural west create barriers for missing middle housing development.</p>	<p>Enable development of context sensitive missing middle housing developments, such as ADUs and duplexes/multiplexes in rural west to provide more affordable options, in lieu of expanding the PSA.</p>	<ul style="list-style-type: none"> • Determine if there are strategic locations in the Rural West, such as rural crossroads, retail areas, and /or light industrial areas, where it is feasible to accommodate increased development, while balancing other priorities such as sewer/water capacity, historical context, and agricultural preservation goals. • Remove barriers in state and local codes to utilize shared and multi-use septic systems in the west. • Determine zoning and code changes needed for small-scale, context sensitive multi-family or mixed-used development in rural west.
<p>ACCESSORY DWELLING UNITS</p>		
<p>Limited opportunities for development of attached and detached Accessory Dwelling Units (ADUs).</p> <p>The County’s Zoning Regulations do not permit detached Accessory Dwelling Units, except for temporary accessory family dwellings which can only be used to house disabled or elderly family</p>	<p>Allow attached and detached ADUs by right on a variety of SFAs and SFDs lots that meet specific site development criteria in residential zoning districts.¹</p>	<ul style="list-style-type: none"> • Establish a clear predictable process and location specific criteria for the community and developers. • Revise zoning regulations to permit ADUs in new construction. • Establish clear definition of ADUs in updated zoning regulations.

¹ SFD=Single Family Detached – A home that contains one dwelling unit and is surrounded by open space on all sides
 SFA=Single Family Attached – A home that contains one dwelling unit and shares one or both walls with another dwelling unit.

members on a temporary basis.		<ul style="list-style-type: none"> • Create an ADU Design Book that provides guidance on how and where ADUs can be developed. • Establish provisions in the regulations that include an owner-occupancy requirement (for one of the two dwellings), dimensional and design standards to ensure neighborhood compatibility, off-street parking requirements, minimum lot sizes and other standards.
Key Findings	Policy Statements	Mechanism for Implementation
COMMUNICATIONS		
Communicating missing middle housing needs is complex.	Develop positive messaging, based in equity, for missing middle and attainable housing needs and goals.	<ul style="list-style-type: none"> • Define missing middle housing policies, justifications and goals in the General Plan. • Develop housing educational materials for distribution at pre-subdivision meetings.

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Reimagine Opportunities for Multifamily Communities

Opportunities for new multifamily communities exist throughout the County. Some may be realized through redevelopment of existing, aging multifamily properties and others may be realized through strategic infill development or redevelopment of older mobile home parks. New Multifamily communities are encouraged to redevelop using a new set of design principles important for developing a multifamily site, which emphasizes an interconnected network of streets, bicycle facilities, and walkways; on-street parking throughout the community to reduce the size and location of required surface parking lots; buildings oriented toward the street; a variety of housing types between larger buildings; and a comprehensive and connected network of open space PowerPoint Presentation (amazonaws.com).

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Kevin McAliley
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Kevin McAliley, Vice-chair