



January 3, 2019

TECHNICAL STAFF REPORT

Planning Board Meeting of January 17, 2019

Case No./Petitioner: ZRA-186 – Jay Somnath LLC

Request: Amend Section 127.5.E.2.b.1 to increase the maximum floor area for hotels in the CAC Zoning District.

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

The CAC zoning district was established in the 2004 Comprehensive Zoning Plan and many properties on Route 1 were rezoned from B-1, B-2, and M-1 to CAC at that time with the goal of promoting “pedestrian-oriented, urban activity centers with a mix of uses which may include retail, service, office and residential uses”. Hotels were included as a use permitted as a matter of right. Section 127.5.E.2 *Requirements for Nonresidential Uses*, shown below, was created to encourage pedestrian activity along Route 1 by discouraging large auto-oriented grocery stores and “big box” retailers. To accomplish this, retail businesses with a floor area greater than 20,000 square feet were prohibited. This restriction did not apply to hotels.

DPZ’s legislative review found that this limitation was imposed because large retailers, such as grocery stores and big box format stores require truck access and loading facilities that cannot be easily accommodated. The specific language at that time was “*retail businesses shall not exceed 20,000 square feet of floor area for any individual business*”.

E. Requirements for CAC Development

2. Requirements for Nonresidential Uses

a. For any building on a lot abutting the right-of-way of Route 1:

- (1) At least 50% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses serving the public.
- (2) The first floor of the building facade facing Route 1 must include storefronts and primary entrances for the first-floor retail and service uses.
- (3) The first-floor facade shall be designed to provide pedestrian interest along Route 1 in accordance with the Route 1 Manual.

b. Retail businesses shall not exceed 20,000 square feet of floor area for any individual business.

In 2008, Bill 56-2008/ZRA-98 amended the CAC Zoning District to increase the floor area maximum to 70,000 square feet for one grocery store and to 40,000 square feet for one anchor retail use on parcels 20 acres or larger. All other retail uses were limited to 20,000 square feet as originally intended. While the floor area restriction for parcels less than 20 acres appeared to

maintain the intent of the original language, the word *retail* was changed to *commercial*, which includes hotels. This unintended consequence limits hotels to 20,000 square feet of floor area.

II. DESCRIPTION AND EVALUATION OF PROPOSAL

This section contains DPZ's technical evaluation of ZRA-186. The Petitioner's proposed amendment text is attached to this Technical Staff Report as Exhibit A, Petitioner's Proposed Text.

Hotels are permitted as a matter of right in the CAC zone, but are limited to 20,000 square feet of floor area because they are classified as a commercial use. The Petitioner contends that a 20,000-square foot hotel is not economically practical on Route 1. Therefore, the Petitioner seeks to increase the floor area maximum for hotels to 50,000 square feet in developments less than 20 acres.

SECTION 127.5.E.2.B.(1) CAC (Corridor Activity Center) Zoning District

Modify the floor area limitation for parcels less than 20 acres to allow one hotel of up to 50,000 square feet. All other commercial uses will be limited to the 20,000-square foot floor area maximum.

DPZ recommends approval

The proposed amendment is consistent with the inclusion of hotels as a use permitted by right in the CAC zoning district. The 20,000-square foot limitation makes hotel development in the CAC zone impractical.

The original intent of the floor area limitation was to prevent large auto-oriented grocery stores and "big box" retail businesses. Bill 56-2008/ZRA-98 amended the CAC Zoning District to allow a 70,000-square foot grocery store and a 40,000-square foot anchor retail store for developments over 20 acres, but created an unintended consequence for hotels by changing the term *retail* to *commercial*. The floor area maximum for hotels is not consistent with other Route 1 Zoning Districts (TOD and CE), which do not limit the floor area of hotels, nor is it consistent with the Targeted Growth and Revitalization Designation.

Targeted Growth and Revitalization Designation

"These areas include the Route 1 Corridor, the Snowden River Parkway area, Maple Lawn, Emerson, Turf Valley, Waverly Woods, Columbia Village Centers, nodes along the Route 40 Corridor, and other locations. These are areas where current policies, zoning, and other regulations, as well as policies suggested in PlanHoward 2030, seek to focus most future County growth."

The CAC zoning district prescribes maximum height and setback requirements that establish a building envelope. Consistent with General Plan policy 5.4, Implementing Action e. (described below), more flexible zoning is needed to allow greater market potential. Further, a maximum square footage requirement limits the potential for amenity areas such as restaurants, swimming pools, recreation/exercise areas and common spaces, which accompany higher quality establishments. Therefore, DPZ does not recommend any further restrictions on development beyond this building envelope and recommends that the Council remove the maximum square footage restrictions for hotels in the CAC district to encourage flexible zoning that considers market conditions and investment in the Route 1 corridor.

III. GENERAL PLAN

The CAC zoning district is in Growth and Revitalization Areas in the Planned Service Area along the Route 1 corridor. The proposed amendment seeks to make hotel development viable in this area. The proposed amendment is in harmony with the following PlanHoward 2030 policies that encourage new development in designated Growth and Revitalization Areas.

Policy 5.1

Identify, develop, implement and refine a comprehensive program to foster a diversified economy and encourage innovation and entrepreneurship.

Implementing Action e.

Renewed Approach to Route 1 and Existing Business Parks. Address the demand for business growth in the Baltimore-Washington Corridor, despite the declining availability of greenfield development sites, through new redevelopment strategies.

Policy 5.4

Enhance the Route 1 Corridor revitalization strategy to recognize the distinct character and market potential of diverse corridor segments, and the potential at various intersections, crossings, and nodes for additional retail, restaurant, and employment development as identified in the 2011 Route 1 Market Analysis.

Implementing Action e.

Zoning Review. Evaluate the efficacy of existing Route 1 zoning districts (CE, CAC, TOD); consider more flexibility, especially regarding commercial uses. Reduce strip commercial development

Policy 6.4

Ensure that the County continues to capture future job and business growth opportunities.

Implementing Action b.

Zoning Regulations. Update zoning and other regulations to address the evolving commercial and industrial markets and development trends.

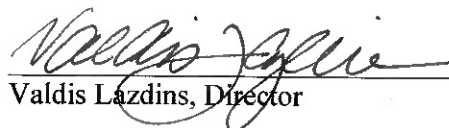
IV. AGENCY COMMENTS

Agency comments are attached.

V. RECOMMENDATION

For the reasons noted above, the Department of Planning and Zoning recommends that the ZRA-186 be **APPROVED** and that the Council consider removing the maximum square footage requirement entirely.

Approved by:

 12-31-18
Valdis Lazdins, Director Date

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

Exhibit A – Petitioner’s Proposed Text

CAPITALS indicates text to be added. [[Text in double brackets]] indicates text to be deleted.

SECTION 127.5: - CAC (Corridor Activity Center) District

E. Requirements for CAC Development

2. Requirements for Nonresidential Uses

b. The gross floor area for any individual commercial use shall not exceed:

(1) IN DEVELOPMENTS on parcels less than 20 acres in size: [..... 20,000 sq. ft.]

(a) ONE HOTEL WITH A MAXIMUM FLOOR AREA OF 50,000 SQ. FT.

(b) ALL OTHER

COMMERCIAL USES 20,000 SQ. FT



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

To: Zoning Administration, Department of Planning and Zoning (DPZ)
From: Kristin O'Connor, Division Chief, Comprehensive and Community Planning, DPZ
Re: General Plan Comments Re: Case No: ZRA-186

The request is for a Zoning Regulation Amendment to Section 127.5 CAC (Corridor Activity Center) to amend Section 127.5.E.2.b.1 to increase the permitted gross floor area for a hotel use.

Background:

The *General Plan 2000* recommended creating important focal points along US 1. To promote nodes or "corridor activity centers" along Rt. 1, the county approved new zoning districts (including the CAC) and new design standards in areas of Growth and Revitalization Areas. Targeted Growth and Revitalization Designation areas "that include the Route 1 Corridor, the Snowden River Parkway area, Maple Lawn, Emerson, Turf Valley, Waverly Woods, Columbia Village Centers, nodes along the Route 40 Corridor, and other locations. These are areas where current policies, zoning, and other regulations, as well as policies suggested in *PlanHoward 2030*, the county's current general plan, seek to focus most future County growth" (p. 74).

The proposed amendment makes hotel development more feasible along the corridor. The proposed amendment is consistent with the following *PlanHoward 2030* policies that encourage new development in designated Growth and Revitalization Areas:

POLICY 5.1

Identify, develop, implement and refine a comprehensive program to foster a diversified economy and encourage innovation and entrepreneurship. *Implementing Action e: Renewed Approach to Route 1 and Existing Business Parks*. Address the demand for business growth in the Baltimore-Washington Corridor, despite the declining availability of greenfield development sites, through new redevelopment strategies (p. 54-55).

POLICY 5.4

Enhance the Route 1 Corridor revitalization strategy to recognize the distinct character and market potential of diverse corridor segments, and the potential at various intersections, crossings, and nodes for additional retail, restaurant, and employment development as identified in the 2011 Route 1 Market Analysis. *Implementing Action b: Zoning Review*. Evaluate the efficacy of existing Route 1 zoning districts (CE, CAC, TOD); consider more flexibility, especially regarding commercial uses. Reduce strip commercial development (p. 59).

POLICY 6.4

Ensure that the County continues to capture future job and business growth opportunities. *Implementing Action b: Zoning Regulations*. Update zoning and other regulations to address the evolving commercial and industrial markets and development trends (p. 80).

If you have any questions, please do not hesitate to call me at ext. 4321 or reach me via email at koconnor@howardcountymd.gov.

KR

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: November 29, 2018

Hearing Examiner _____
Planning Board: 01/17/19 Board of Appeals _____ Zoning Board _____

Petition No. ZRA-186 Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: Jay Somnath

Petitioner's Address: _____

Address of Property: _____

Return Comments by December 17, 2018 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: SEE APPLICATION

- To:
- _____ MD Department of Education – Office of Child Care
 - _____ 3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
 - _____ Bureau of Environmental Health
 - _____ Development Engineering Division
 - _____ Department of Inspections, Licenses and Permits
 - _____ Department of Recreation and Parks
 - _____ Department of Fire and Rescue Services
 - _____ State Highway Administration
 - _____ Sgt. Karen Shinham, Howard County Police Dept.
 - _____ James Irvin, Department of Public Works
 - _____ Office on Aging, Terri Hansen (senior assisted living)
 - _____ Police Dept., Animal Control, Deborah Baracco, (kennels)
 - _____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
 - X _____ Land Development - (Religious Facility & Age-Restricted Adult Housing) ZONING REG. AMENDMENT
 - _____ Housing and Community Development
 - _____ Resource Conservation Division – Beth Burgess
 - _____ Route 1 Cases – DCCP – Kristen O'Connor
 - _____ Telecommunication Towers – (Comm. Dept.)
 - _____ Division of Transportation – Dave Cookson

RECEIVED

NOV 29 2018

Division of Land Development
Department of Planning & Zoning

COMMENTS:

1. By allowing up to 50,000 s.f. of floor area for a hotel:
Can this size hotel be built and still meet the
55-65' maximum height limits as outlined in
127.5.D.2.?

DLD has no additional comment at this time.

J. Maenhaut - DLD 12-3-18

SIGNATURE

KR

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

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- _____ Division of Transportation – Dave Cookson



COMMENTS:
NO OBJECTIONS TO ZONING REQUEST
ANY FUTURE DEVELOPMENT WILL REQUIRE ALL NECESSARY PERMITS
FROM MDOT SHA


D. SCOTT NEWLIN SIGNATURE
MDOT SHA
DIST. 7