Development Regulations Assessment Steering Committee Meeting
July 24, 2017 from 4:30 to 6:00 pm
Ilchester Room, 2nd Floor

Meeting Minutes

Note: These minutes must be approved by the committee to be the official approved minutes

Attendance: Steering Committee Members
- Jane Dembner
- Susan Garber
- Steve Hunt
- Grace Kubofcik
- Joan Lancos
- Jun Lee
- Dick Lombardo
- Ted Mariani
- Lisa Markovitz
- Lynn Moore*
- Drew Roth*
- Cole Schnorf
- Paul Skalny

*Absent

DPZ Staff: Valdis Lazdins, Amy Gowan, Julia Boone, Karitsa Norman

Approval of March 29th Meeting Minutes:

Jane Dembner made a motion to approve. Motion passed 7-0-1 (Grace Kubofcik abstained).

Presentation: Don Elliott, Director of Clarion Associates, gave an overview of the project background and common goals for the code assessment update, including a modern code format and structure, context-sensitive regulations, flexible provisions, efficient approval process, high-quality design, and sustainable development patterns.

Lisa Steiner, Associate with Clarion Associates, provided an overview of the project timeline, the purpose of the emerging issues and trade off meeting, and the projected dates for the future Diagnosis and Annotated Outline draft and presentation. Clarion continues to review the regulations, the four Manuals, the Columbia New Town Final Development Plans, and analyze the public comments and survey results. Their next steps are to continue collecting public input, review feedback from the emerging issues and trade off meetings, and begin drafting the Diagnosis and Annotated Outline.

Ms. Steiner discussed the emerging issues and general impressions received from the public input including the need to consolidate or eliminate seldom used and poorly functioning zoning districts, the need to consolidate numerous and overly detailed uses and conditions, the need to simplify some complex procedures while retaining public engagement, the need to evaluate the New Town zoning district to preserve key characteristics for long term effectiveness, and the need to be consistent with Maryland law and adopted plans because this project is not a re-planning project.

Mr. Elliott answered questions from the Committee and stated the next meeting is in the Fall and the diagnosis includes the subdivision and land development regulations and manuals in addition to the zoning ordinance. Mr. Elliott informed the committee that the downtown Columbia process will be included in the assessment.

Discussion Topics: Mr. Elliott introduced four emerging issues to be discussed; Conditional Uses, Infill and Redevelopment, Key Corridors and Quality Development.

Conditional Uses: Mr. Elliott described Conditional Uses as a zoning tool that almost all zoning ordinances use and explained uses can have conditions to be tailored to specific areas, but those conditions should not be debatable when establishing a Conditional Use. Mr. Elliott asked the Committee what specifically is wrong with the current system and what uses should not be conditional in specific areas. The Steering Committee provided the following comments:

- Maryland law supports approval of a Conditional Use unless citizens can prove the negative impact of the use is worse at that particular location than any other location.
- If a petitioner does not abide by the Conditional Use conditions of approval who is responsible to enforce them? Is it the neighbor's responsibility to monitor and the County's responsibility to enforce?
- Conditions of Conditional Use approval are poorly written and often ambiguous.
- There is issue with multiple conditional uses on one property.
- Zoning Regulation Amendments (ZRA's) provide a way around Conditional Uses. ZRA's are written by a person with a specific interest and often crafted as a compromise between two parties. However, they impact the entire district and community members may not be party to the compromise.
- The effect of Conditional Uses on the R-20 zoning district is significant.
- There is a fear in denying Conditional Uses for religious organizations because of the Religious Land Use and Institutionalized Persons Act.
- Conditional Use expansions are willingly approved. There is no reluctance to deny an expansion.
- Analysis of the Conditional use should be objective, not subjective. The criteria are too subjective and allows too much leeway for the Hearing's Examiner to condition approvals.
- How do you refresh the code over time? Answer from Don Elliott – You could hire a consultant. It is important not to micro manage uses because it is easier to manage land use through broader categories. Also, regulation amendments should be batched into updates every one-to-three years.
- The County Council, in their role as a facilitator, want to solve issues using the ZRA process.

Infill and Redevelopment: Mr. Elliott stated that this topic had an overwhelming amount of individual and survey comments. He stated that Maryland law cannot deny growth, but encourages smart growth in the least sensitive areas, -where infrastructure exists and people live. Mr. Elliott reiterated that APFO is not part of the assessment and asked the Committee what types of infill development has been done poorly. The Steering Committee provided the following comments:

- Patuxent Overlook subdivision is a bad example of infill development. It is located at the corner of a state road and at the mouth of an arterial road into a community.
- Infill impacts the quality of life. Neighbors with greenery want it to stay, but the idea contradicts smart growth.
- Developments should be built in existing communities where infrastructure can handle growth. Infill developments are being built in areas that do not have supported infrastructure.
- Reactions to infill development are based on visual appearance. Even if all APFO requirements are met, there will still be resistance if green space is removed.
- What is adequate infrastructure? Does it only include water and sewer, roads and schools, or are fire, police, hospitals evaluated during growth?
- Industrial parks have more green space and are more attractive than residential developments.
- Evaluate the appropriateness of design in existing neighborhoods.
- Howard County is a mature county. Existing neighborhoods do not want change or infill development, but property owners cannot be denied the use of their property.
- Redevelopment needs to fit in with already established communities and existing context. Need to come up with an objective way to evaluate infill development so that it is not re-debated every time
- Evaluate recent upzonings and the last comprehensive rezonings.
- Infill overwhelms an area (whether density, height, open space).
- Stormwater management was not adequately addressed in past regulations and infill is affecting communities that already lack stormwater management measures.
- There is a correlation between Conditional Uses, infill development and more intense density.
- The County's stance is that everyone should develop to maximum density.
- In order for redevelopment, especially commercial, to be economically feasible regulations need to be flexible.

Key Corridors: Mr. Elliott described corridors as a sequence of places that almost always require several zoning tools. He stated most comments received concern the quality of development along the Route 1, Route 40 and other corridors and that the broad consensus is that the manuals do not work. Mr. Elliott asked the Steering Committee what would they like to see done better. The Steering Committee provided the following comments:

- Remove the Shopping Center zoning district. Targeted redevelopment areas along Route 40 have failed.
- Setbacks are typical for urban development but the reality is that we are auto-oriented.
- Reduce used car dealerships.
- Remove the Commercial Activity Center zoning district. It has not produced the desired result along the Route 1 corridor.
- Lessen density at key intersections and spread out development at distinct nodes. Mr. Elliott responded that if it is spread too much it may preclude transit in between.
- There is a high volume of automotive uses along corridors because of restrictions elsewhere in the County. Limit this use along these corridors.
- It was a mistake to rezone the Route 1 corridor for residential.

- Provide an inter-parcel access tool to facilitate connections between businesses along the corridors and create fewer access points. This will alleviate traffic on residential secondary roads and the need to separately drive to adjoining parcels.
- The Route 40 median is a failure.
- Do not allow removal of mature trees along corridors without replacement.
- Look at access holistically for design standards and connectivity and not just commercial uses.

Quality of development: Mr. Elliott indicated that many comments address quality of development. He stated "quality" has many components and can be addressed in the subdivision and zoning regulations by site design and building design. Site design includes access points, connectivity, landscaping, open space, stormwater managing, parking, etc., and building design includes location and orientation of buildings, design of facades, etc. Mr. Elliott asked the Steering Committee what components of "quality" need improvement. The Steering Committee provided the following comments:

- The quality of development is largely more site design than building design.
- The County needs a quality building design team so local authority is not responsible to make judgments on whether a development has good design.
- Rural Cluster subdivisions are designed by surveyors instead of designers and the County cannot reject the subdivision if the design meets the criteria.
- There is inconsistency between streetscape or parking in front of buildings. There is a mismatch between site design for new development and existing conditions that don't conform. MR. Lazdins responded that trigger points need to be looked at for redevelopment and reinvestment into a site. What triggers new design standards to be implemented?
- Even in Columbia, people do not like buildings directly on the road without a setback.
- How do you regulate a change-of-use, but not a change in zoning, especially in industrial areas where warehouse uses are transforming into commercial uses?
- Can we have qualitative design limitations for certain commercial uses, such as adult uses and medical marijuana facilities?

Adjourn: Don Elliott closed the meeting at 6:10 p.m. by thanking the Committee members for their involvement, reiterating that comments are still being accepted and explained Clarion Associates next steps.

 Note – To comply with the Maryland Open Meetings Act any information or comments received outside of the meeting cannot be included in the official meeting minutes.