

Testimony to the Howard County Council
Opposing an Amendment to the Text Defining Flex Space Zoning
JD Smith
(*address omitted post-testimony*)
June 17, 2013

Good evening. I am testifying for HCCA in opposition to the proposed text amendment that redefines Flex Space. We are asking you to you to vote against the proposed text and retain the text of the current regulation. To be clear, don't change a thing. It's not broken, please don't fix it.

The current text regarding Flex Space (section 103 – Definitions, no. 86) spells out in some detail what is permitted in flex space zoning: “. . . including business community support retail up to 15 percent of the buildings in the project.” Businesses have been established based on the current definition of Flex Space, which sets limits on how much retail is allowable.

The proposed text amendment states that flex space can be used for “. . . a variety of commercial . . . uses, including . . . commercial service businesses, personal service businesses . . . accessory sales and similar uses.”

Our experience has been that if there is a way to interpret a vague regulation in favor of development, it will be so interpreted. Our concern is that the language in the proposed amendment is vague and non-specific enough to allow a large, retail - only operation to be developed and stuck in the middle of an M-1 district. The businesses that are already operating there under old guidelines would now be required to compete with companies operating under the new regulations that favor retail. In the Guilford Industrial Park, for example, would it be fair if Babies R Us opened a store next to Babies 1st? Would it be fair if Barnes and Noble opened next to Daedalus Books?

On a very personal level, however, is my concern over the possible adverse impact this text change could have on Columbia's village centers. Large, or even moderate, scale retail operations in the M-1 district located a bit over a mile from the village center across the street from my house could force businesses in my village center to close. If enough businesses close, the vitality, vibrancy and viability of my village center will diminish, and my ability to walk across the street to buy groceries or pick up a six-pack changes to a car trip to some other place. A hypothetical example might be the opening of a Total Wine superstore in the Guilford Industrial area forcing the liquor store in Owen Brown Village Center to close, resulting in a vacant store front (which is never good) and one more car on the road. Such a scenario would directly repudiate language in PlanHoward 2030 stating, on page 57, that zoning changes should be consistent with Columbia's redevelopment to ". . . avoid adverse impacts on Village Centers and surrounding properties."

Many will look at the scenario I have hypothesized and think, "Get over it. The village center concept doesn't work anymore." Don't buy it. Referring again to the General Plan, "Compact, mixed use, walkable design is central to achieving sustainable communities." I am not walking from Owen Brown to the mall, especially as I get older, but I will walk from my house to the Owen Brown Village Center. Village Centers are central to the vitality of the village and especially important to those of us who want to age in place; approving the Flex Space amendment could be the next step in their decline. Please do not approve this proposed amendment.

Thank you.