

## Minutes of the July 14, 2015 HCCA Board Meeting

**Attendees:** Stu Kohn, Jacquie Sentell, Brian England, JD Smith, Lisa Markovitz, Amran Pasha, Alan Schneider.

1. The meeting was called to order at 7:00 PM.
2. The minutes for the May meeting were approved with amendments. The minutes for the June meeting were to be recirculated for approval.
3. The Treasurer's report was approved.
4. The proposed June 1 meeting with Marsha McLaughlin to discuss suggested amendments to the zoning process did not occur. There previously had been a meeting with discussion regarding how Pre-submission meetings could be framed so that citizens would have more timely and substantive participation and input into zoning decisions affecting their communities, and their daily lives.

Note: Brian England recalled pre-submission meetings with County Council members in the past especially beginning in 2008 in Planned Engagement Land Use (PELU) meetings with the County and citizens committee. Much work still needs to be done regarding pre-submission meetings.

5. Stu Kohn summarized the recent Greater Highland Crossroads Association (GHCA) meeting with four of the five Council members in attendance. Highland was rezoned in Comprehensive Zoning with a new Business Rural Crossroads (BRX) zone in spite of community leadership testimony against the Highland rezoning before the Planning Board, County Council, and other discussions with DPZ which promised a different proposal acceptable to the community. GHCA President Susan Scheidt requested that Highland be removed from the BRX zone. The request was unanimously approved by a GHCA membership vote. The BRX grants new uses as a matter of right, without community input, which jeopardizes this unique, historic, rural community.

Note: It was mentioned from the Council that citizens could participate through the Design Advisory panel and the Planning Board, and the new Adequate Public Facilities Ordinance (APFO) Task Force has begun. Strenuous disagreement quickly arose from the large overflow audience. Reaction included that the pre-submission meeting process is not incorporating citizens input and does not resolve citizen issues. In addition the citizens have no input into the Design Advisory Panel (DAP) process. It was stated the Planning Board process is broken. It does not represent the citizens by giving substantive or comprehensive review of DPZ Technical Staff Reports. HCCA and GHCA share the goal to meaningfully incorporate citizen input, and improve the process for the benefit of all.

6. The APFO Task Force members include HCCA representatives Lisa Markovitz and Stu Kohn. You can go to the County website at

<http://www.howardcountymd.gov/exec.aspx?id=6442479635> for minutes of the APFO Task Force meetings.

7. Status: County Compliance with Covenant Restrictions: Preferential treatment for proposed road access. Royal Farms at Snowden River Parkway. Discussion noted that the matter is back in the hands of the Planning Board. The schedule of the meeting / hearing will be determined.
8. Status: Chapelgate Presbyterian Church, 2600 Marriottsville Road, ZB 1105M, Rezoning from R-20 (Residential) to CEF-M (Community Enhancement Floating Zone-Mixed Use) Community Development. Stu Kohn is assisting the Albeth community who are the Protestants. The Zoning Board convened behind closed doors to consider the community's motions to dismiss for failure to follow procedures under the controversial new CEF zone which was enacted immediately before Comprehensive Zoning. The testimony of the civil engineer was concluded. The testimony of the architect will begin at the next hearing on Tuesday, July 21<sup>st</sup> at 6 PM at the George Howard Building, and the hearing will continue on Thursday, July 23<sup>rd</sup> at 6 PM.
9. Historic Preservation Ruling on Savage Mill proposed development. Citizens' informative testimony in a quasi judicial hearing resulted in the Historic Preservation Commission (HPC) Ruling on July 1 that the proposed development was "incompatible". Citizens testified that the proposed development was not compatible architecturally in style, size, or scale. The density does not match the community, the developer/engineer/architect team failed to know about the historical significance of Savage, or to truly study the architecture of the town. HPC's procedures require that it must consider the physical site, not just what is proposed to be constructed. HPC's job is to determine compatibility with the surrounding area. HPC could have rejected the plan completely, necessitating the builder to wait an entire year to come with a revised plan. HPC opted instead to allow the builder to change the check-box on his application from "filing a subdivision plan" to seeking pre-submission advice". This rejects the plan but allows the developer to come back with a new plan. HPC suggested that the builder work with the community to revise the plan to make it compatible.
10. A discussion of a proposal to clarify State Legislation regarding Continuing Care Retirement Communities was deferred until the next Board meeting as Paul Verchinski was not present.
11. County Executive Allan Kittleman responded to HCCA's letter regarding the sound levels emanating from Merriweather Post Pavilion during the Sweetlife Festival on May 30-31. His response advised that two citations were issued and that Management at Merriweather will take the additional steps outlined in the letter, and Merriweather confirmed its commitment to comply with all ordinances and be a good neighbor. In closing Allan Kittleman said "Community engagement, as you know, is critical. I look forward to continued dialogue on this issue, and I encourage you to keep in touch...."
12. Status: HCCA's participation with the Coalition of Non Profits is continuing. Maryland Department Open Government (MDOG) was successful in promoting amendments to state law and will monitor implementation of amendments to the Maryland Public Information Act. In June the Coalition met for an initial meeting to consider amendments to the Maryland Open Meetings law.

13. Discussion: On July 20<sup>th</sup> the County Council will consider CB-36-2015 which will amend R-APT Apartment zoning regulations in residential areas to remove the existing building length limitation.

- a. Stu noted that more time is required to provide citizens with adequate time for study, for communication, and for meaningful participation. The Technical Staff Report (TSR) must be posted on the website two-weeks prior to a given hearing or meeting, which is required by CB6-2015 enacted on May 4. Also, the Planning Board recommendations were not available on the County website. If notification rules are not carried out, then the process should be started all over again with proper two-week notification.
- b. Questions were raised about the underlying basis for the zoning change. CB36 was initiated in response to Planning Board recommendations on a ZRA filed by an individual. However, recommendations by the Planning Board were not included in CB36. The Planning Board recommended:
- c. “approval of ZRA-153 with the revision that for any building length great than 300 feet, the visual impact of the building shall be mitigated by architectural articulation or other architectural design methods, and with a recommendation that the general issues of this type of larger building development should be addressed in the next Comprehensive Zoning Plan.”
- d. If a study of issues is recommended for the next Comprehensive Zoning Plan, why make changes at this time which affect the entire R-APT zone before addressing the issues? Why was mitigation of “visual impact” removed as a criteria?
- e. Lisa noted that the Proponent needed the change to accommodate underground parking for just this one parcel. However, this proposed zoning change would apply in the future to any R-APT zone. This is the highest density zone in Howard County. Lisa commented that CB36 should not be adopted. It is not necessary to entirely eliminate the building length maximum regulation to accommodate a problem solely for one property. If an apartment building needs covered parking, then there is a solution for this one property. Alternatively, the zoning change should only apply when there is covered parking. It is incorrect to fix an alleged parking problem by a zoning change which applies even when there is no covered parking.
- f. HCCA Board voted to oppose this bill, and authorized Stu to testify on behalf of HCCA. Lisa plans to testify on behalf of The People's Voice, LLC (the civic arm of ThePeoplesVoice-TPV), requesting a solution specific only to the Petitioner’s parking issue on one parcel.

14. The Board approved formation of a ZRA Subcommittee.

The next Board meeting is August 25th. Minutes of this meeting will be circulated for approval by e-mail due to the rescheduling of the August meeting.

The meeting adjourned at 9.15 PM.