

Minutes/DPZ Responses from 12/13/17 DPZ/HCCA Meeting

- **HCCA Priorities**

Savage land swap - Susan Garber wanted to know who has authority to consider a land swap and why is bad land being deeded to Recs and Parks? Also, why doesn't DPZ consider the state's Targeted Ecological Areas in staff reports?

1. A decision to consider a land swap for the Savage Mill project was initiated based on community input and therefore allowed to proceed by Recs and Parks. Recs and Parks also identifies for DPZ land they wish to acquire during the development review process - typically as part of SRC recommendations. Further, purchase arrangements/agreements are not analyzed either by DPZ or the PB and any land swap is ultimately addressed by Council.
2. DPZ does not consider Targeted Ecological Areas in staff reports because they are not listed in the land development regulations as review criteria.

Erickson GPA – HCCA doesn't believe the CEF should proceed until the GPA has been approved by Council.

1. DPZ will be separating the GPA and CEF processes so that the Council weighs in on the first step (General Plan Amendment) before staff begins an evaluation of the CEF and the PB makes a recommendation.

- **PB Meetings** – HCCA was concerned that the PB ended the Mulch meeting at 10:30 and did not consider that evening's testimony in their recommendation. HCCA strongly urges updating the Board Rules of Procedure. Also, they are concerned about the time it takes to prepare Decisions and Orders and their time extensions.

1. DPZ continues to discuss these concerns with the PB – but as a reminder, DPZ does not control PB meetings – it staffs them. DPZ has begun discussions with the OoL regarding the update to the Planning Board rules, as well as the timing of D&Os.

- **Quasi-Judicial Hearings** – HCCA would like the criteria identified on DPZ website and address cross examination and the fact that there are no time limits.

1. DPZ will post the relevant information concerning quasi-judicial hearings.

- **DT Columbia Setbacks** – Jervis Dorton continues to disagree with building setbacks and many other aspects of DT Columbia.

1. While the adopted Crescent Neighborhood Specific Design Guidelines may differ from earlier Rouse Company concepts, and Mr. Dorton's professional opinions, they are nevertheless the controlling documents for the Crescent District. DPZ has met with Mr. Dorton before to discuss these issues.

The Neighborhood Specific Design Guidelines, which provide consistency with the Downtown Plan and Downtown-wide Guidelines, further delineate the setback/build-to-line standards for each street type. Not all boulevard sections contain a double row of street trees. The sections along Medstar and the Metropolitan show a single row of trees and a 25-foot max. building setback. However, the section along the lakefront includes a double row of street trees with a 35-foot max. setback to accommodate this design. DPZ recognizes the need to reflect the boulevard's tree lined character and sees the increase in the setback as appropriate for achieving the outcome. However, setbacks, as thus far implemented for recent Crescent District

projects, comport with these Guidelines. Given the time and effort that it took to prepare the DT Columbia Plan, DPZ does not anticipate that it, or guidelines, will be reopened for some time. Mr. Dorton may be focusing on the section graphics, which don't show beyond the streetscape's tree planting zone ("no buildings shown on the plans or sections...").

- **Hearing Examiner Process**

1. Since this is a legal question, DPZ has asked OoL to respond. We will continue to follow up and share that response with HCCCA as soon as it is available.

- **Dunloggin Infill Development**

1. These concerns have been previously expressed and the revised development regulations that apply to infill development currently do require stronger SWM controls. While under current zoning regulations infill development is allowed, concerns about the "fit", within the context of existing neighborhood character, have been raised by the public and are included in the on-going code assessment. This issue will be further addressed in the next phase - the code rewrite, which DPZ expects to begin in late 2018.

- **Overlay and Floating Zones**

1. Concerns about these are being implemented under the current regulations. Some of the issues raised at the meeting will be addressed in the code assessment project, but any changes will have to wait for the next phase - the code rewrite.

- **Universal Design** – requirements for this should be reflected in 55+ age restricted housing projects and accessory units should be supported.

1. The first is a question more relevant to DILP.
2. "Granny flats" are currently permitted as conditional uses pursuant to Section 131.0.N.18- Accessory Family Dwellings, however, this question has yet to be raised during the on-going code assessment. DPZ would benefit from more information regarding any code deficiencies in this area so that they can be better addressed during the code rewrite.

- **Additional Meeting to Discuss Western Howard County**

1. DPZ is happy to meet but would like an agenda in advance of a discussion. While we agree with many of the comments, such as the importance of the horse industry in Maryland's economy, the horse industry is not something DPZ has control over, nor can address. Before committing to a meeting, DPZ needs to be prepared to address specific land use/regulatory issues and not broad topics, like farming in general.

- **Highlands**

BR zone – want changes to occur.

1. DPZ has received numerous requests to expedite revisions to the code and address them prior to the rewrite. Unless extremely urgent, DPZ will address zoning code changes comprehensively, through the rewrite.

Zoning Enforcement – questions on standing, anonymous complaints, right to enter property by inspectors

1. DPZ followed up with OoL after the last request from HCCA to review this issue. In September, OoL issued a formal opinion that "the County's Zoning Regulations implicitly authorize the filing

of anonymous complaints; thus, there is a sound argument that DPZ is required to accept the same. Further, there is a sound argument that DPZ is required to investigate all complaints, regardless of whether they are submitted anonymously. If DPZ wants to prohibit the filing of anonymous complaints, it may consider proposing a ZRA to accomplish this goal.” DPZ plans to address this in the code rewrite to provide more flexibility.

Preservation easements – potential weakness

1. DPZ is awaiting further research and information from HCCA on this as discussed in the meeting.

Farm Breweries – abusing the allowed uses

1. The County only has one farm brewery, which also has a permit for Agritourism. This had led to confusion regarding which activities are occurring under each permit. Enforcement of this section of the code occurs on a case-by-case basis and since there is only one example of a farm brewery, DPZ has not identified any specific regulations that need to be revised at this time.
- **Interpreting FDPs in the NT zone** – using “organizational values” to interpret imprecise language
 1. It is DPZ’s professional opinion, and believed to be supported by the OoL, that the current language in FDPs, imprecise as it may be, must be used as a reference point when DPZ makes recommendations to the PB. The PB cannot import new criteria, no matter how desirable that may seem, when deciding.
 - **Revisions to HoCo Zoning Regulations** – Major Commercial Center Redevelopment (focus on older NT light industrial districts)
 1. DPZ anticipates that a plan for Gateway, which includes the Snowden River area, is on the horizon. In addition, the next phase of the code update will address how existing FDPs will continue to play a role in the development review process and zoning regulations. Options on how that could occur have already been outlined during public meeting related to the update. Until both efforts have been initiated and can provide decision-making guidance, DPZ recommends that any new, and especially major changes to zoning regulations, not occur at this time.