

July 15, 2020

Subject: **Land Use Planning, Department of Planning and Zoning, Planning Board, and PlanHoward 2030**

PLANNING PROCEDURES AVOIDING CODE COMPLIANCE. IMPROPER REDLINING in Planning Board (PB) Case Number SDP 74-122.

Redlining is for minimum, minor changes. In SDP 74-122, the Redline process was used for *major* changes to waive setback restrictions on a major parkway, consolidate two lots for commercial relocation and expansion, reduce restaurant parking requirements, add a new drive-through lane next to a major traffic corridor, and relocate a restaurant trash bin at the entrance to a residential community. Compliance with zoning regulations is of particular importance on a major traffic corridor and for land use planning consistency. Best planning decisions are needed for traffic, parking, bike/pedestrian corridors, open spaces, community enhancement and trash bin locations. There was no evidence introduced in this case, despite community objections, regarding the impact on communities, the plan for expanding Snowden River Parkway, or existing zoning regulations. Nor did the Planning Board ask for additional information to be provided so it could evaluate or analyze in writing the future impact of the proposal on communities, Snowden River Parkway, Columbia Association, and New Town.

EXISTING PLANNING BOARD AND DPZ PROCEDURES UNLAWFULLY LIMIT DIALOG AND COMMUNITY PARTICIPATION. Testimony and substantial objections by the Owen Brown Village group, Columbia Association and other residents was limited, response to additional information was cut off, and objections were unresolved. I understand that State law mandates that General Plan Policies, including Howard County's PlanHoward 2030 policies, are to be followed.

NONCOMPLIANCE WITH PLANHOWARD 2030, Policy 2.1: *“Promote dialog throughout development and implementation of PlanHoward 2030 with a broad range of community participants including those groups who are underrepresented or are part of a special population.”* This General Plan policy is further described under “Implementing Actions -- the Involvement would be to engage the full spectrum of the County's population in planning and implementing actions.”

REDLINING evades legal notice. Redlining has no notice requirements for a pre-submission community meeting; notification of adjoining property owners or other interested parties. Redlining denies compliance with due process. Also, Redlining is counterproductive by avoiding early community coordination which serves the public, and adherence to Policy 2.1 in PlanHoward 2030.

DISCRIMINATORY LATITUDE, FAVORITISM, AND DEFERENCE WERE GIVEN TO THE PETITIONER AND ITS ATTORNEY IN CONTRAST TO RESIDENTS AND COMMUNITY REPRESENTATIVES.

- Ruling on a motion to dismiss was avoided.
- Community testimony was strictly limited in time and scope. The Petitioner was given unlimited time for a detailed description of the proposal.
- The PB failed to request more information regarding the significant issues raised by opponents.
- The case was closed for any further testimony from communities. However, the PB asked for additional information from Petitioner to be submitted without any input or review by opponents.
- DPZ noted in the work session that information is posted for review two weeks ahead of a hearing. No change information was posted for timely review.
- Evidence of denials on similar cases was offered, and was not considered by the PB. One was a denial of a request for a one foot setback waiver for a homeowner to build a deck on a residence. The office of law gave no information why this past precedent was not applicable.
- Compare denial of an uncontested one foot setback waiver in order to build a deck on a residence, with a streamlined redline procedure for zoning approval of multiple waivers for:
 - Large expansion of a coffee shop and addition of a drive-through lane, which reduces parking for a currently vacant restaurant space.
 - Consolidation of two lots for a commercial development adjacent to Owen Brown Village disregarding New Town zoning regulations, and Columbia Association open space.
 - Waiver of restaurant parking regulations using an isolated parking study, criteria for using any parking analysis is not found in the code.
 - Approval of reduced parking requirement despite community objections citing overflow street parking.
 - Waiver of setback from Snowden River Parkway, despite objections.
 - Approval of a garbage dumpster at a main entrance to residential community, over objections.
 - Lack of any planning study comparing other drive-through restaurants.

USING INAPPLICABLE CRITERIA

Justification for approval was used by a PB member stating that the “Petitioner has been working on it for a long time”. “Two years” and “a lot of expense” was mentioned. The amount of time used by a Petitioner, and the amount of professional fees paid, is not any part of any documented criteria to be considered by the PB. Compliance with PlanHoward 2030 should be encouraged, promoted, and required by requiring compliance with code procedures for pre-submission notification, public meetings and resolution of issues; *not by limiting testimony*. The PB must require more information to achieve compliance with zoning codes and to collaboratively resolve community issues, absent which the PB must deny, not approve.

Thanks to Howard County Officials who support public access and input.

Thanks to Howard County Officials who promote early public access to all information on PB agenda items.

Thanks to Howard County Officials who understand that planning requires forward thinking to achieve policies and goals beyond a technical analysis. Thanks to those who support a full evaluation, and an informed, written analysis of issues raised by the public, after adequate time has been provided for public analysis, comment and input.

WRITTEN TESTIMONY BY Howard County Citizens Association (HCCA) AND The People's Voice was submitted to the PB for their preliminary review. An evaluation of the Redline process should have been conducted by the PB prior to the case being heard. The PB should have considered, and made an initial decision on the question of whether it was proper to continue using Redline procedures. See the attachment – HCCA – Redline Process SDP 74-122 Snowden Crossing.

Alan Schneider
Board Member Howard County Citizens Association