



TECHNICAL STAFF REPORT

MERRIWEATHER-SYMPHONY WOODS NEIGHBORHOOD

Planning Board Hearing of September 3, 2015

Case No.: PB 416

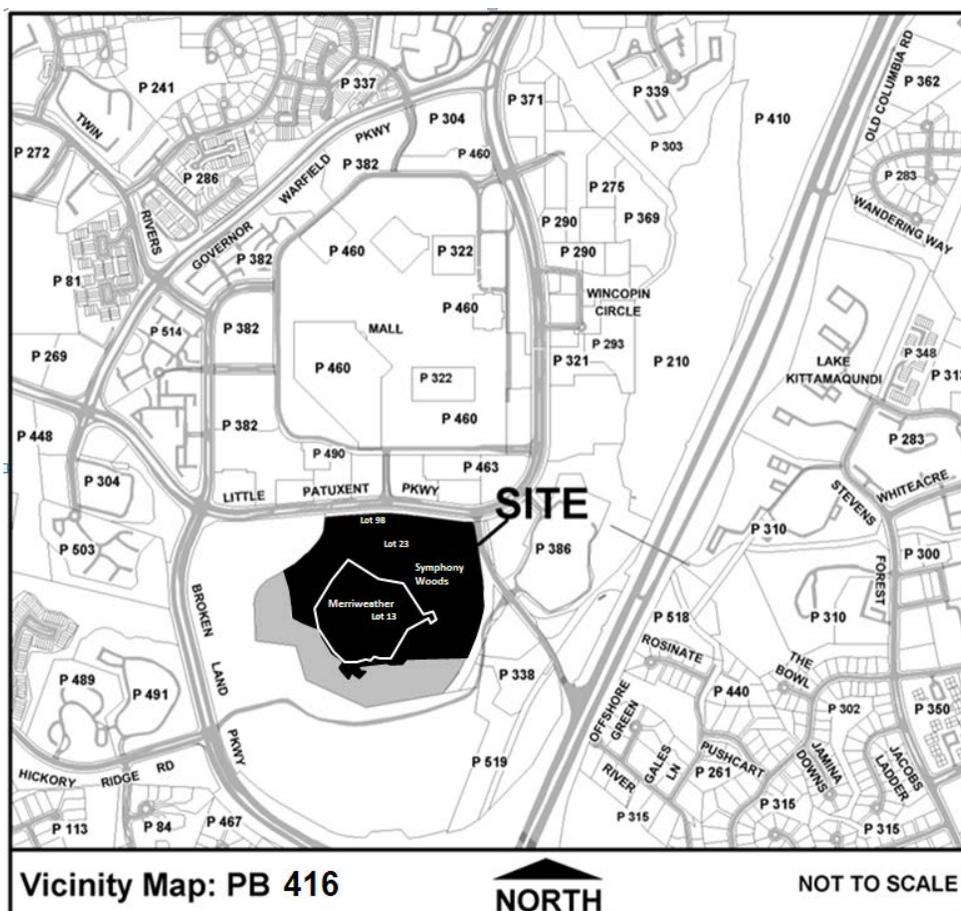
Owner: Merriweather Post Business Trust and Inner Arbor Trust, Inc.

Petitioner: Merriweather Post Business Trust and Columbia Association

Request: For Planning Board to approve FDP-DC-MSW-1A, an Amended Final Development Plan for Downtown Revitalization, which includes the amended Merriweather-Symphony Woods Neighborhood Concept Plan, the amended Merriweather-Symphony Woods Neighborhood Design Guidelines, and the amended Merriweather-Symphony Woods Neighborhood Implementation Plan in accordance with Sections 125.0.A & E of the Zoning Regulations. The Final Development Plan is amended to include an additional 19.1 acres, including the Merriweather Post Pavilion property, to the Final Development Plan for a total of 35.2 acres within the FDP boundary designated as Downtown Parkland and Downtown Arts and Entertainment Park. The Neighborhood Design Guidelines are amended to allow a maximum height of 85' for the Merriweather Post Pavilion roof, and to modify language related to setbacks between buildings on the Merriweather Post Pavilion Property. In accordance with Section 125.0.E.4 of the Zoning Regulations, the Planning Board shall evaluate and approve, approve with conditions, or disapprove the Final Development Plan and associated Neighborhood Documents at a Public Hearing.

Recommendation -The Department of Planning and Zoning recommends approval of:

- A. The Amended Merriweather-Symphony Woods Neighborhood Concept Plan;**
- B. The Amended Merriweather - Symphony Woods Neighborhood Design Guidelines,**
- C. The Amended Merriweather-Symphony Woods Neighborhood Implementation Plan; and**
- D. The Amended Final Development Plan, FDP-DC-MSW-1A, Merriweather-Symphony Woods, subject to the recommended conditions of approval listed in Attachment A.**



Location: The subject property is a 35.2 acres, which consists of the entire 10.2 acres of the Merriweather Post Pavilion property (a regional concert venue) and a majority (approximately 25 acres) of Symphony Woods Park (named Merriweather Park at Symphony Woods on SDP-14-073). The Merriweather Post Pavilion Property is designated on the Downtown Columbia Plan as “Downtown Arts and Entertainment Park”. Symphony Woods is designated as Downtown Parkland in the Downtown Columbia Plan. The site is located on the south side of Little Patuxent Parkway between South Entrance Road and Broken Land Parkway, opposite of the Mall Entrance Drive. The properties are identified as Tax Map 36, Grid 1, Parcel 452, Lots 9B, 13, and 23.

Neighborhood: The Downtown Columbia Plan describes the Merriweather-Symphony Woods Neighborhood as a cultural park that will serve as a setting for arts, cultural and civic uses, and is further described in the Downtown-Wide Design Guidelines as an attractive setting for passive recreation and community events. Community events are currently occasionally held at Symphony Woods, and the northern portion of the park serves as a northern gateway to Merriweather Post Pavilion, which is a regional outdoor seasonal concert venue. The revitalization of these properties is addressed in the Downtown Columbia Plan to increase and elevate the usage of these valuable Downtown amenities. The neighborhood encompasses most of Symphony Woods (excluding land isolated by a future road in the Crescent Neighborhood), and the Merriweather Post Pavilion property. The neighborhood boundary is dictated in part by the future Road A in the Crescent Neighborhood, as approved on FDP-DC-Crescent-1 and currently on file for review as F-15-106.

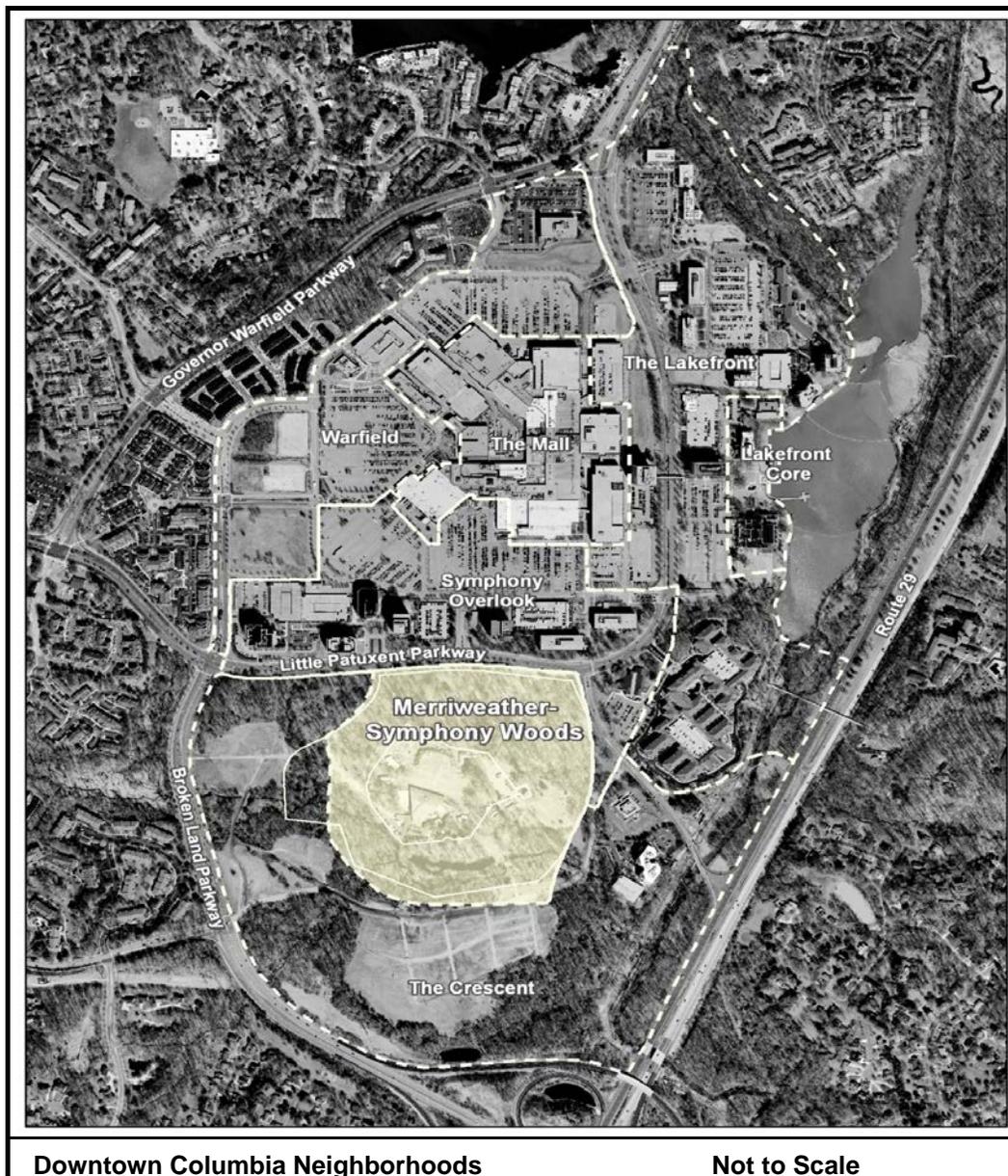
Vicinal Properties:

North: The site is bounded to the north by the Little Patuxent Parkway. Across Little Patuxent Parkway are several office buildings and parking garages, with the Mall in Columbia just north of those.

South: The south side of the site is bounded by additional Downtown Parkland not yet subject to an FDP. Beyond that area is the future Merriweather Drive in the Crescent Neighborhood and Area 3 of the Crescent Neighborhood as approved on FDP-DC-Crescent-1.

East: South Entrance Road and Symphony Woods Road bound the project area to the east. Opposite these roads are the Central Branch Library, Toby’s Dinner Theatre, an office building and an apartment building.

West: The Crescent Neighborhood Areas 1, 2 and 4 are to the west of the subject property, as is the future Road A as shown on FDP-DC-Crescent-1.



I. General Comments

A. **Relevant Site History**

- The subject properties were originally designated as Open Space Use on Final Development Plan Phase 4 recorded on November 16, 1966. That plan was superseded by several amended final development plans, ending with Phase 4-A-V recorded as Plat #15235.
- The Merriweather Post Pavilion is shown on two site plans, neither of which documents the original approval or construction of the facility. SDP-83-128 provides the location of the pavilion and the elevation and location of several ticket and support buildings. SDP-89-222 provides the location of the pavilion, the lawn grades and the location of several existing buildings and was originally approved in January of 1990.
- FDP-DC-MSW-1 was recorded into the Land Records on October 19, 2012 as Plat #22123-22127, and supersedes previous FDPs for the northern portion of the Symphony Woods property (16.1 acres).
- SDP-14-073 was approved by Planning Board on November 20, 2014 and is currently being processed to obtain final signature approval. This site plan proposes several facilities on the northern portion of Symphony Woods, including an amphitheater, multi-purpose building, playground, the Caterpillar box office/living berm and other amenities, including pathways, a seating platform, furnishing and forest, wetland and stream restoration and plantings.
- A redline to SDP-89-222, Merriweather Post Pavilion, was approved in February 2015 for the replacement of restaurant and concession buildings on the west side of the property with code-compliant structures and to reconstruct existing pathways to meet ADA compliance. These improvements are consistent with the Phase 1 improvements outlined in CEPPA #16 and are currently under construction.
- This amended FDP-DC-MSW-1A is proposed to incorporate additional Symphony Woods land and the Merriweather Post Pavilion Property into the boundary of the Merriweather-Symphony Woods Neighborhood Final Development Plan for Downtown Revitalization. Several phased improvements to the Merriweather Post Pavilion venue are planned, as required by CEPPAs #16, 20, and 21, including raising the pavilion and stage house roofs, replacing restroom and concession facilities, and constructing permanent backstage facilities. A shared use building may be erected on Symphony Woods land east of the pavilion, and potential locations for additional shared use parking are also proposed. No new uses (i.e. uses not already occurring on the site) are proposed for either parcel with this Final Development Plan. Anticipated improvements are consistent with those required in CEPPA #16 and to reach the benchmarks prescribed for CEPPAs #16, 20, and 21 (see **Attachment B** for complete text of CEPPA requirements related to Merriweather Post Pavilion).

B. **Legal Notices**

- The subject site was properly posted with three (3) official Planning Board hearing notices. These signs were posted beginning on August 4, 2015, as verified by County staff.
- Legal advertisements for this case appeared in *The Baltimore Sun* on August 3, 2015 and *The Washington Post* on August 4, 2015.

C. **Regulatory Compliance - Final Development Plans and associated Neighborhood Documents for Downtown Revitalization are subject to the following items, which are to be incorporated by reference into the record:**

- (1) The Downtown Columbia Plan, Council Bill No. 58-2009, which approved an amendment to the Howard County General Plan.
- (2) The Zoning Regulations, including sections enacted as part of an amendment to the Zoning Regulations as Council Bill No. 59-2009 (ZRA 113).
- (3) Downtown-Wide Design Guidelines passed as Council Resolution 138-2010.
- (4) The Adequate Public Facilities Act amended for Downtown Columbia as Council Bill 47-2010.
- (5) The Howard County Design Manual, Volume 3, Chapter 4 amended for Downtown Columbia as Council Resolution 97-2010.
- (6) The Sign Ordinance amended for Downtown Columbia as Council Bill 56-2010.

In addition, the petitioner met the following pre-submission requirements:

- (7) A Pre-submission Community Meeting was held on April 29, 2015 in accordance with Section 125.0.E.2 of the Zoning Regulations and Section 16.128(b)-(g) of the Subdivision and Land Development Regulations.
- (8) The Design Advisory Panel (DAP) reviewed the Neighborhood Specific Design Guidelines on May 27, 2015 in accordance with Section 125.0.E.2 of the Zoning Regulations and Title 16, Subtitle 15 of the County Code. The Planning Board may consider the DAP's recommendation in making a final decision in Neighborhood Design Guideline approval per Title 16, Subsection 1504(f) of the County Code.

D. Definitions:

- **Downtown Columbia Definitions:** Please refer to the attached definitions (**Attachment C**) of terms relating to Downtown Columbia revitalization, as excerpted from Section 103.A.38-60 of the Zoning Regulations as needed.
- **Neighborhood Documents:** The Neighborhood Concept Plan, Neighborhood Specific Design Guidelines and the Neighborhood Specific Implementation Plan are at times referred to collectively as the “Neighborhood Documents” within this technical staff report.
- **Exhibits:** The Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan are at times collectively referred to as “Exhibits” within this technical staff report.

E. Purpose of Petition - The purpose of the Final Development Plan (FDP) is to identify:

- Existing conditions for the subject area;
- The proposed land uses;
- Information pertaining to Downtown Parkland, and the Downtown Art and Entertainment Park.
- Any other information relating to how the development of the subject area will comply with the Downtown Revitalization requirements.

As part of the Final Development Plan submission, petitioners are required to propose a Neighborhood Concept Plan, Neighborhood Design Guidelines, and a Neighborhood Implementation Plan, which are intended to provide a context to evaluate the initial Final Development Plan and provide guidance for future Final Development Plan petitions, but are only binding on the property included within this FDP. The purpose of each of these documents is further discussed in Section II.

F. Determining Conformance: Evaluation of the Final Development Plan, Neighborhood Concept Plan, the Neighborhood Specific Design Guidelines, and the Neighborhood Specific Implementation Plan is to be based on conformance with the New Town (NT) Zoning Regulations, the Downtown Columbia Plan and the Downtown-Wide Design Guidelines. Conformance is specifically interpreted in Section 125.0.A.2.b of the Zoning Regulations:

“When a provision in this section requires that an action “will conform”, “conform with”, “conforms with” or “conforms to”, the Downtown Columbia Plan or any part of the plan, the action being taken shall further, and not be contrary to, the following items in the Downtown Columbia Plan:

- (1) Policies;
- (2) Timing and implementation of the plan;
- (3) Timing of development;
- (4) Development patterns
- (5) Land uses; and
- (6) Densities and intensities.”

II. Description of the Final Development Plan Proposal and Associated Neighborhood Documents

A. Proposed Neighborhood Concept Plan – The purpose of a Neighborhood Concept Plan is to show an entire neighborhood as identified in the Downtown Columbia Plan and depict the proposed land use designations, provide a general layout of the neighborhood, pedestrian and bicycle circulation within the neighborhood and to adjoining areas, and determine maximum building heights as a context for evaluating the Final Development Plan. It may provide guidance for future Final Development Plan petitions, but is only binding on the property included within the boundaries of this Final Development Plan.

The Merriweather-Symphony Woods Neighborhood Concept Plan shows the layout of the approved features for the northern portion of Merriweather Park at Symphony Woods per SDP-14-073, and shows the existing buildings within the Merriweather Post Pavilion property. Future proposed improvements in the vicinity of the Pavilion will replace existing temporary or dilapidated buildings and structures with permanent and modern code-compliant structures, pathways, and other affiliated improvements. Anticipated potential future improvements include an enhanced pavilion and stage house, back stage equipment, guest amenities and warehousing, and several updated restroom and concession buildings. Some features may be shared between the Park and Merriweather Post Pavilion. As a condition of approval the petitioner must provide a conceptual layout, shown on the final document and submitted for recordation, of the proposed programmed features and major multi-use pathways within Symphony Woods Park and the future improvements to the Merriweather Post Pavilion. The improvements approved with SDP-14-073 are also shown on the Neighborhood Concept Plan, and the two sites were evaluated to ensure that connectivity is maintained between the two major amenity destinations that comprise this neighborhood, as well as with the surrounding Downtown Neighborhoods based on the pedestrian and bicycle networks as shown on the Downtown Columbia Plan. The southern portion of the property is labeled as a sculpture garden and environmental restoration area, but this area is not part of the FDP boundary, and is only considered for neighborhood context.

Symphony Woods Park is designated as Downtown Parkland and the Merriweather Post Pavilion is designated as Downtown Arts & Entertainment Park on the Neighborhood Concept Plan, identical to the Downtown Columbia Plan. A maximum building height of 4 stories is proposed, also in conformance with the Downtown Columbia Plan, except for the request to increase the height of the pavilion and stage

house roof to a maximum of 85'. No other modifications to the Downtown Columbia Plan are proposed, and conformance is further described in Section III.

B. Proposed Final Development Plan – The Final Development Plan (FDP) shows the improvements approved with SDP-14-073 on the original 16.1 acres of Symphony Woods that is subject to the original FDP-DC-MSW-1. No general locations of potential new improvements are shown on any of the new land area incorporated on the amended FDP. As stated in Section A above, proposed improvements consist primarily of renovations and reconstruction of facilities already existing in temporary or permanent structures on the site. To ensure consistency regarding the purpose of this FDP and the uses it permits, DPZ has included a condition of approval to provide a bubble diagram labeling proposed improvements and their locations, consistent with the original FDP-DC-MSW-1. While not typically required for other neighborhoods, DPZ recommends that this level of detail is required for Final Development Plans in the Merriweather-Symphony Woods Neighborhood due to the unique cultural significance of the properties, the types of uses proposed on the property and the value they provide to the community, and to the lack of street and block structure typical of Final Development Plans for other Downtown neighborhoods.

The Final Development Plan designates areas of future potential parking within Downtown Parkland; designated with asterisks on the amended FDP and further described in the *Shared Use Parking on Parkland Tabulation* on the Neighborhood Concept Plan (Sheet 2). Per Section 125.0.A.9.g.5 of the Zoning Regulations, the addition of parking on Downtown Parkland must be replaced with Downtown Mixed Use Area. The required one-for-one acreage replacement for this land must be accounted for prior to the signature approval of the site development plan that permits the construction of the parking. See Section III, criterion c., below, for additional information.

C. The Merriweather-Symphony Woods Neighborhood Design Guidelines provide design guidelines for an individual neighborhood as a context to evaluate the Final Development Plan. While it may provide guidance for future Final Development Plan petitions, it is only binding on the property included within the boundaries of this Final Development Plan. The Merriweather-Symphony Woods Neighborhood Design Guidelines were modeled after the approved Downtown-Wide Design Guidelines. Included within the guidelines is a detailed vision statement for the neighborhood with an explanation of the design approach for different portions of the park, as well as the conceptual plans to renovate Merriweather Post Pavilion. Hardscape and landscape design, pathway standards, architectural standards, design and material selection guidelines, sustainability principles, and signage specifications are provided within this document. Also included in the design guidelines are two appendices for Shared Use Path Design Guidelines and On-Road Bicycle Facilities.

D. The Merriweather-Symphony Woods Neighborhood Implementation Document is provided in chart form as Sheet 4 in the plan sheet set. It provides an implementation schedule for the improvements proposed with this Final Development Plan and how the Neighborhood may progress in future phases. The scope for this Implementation Document is limited due to the lack of residential or commercial development in the neighborhood; however it provides important information regarding the phasing of renovations to Merriweather Post Pavilion as required by CEPPAs 16, 20, and 21, as well as information on items such as parkland replacement for the proposed parking, and future environmental restoration in the neighborhood. It is meant to provide a context to evaluate the Final Development Plan. While it may provide guidance for future Final Development Plan petitions, it is only binding on the property included within the boundaries of this Final Development Plan.

E. Conformance Summary – Using the criteria listed in Section 125.0.A.2 of the Howard County Zoning Regulations, these documents, with the recommended changes listed on Attachment A, conform to the Downtown Columbia Plan as follows:

Conformance with the Downtown Columbia Plan	Neighborhood Concept Plan	Neighborhood Specific Design Guidelines	Neighborhood Implementation Document	Final Development Plan
Policies;	X	X	X	X
Timing and implementation of the plan;	NA	NA	X	X
Timing of development;	NA	NA	X	X
Development patterns;	X	X	X	X
Land uses; and	X	X	X	X
Densities and intensities	X	X	X	X

III. Planning Board Criteria: In accordance with Section 125.0.E.4 of the Howard County Zoning Regulations, the Planning Board is to evaluate and approve, approve with conditions, or deny the petition based on whether the Final Development Plan and associated Neighborhood Documents satisfy the following criteria (*Attachment A provides a summary of conformance with this criteria*):

a. The Downtown Neighborhood Concept Plan, the Neighborhood Specific Design Guidelines, and the Neighborhood Specific Implementation Plan conform with: *the Downtown-Wide Design Guidelines; the Downtown Columbia Plan (including the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan)*. Any proposed change(s) will not be detrimental to the overall design concept and phasing for Downtown

Revitalization. Limited change in building heights may be approved based on compatibility, character and height of nearby existing and planned development and redevelopment, and open spaces in the area. However, in no event shall the maximum building height for Downtown Revitalization exceed twenty stories;

In the Neighborhood Documents and Exhibits, the petitioner has demonstrated conformance with the Downtown Columbia Plan and the associated exhibits, as well as with the Downtown-Wide Design Guidelines. Any modifications proposed continue to further, and are not contrary to, the policies, timing and implementation of the plan, timing of development, development patterns, land uses or densities and intensities as described in the Downtown Columbia Plan. The documents are discussed below:

Neighborhood Concept Plan:

- The Neighborhoods Plan (Exhibit E): The Neighborhood Boundary is consistent with the Downtown Columbia Plan. Slight adjustments were made to respond to the location of the newly proposed Road A in the Crescent Neighborhood, as approved on FDP-DC-Crescent-1 and currently filed for review as Final Plan F-15-106.
- The Maximum Building Heights Plan (Exhibit F): The petitioners are requesting that the maximum height allowed for the Pavilion and Stage roof be increased to 85 feet in order for the venue to stay competitive. The remainder of improvements in the neighborhood would continue to meet the maximum 4 story/60-foot limit, as designated in the Downtown Columbia Plan.
- The Street and Block Plan (Exhibit C): No modifications proposed.
- Street Framework Diagram (Exhibit H): No modifications proposed. Private drives follow existing paved areas within the neighborhood.
- The Bicycle and Pedestrian Plan (Exhibit I): No modifications are proposed to the bicycle or pedestrian circulation as shown on the Downtown Columbia Plan. However, this Neighborhood Concept Plan shows enhanced connections between properties in the Merriweather-Symphony Woods Neighborhood and to surrounding neighborhoods through the addition of multiuse paths within the neighborhood and along the perimeter of the neighborhood.
- Primary Amenity Space Framework Diagram (Exhibit G): No modifications proposed.
- Open Space Preservation Plan (Exhibit K): No modifications proposed.

The **Merriweather-Symphony Woods Neighborhood Design Guidelines (NDGs)** are identical to previously approved guidelines for this neighborhood recorded in the Land Records of Howard County as Liber 14407 Folio 233 with the following exceptions (changes from the recorded documents are bolded, italicized and underlined):

- **Building Height** remains a maximum of 4 stories, not to exceed 60 feet in height within the Neighborhood, **with the exception of the Merriweather Post Pavilion main stage house and roof which require greater heights to properly function as a first class performance venue. These buildings may not exceed 85 feet in height.**
- **Building Setbacks/Side Setbacks** – The separation between buildings will vary, but should be sufficient to allow for pedestrian or vehicular access where appropriate. A separation of 25 to 40 feet should be provided if an alley or driveway is located between buildings **unless the access is only intended to serve a single building or loading area.**

The **Merriweather-Symphony Woods Neighborhood Implementation Document** also conforms to the policies, timing and implementation of the Plan, timing of development, development patterns, land uses, and densities and intensities, as outlined in the Downtown-Wide Design Guidelines, the Downtown Columbia Plan and Exhibits. It has been streamlined for this neighborhood since no housing, office, retail, or hotel uses are proposed. It details important information regarding the phasing of proposed improvements, environmental restoration details, conformance with CEPPA requirements, and Downtown Parkland replacement for proposed parking.

- b. The Neighborhood Design Guidelines submitted with the Final Development Plan offer sufficient detail to guide the appearance of the neighborhood over time, and promote design features that are achievable and appropriate for Downtown Revitalization, in accordance with the Design Guidelines and the Downtown Columbia Plan.**

The Merriweather-Symphony Woods Neighborhood Design Guidelines address and provide sufficient guidance on the design components listed in Section 125.0.E.3.a.2 of the Zoning Regulations for development plans within the neighborhood. The Design Guidelines have only been slightly amended from the existing approved guidelines for the neighborhood (Liber 14407 Folio 233) to incorporate the maximum height for the pavilion and minor modifications to the setbacks for structures on the Merriweather Post Pavilion property, as described in Section II.C. above. Be advised that the Design Advisory Panel did not make recommendations to change to the amended Merriweather-Symphony Woods Design Guidelines.

- c. The Final Development Plan conforms with: the Neighborhood Documents; the Revitalization Phasing Plan, the Downtown Community Enhancements, Programs, and Public Amenities (CEPPA) Implementation Chart and Flexibility Provisions; the Downtown-wide Design Guidelines; the Downtown Columbia Plan, (including the Street and Block Plan, the Neighborhoods Plan, the**

Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan). Limited changes to building heights may be approved based on compatibility, character and height of nearby existing and planned development and redevelopment, and open spaces in the area. However, in no event shall the maximum building height for Downtown Revitalization exceed twenty stories;

Neighborhood Documents, Downtown-wide Design Guidelines, Downtown Columbia Plan and Exhibits

As described in Criterion a., above, the Neighborhood Documents conform to the Downtown-wide Design Guidelines and the Downtown Columbia General Plan. Similarly, the Final Development Plan (FDP) conforms to the Neighborhood Documents that are recommended to be approved with this plan, as it provides the same proposed land uses as well as the same pedestrian and bicycle circulation proposed on the Neighborhood Concept Plan. Therefore, just as the Neighborhood Documents conform to the Downtown Columbia Plan and Downtown-wide Design Guidelines, so does the Final Development Plan. The proposal does request an increase to the maximum allowed height of the pavilion and stage house roof to 85 feet. The Neighborhood Concept Plan also conforms to the Neighborhood Design Guidelines. The proposed development will be further evaluated at Site Development Plan stage when development details are provided, but the proposed improvements on the Final Development Plan conform to the Neighborhood Design Guidelines.

Page 62 of the Downtown Columbia Plan and Section 125.0.A.9.g.5 of the Zoning Regulations require that new parkland be provided to replace any lost to development. The proposed or potential parking areas shown within this FDP constitutes such a requirement and any loss must be replaced acre-for-acre. The Columbia Association and Howard Hughes Corporation have agreed to a land swap to enable this. The replacement will occur with the first submission of subdivision for the Crescent Neighborhood, which is currently under review, and prior to the approval of a site plan that would construct new parking on Downtown Parkland. The County has retained a copy of the signed memorandum of understanding between the Howard Hughes Corporation and the Columbia Association within the project file for this FDP.

Revitalization Phasing Plan

The Revitalization Phasing Plan is not applicable to this FDP since there are no housing, retail, office or hotel uses proposed.

CEPPA Implementation Chart

The Downtown Community Enhancements, Programs and Public Amenities (CEPPA) Implementation Chart does not apply to this FDP since it is comprised entirely of Downtown Parkland, per *Section 125.0.A.9.h.(2)(a) of the Zoning Regulations, which states: "In no case shall the obligation to provide a Community Enhancement, Program and Public Amenity (CEPPA) be triggered (a) By the development or construction of Downtown Arts, or Downtown Parkland."* However, as previously explained in Section I.A. of this report, the proposed uses supported by this amended FDP are part of renovations required with CEPPAs #16, 20 and 21. Completion of these renovations also facilitates the eventual transfer of the property to the Downtown Arts and Cultural Commission, as required by CEPPA #24, prior to the issuance of a building permit of the 500,000th SF of development in Downtown Columbia.

- d. The Final Development Plan, when considered in the context of surrounding planned or existing development, provides a balanced mix of housing, employment and commercial, and arts and cultural uses throughout each phase;**

This FDP is comprised entirely of arts and cultural uses and will serve as the cultural center for Downtown Columbia as development occurs and density increases. Subsequent plans should reflect coordination with Merriweather Post Pavilion to maximize the importance of the entire Neighborhood as a cultural and community centerpiece.

- e. The Final Development Plan satisfies the affordable housing requirement.**

There is no housing proposed with this FDP.

- f. The bicycle, pedestrian, and transit network creates convenient connections throughout the subject area and connect, wherever possible, to existing and planned sidewalks, path, and routes adjoining the development;**

The pedestrian and bicycle network proposed on this Final Development Plan (FDP) conforms to the Neighborhood Concept Plan and the Bicycle and Pedestrian Circulation Plan in the Downtown Columbia Plan. The multiuse paths proposed within the park will enhance these connections, both within the park and to adjacent neighborhoods. DPZ recommends as a condition of approval (see Attachment A) for the petitioner to illustrate the major pedestrian connection from the Mall Entrance signal at the center of Symphony Woods to the Merriweather Post Pavilion property, considering that parking is anticipated to continue to be provided for Pavilion patrons north of Little Patuxent Parkway.

- g. The Final Development Plan protects land covered by lakes, streams or rivers, flood plains and steep slopes, and provides connections, where possible to existing and planned open space within the neighborhood and in surrounding area;**

There are some moderate and steep slopes, as well as an intermittent stream within the project. None of proposed improvements are anticipated to impact these features, and a 50' buffer is provided around the

intermittent stream. Evaluation of the improvements in proximity to environmental features will be further evaluated at Site Development Plan.

The entire Final Development Plan is within planned open space. Connections are provided to the anticipated future entrance points to the Merriweather Post Pavilion, and to the pedestrian and bicycle routes as proposed on the Downtown Columbia Plan. The site also adjoins the Downtown Multiuse Pathway at the northern boundary, and a multi-use pathway is proposed along the future road in the Crescent Neighborhood, which will also serve the Merriweather-Symphony Woods Neighborhood.

h. The Final Development Plan provides the location of Downtown Community Commons required under Section 125.0.A.9.h as indicated in the Neighborhood Concept Plan;

This criterion is not required for this FDP since the project area is entirely Downtown Parkland or Downtown Arts and Entertainment Park.

i. The Final Development Plan is in harmony with existing and planned vicinal land uses. In making this determination, the Planning Board shall consider, if appropriate:

- (1) Landscape features on the boundary of the plan area, which may include protection of existing vegetation or grade changes that provide a natural separation, or landscape planting;***
- (2) The size of buildings along the edges of the plan area through limits on building height or other requirements;***
- (3) The use and design of nearby properties and***
- (4) The adopted Downtown Columbia Plan recommendations for height, building massing and scale, and neighborhood connectivity;***

The project area is to remain as Downtown Parkland and Downtown Arts and Entertainment Park, and is surrounded by the Crescent Neighborhood, which is planned to interact with the Merriweather Symphony Woods Neighborhood.

Some existing trees will be removed to install improvements, but any trees removed within Symphony Woods will be replaced at a 2:1 ratio in landscaped areas. Improvements are proposed away from environmentally sensitive features.

The Neighborhood Concept Plan maintains the maximum 4 story building height proposed in the Downtown Columbia Plan with the exception of the Merriweather Post Pavilion roof, which is planned for a height of 85'. The uses proposed for the Merriweather Post Pavilion property, including concessions, restrooms, equipment, warehousing and guest accommodations, are consistent with the existing on-site uses currently housed in temporary style facilities, and are anticipated to be designed to fit the context of the existing natural and built environment. These improvements are consistent with the Downtown Columbia Plan CEPPAs 16, 20, and 21. Final design of the facilities will be reviewed under future Site Development Plans.

Noise from concerts has been a concern from some members of the community. The Department of Health enforces County and State regulations regarding ambient noise levels. DPZ and Department of Health recommend that best efforts be undertaken to mitigate noise impacts to the surrounding community from any permanent or temporary stage within the FDP area and ensure the ambient noise stays within required noise levels. DPZ is further recommending that a noise study and mitigation plan be required to be submitted with any redline or Site Development Plan for future renovations or expansions of Merriweather Post Pavilion as a condition of approval of this amended Final Development Plan.

j. The development proposed by Final Development Plan is served by adequate public facilities, including any proposed mitigation or development staging in accordance with the Adequate Public Facilities Ordinances (Title 16, Subtitle 11 of the Howard County Code).

Housing Allocations and Schools: APFO requirements for housing allocations and schools are not applicable to this FDP since no residences are proposed.

Road Facilities: A traffic assessment was conducted for the proposed project and found that no APFO improvements are warranted at this time as the anticipated improvements would not result in new vehicle trips. Frontage improvements, including an upgraded pedestrian signal at the Mall Entrance crossing, will be required prior to final approval of Phase 4 on SDP-14-073. Traffic will be further evaluated at the site development stage, once the details of the proposed improvements are identified.

k. The Final Development Plan protects environmentally sensitive features and provides environmental restoration in accordance with the Downtown Columbia Plan.

Improvements are not proposed on steep slopes and no stream crossings are currently shown. A 50' buffer will be established along the existing intermittent stream.

Environmental Restoration is provided on future phases of SDP-14-073, and additional environmental restoration is likely under future FDP amendments for the southern portion of the property. The restoration proposed under the Merriweather-Symphony Woods Neighborhood Design Guidelines is consistent with the restoration proposed under the Merriweather and Crescent Environmental Enhancement Study.

I. The Final Development Plan protects any historic or culturally significant existing sites, buildings or structures, and public art.

The Merriweather Post Pavilion is recognized as a major asset of cultural significance to the community. It is anticipated that the property will be donated to the Downtown Arts and Cultural Commission (DACC) which was created in 2013 as a charitable non-profit organization to promote and support the revitalization of the Merriweather Post Pavilion. Per CEPPA #24, the Merriweather Post Pavilion is to be transferred to DACC prior to the issuance of the permit for the 5,000,000th sf of development in Downtown Columbia.

m. The Final Development Plan proposes any appropriate plan to satisfy the requirement for art in the community.

The Final Development Plan proposes the entire site as a potential location for public art for Merriweather Park at Symphony Woods. The Neighborhood Design Guidelines provide standards when siting public art. Public art will be further addressed at the site development plan stage.

Be advised that renovations to Downtown Arts and Entertainment Park property (i.e. Merriweather Post Pavilion) is exempt from the 1% Art requirement per Section 125.0.A.9.f(2)(e)(iii).

n. The Final Development Plan provides a plan to hold, own, and maintain in perpetuity land intended for common, quasi-public amenity use and public art that is not publically owned, including, without limitation, any Downtown Community Commons, Downtown Parkland, Downtown Arts, Cultural and Community Use, and Downtown Neighborhood Square shown on the Final Development Plan.

Symphony Woods will remain owned by the Columbia Association. The Inner Arbor Trust, Inc. has an easement agreement with the Columbia Association, recorded in the Land Records of Howard County as Liber 15703 Folio 229-280 for the development, operation and maintenance of the Symphony Woods property (Lot 23 and Lot 9B). The Merriweather Post Pavilion property (Lot 13) is anticipated to be transferred to the Downtown Arts and Cultural Commission upon completion of the improvements required per CEPPAs #16, #20, and #21, and prior to the issuance for a building permit for the 5,000,000th SF of development per CEPPA #24.

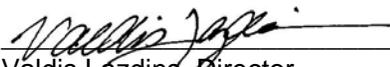
o. To better ensure conformance with the Community Enhancements, Programs and Public Amenities provisions, the Final Development Plan provides for a plan to establish membership in the Downtown Columbia Partnership and payment of the annual charges. Each Final Development Plan shall show a consistent means of calculating and providing the required annual charges.

This FDP is not subject to the Community Enhancements, Programs and Public Amenities (CEPPA) provisions per Section 125.0.A.9.h.(2)(a) of the Zoning Regulations which states *that "In no case shall the obligation to provide a Community Enhancement, Program and Public Amenity (CEPPA) be triggered (a) By the development or construction of Downtown Arts, or Downtown Parkland. The land use designation within this FDP is entirely "Downtown Parkland" or "Downtown Arts and Entertainment Park"*

The Columbia Association will be represented on the Downtown Partnership Board of Directors, but is not required to contribute to the Downtown Partnership Fund since there are no commercial uses on the property.

SRC Action: The Subdivision Review committee has recommended approval subject to the technical comments issued in the letter dated **July 29, 2015**.

Recommendation: Please see Page 1 for the Staff Recommendation.


Valdis Lazdins, Director
Department of Planning and Zoning

8/20/15
Date

Staff Report prepared by: Jill Manion-Farrar

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**This file is available for public review at the DPZ Public Service Counter,
Monday through Friday, 8:00-5:00pm**

ATTACHMENT A

RECOMMENDED CONDITIONS OF APPROVAL FOR FDP-DC-MSW-1A

1. Consistent with the approved FDP-DC-MSW-1, provide a conceptual layout of proposed improvements within the FDP area on the Neighborhood Concept Plan (Sheet 2).
2. Consistent with the approved FDP-DC-MSW-1, provide a bubble diagram showing the proposed uses and their potential locations on the Neighborhood Concept Plan and Final Development Plan (Sheet 2 and 3).
3. Delineate on the Neighborhood Concept Plan (Sheet 2) and Final Development Plan (Sheet 3) a major pedestrian connection between the Mall Entrance Crossing and the east-west major pathway that bounds the Caterpillar Plaza (as shown on SDP-14-073) as a major pedestrian signal is anticipated to be constructed at this location to facilitate crossing from the Mall and garage lots per SDP-14-073.
4. On Sheet 3, revise Note #3 regarding the preservation of a cultural significant building as provided in the response to comments dated July 29, 2015:

“The Downtown Columbia Plan recognizes the importance of Merriweather Post Pavilion as a major community asset and anticipates its transfer to the Downtown Arts and Cultural Commission to assure its continued use as a performing arts center and premier regional concert venue. The Downtown Columbia Arts and Cultural Commission was created in 2013 as a charitable non-profit organization whose purposes include the promotion and support of the potential revitalization of Merriweather Post Pavilion in accordance with the Downtown Columbia Plan as an artistic and cultural center. CEPPA #24 requires Merriweather Post Pavilion to be transferred to the DCACC prior to issuance of a building permit for the 5,000,000 SF of development.”
5. Provide a statement on the Final Development Plan (Sheet 3) explaining how this FDP amendment supports the completion of CEPPAs #16, #20, and #21 as provided in the response to comments dated July 29, 2015:

“The FDP amendment adds the Merriweather Post Pavilion property to the previously approved FDP area for Symphony Woods. Although certain improvements have been accomplished through an amendment to SDP-89-222 (e.g., CEPPA #16), some of the major renovations, including additional restrooms and concessions on the East side and additional/reconfigured parking facilities, are located outside the original Merriweather SDP area and must be accomplished under the Downtown Revitalization provisions, including FDP and SDP approval. The timely completion of CEPPA’s #20 and #21 require approval of this FDP amendment.”
6. On Sheet 1, add to General Note 8, “The remainder of the structures within the FDP area shall not exceed 4 stories and 60 feet in height.”
- ~~7.~~ On Sheet 3, revise Note #6 to reflect the anticipated ownership, operation and maintenance of both the Symphony Woods property and the Merriweather Post Pavilion property as described in the Technical Staff Report, ‘Criterion n’.
- ~~7.~~
8. On Sheet 3, revise Note #10 to state that Parkland replacement will be determined and transferred with the approval of the applicable Site Development Plan. Please also add a similar statement to item J regarding the Parkland Replacement on the Implementation Plan (Sheet 4).
9. A noise study and mitigation plan based on Department of Health recommendations is required to be submitted with any redline or Site Development Plan for future renovations or expansions of Merriweather Post Pavilion.

ATTACHMENT B

**CEPPA REQUIREMENTS FOR MERRIWEATHER POST PAVILION
Excerpted from the Downtown Columbia Plan**

CEPPA #16 - Required prior to the issuance of a building permit for the 1,300,000 sf of development

16.	<p>GGP will complete Phase I of the Merriweather Post Pavilion redevelopment program based on the redevelopment program scope and phasing outlined below.</p> <p>The redevelopment program will generally follow the evaluation and conclusions outlined in the October 2004 Ziger/Sneed LLP Merriweather Post Pavilion Study, Section III "Evaluation of the Site and Structures" and Section IV "Conclusions" included in the 2004 Merriweather Citizens Advisory Panel report to Howard County. Final design and scope will be determined by GGP's consultants, program and industry needs, operator recommendations, site and facility conditions and code requirements. Major components of the redevelopment program will include new handicapped parking accommodation; entrance and access modifications; restroom, concession and box office renovations and or replacement; utility systems replacement and additions; new roofs over the loge seating areas; reconfigured and replacement seating; renovated and new administration, back of house dressing and catering areas; code upgrades including fire suppression systems and handicapped ramps and pathway access.</p> <p>After development of preliminary renovation drawings, contractor input and schedule development, the program will be divided into three distinct phases to allow uninterrupted seasonal performances, staging and construction phasing.</p>
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CEPPA #20 - Required prior to the issuance of a building permit for the 2,600,000 sf of development

20.	GGP will complete Phase II redevelopment of Merriweather Post Pavilion based on the redevelopment program scope and phasing as outlined in CEPPA No. 16.
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CEPPA #21 - Required prior to the issuance of a building permit for the 3,900,000 sf of development

21.	GGP will complete Phase III redevelopment of Merriweather Post Pavilion based on the redevelopment program scope and phasing as outlined in CEPPA No. 16.
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CEPPA #24 - Required prior to the issuance of a building permit for the 5,000,000 sf of development

24.	Transfer of ownership of Merriweather Post Pavilion to the Downtown Arts and Culture Commission for zero dollar consideration.
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ATTACHMENT C

Relevant Definitions Relating to Downtown Columbia Revitalization for PB 394

Final Development Plans for Downtown Columbia Revitalization (Excerpted from Section 103 of the Zoning Regulations)

[Council Bill 59-2009 (ZRA-113) Effective April 6, 2010. Changes include #38 to #60]

38. Downtown Arts, Cultural and Community Use: Land areas, uses and facilities established for cultural, civic, recreation, educational, environmental, entertainment or community use or benefit, whether or not enclosed and whether publicly or privately owned or operated for profit, including, but not limited to, libraries, fire stations, schools, museums, galleries, artistic work, and transit facilities. Eating, seating and gathering areas that are accessory to these uses are permitted.
39. Downtown Arts and Entertainment Park: A contiguous area including a large outdoor amphitheater which may be surrounded by a variety of smaller indoor or outdoor artistic and performance spaces, museums, galleries and similar cultural or educational uses in a park-like setting. Ancillary uses such as food vendors, gift shops, small restaurants and supporting infrastructure such as utilities, public and private roadways, multi-modal circulation systems adjacent to public and private roadways, surface parking lots, parking structures, and underground parking are also permitted.
40. Downtown CEPPA Implementation Chart: The chart and associated text and flexibility provisions contained in the Downtown Columbia Plan which identify the phasing for Downtown Community Enhancements, Programs and Public Amenities.
41. Downtown Columbia: The following recorded Final Development Plan Phases: Phase 4, Phase 4-A-5, Phase 21, Phase 47-A-7, Phase 52, Phase 62-A-1, Phase 95, Phase 101-A, Phase 105, Phase 111-A-1, Phase 115, Phase 121, Phase 122-A, Phase 139-A-3, Phase 140-A-1, Phase 192-A, Phase 211, Phase 217-A-1, Phase 219, Phase 234, and the area within the described limits included in exhibit A of the Appendix in these regulations.
42. Downtown Columbia Plan: The General Plan Amendment for Downtown Columbia approved by County Council Bill No. 58-2009.
43. Downtown Community Commons: Amenity spaces such as plazas, promenades, greens, gardens, squares and other pedestrian-oriented areas, whether publicly or privately owned, that are intended for community interaction and may include spaces for seating, walking, eating, gathering, fountains, public art, way-finding signage, kiosks, or other similar public amenities. Downtown Community Commons can also include walkways that are designed to enhance and be an integral part of the adjacent amenity space, but shall not include any drive lane for vehicular traffic such as private streets, alleys and public roadways for automotive use. Downtown Community Commons must be generally accessible by the public without charge. Included in this category are Downtown Neighborhood Squares. Downtown Community Commons may be integrated into or developed as a part of other uses and may include underground parking, utilities and other infrastructure supporting downtown revitalization.
44. Downtown Community Enhancements, Programs and Public Amenities (CEPPA): The specific feasibility studies, improvement and management organizations, environmental enhancement programs, and physical improvements identified in the Downtown CEPPA implementation chart contained in the Downtown Columbia Plan.
45. Downtown Environmental Restoration: Projects within Downtown Columbia that are identified in Columbia Towncenter Merriweather and Crescent Environmental Enhancements Study or Best Management Practices for Symphony Stream and Lake Kittamaqundi Watersheds involving forest restoration and enhancement, reforestation and afforestation, wetland enhancement, and stream restoration activities.
46. Downtown Environmentally Sensitive Land Area: An area within Downtown Columbia meeting the definition in the Howard County Land Development Regulations of either a floodplain, steep slope, stream or wetland buffers.
47. Downtown Maximum Building Height Plan: The plan which graphically represents the maximum building height requirements for all Downtown revitalization, as depicted in the Downtown Columbia Plan.
48. Downtown Mixed-Use: A land-use designation that permits any use or combination of uses permitted under Section 125.A.9.B., including supporting infrastructure, such as utilities, public and private roadways, multi-modal circulation systems adjacent to public and private roadways, surface parking lots, parking structures, and underground parking.
49. Downtown Neighborhood Concept Plan: A concept plan showing an individual neighborhood identified in the Downtown Columbia Plan that depicts a general layout for proposed public and private streets, block sizes and configurations, maximum building heights and proposed Downtown Community Commons as context for the evaluation of the Final Development Plans.
50. Downtown Neighborhood Design Guidelines: Urban design guidelines for an individual neighborhood identified in the Downtown Columbia Plan.
51. Downtown Neighborhood Square: An outdoor amenity space comprised of not less than 25,000 contiguous square feet, exclusive of bike paths and required sidewalks that might be located along its perimeter. A Downtown Neighborhood Square may be covered or partially covered.

52. Downtown Net New: As applicable, the number of dwellings, hotel and motel rooms, and the amount of gross floor area of commercial office and commercial retail uses that are permitted under the Downtown Revitalization Approval Process after April 6, 2010 in excess of the number of dwellings, hotel and motel rooms, and gross floor area of commercial office and commercial retail uses that are shown on a Site Development Plan for property located within Downtown Columbia that was approved prior to April 6, 2010.
53. Downtown Open Space Preservation Plan: A plan included in the Downtown Columbia Plan delineating all land in Downtown Columbia designated as open space on a Final Development Plan recorded prior to April 6, 2010 that is required to retain its existing character as: Downtown Environmentally Sensitive Land; Downtown Parkland; Downtown Community Commons; or a Downtown Arts and Entertainment park, as specified in Section 125.A.9.H.
54. Downtown Parkland: An area generally accessible by the public without charge for active and/or passive recreation purposes which consists primarily of vegetated areas with a natural character, more formal lawns, gardens and walks, pedestrian connections, minor active structured recreation uses such as urban playgrounds, public art, fountains and minimal structures such as cafes and outdoor dining areas, gazebos, pavilions, outdoor stages, and kiosks.
55. Downtown Primary Amenity Space Framework Diagram: A plan and associated text included in the Downtown Columbia Plan depicting existing and proposed primary amenity and natural spaces in Downtown Columbia.
56. Downtown Public Art: Original outdoor artwork which is accessible to the public.
57. Downtown Revitalization: A form of development required in Downtown Columbia after April 6, 2010 in compliance with the applicable provisions of Section 125 that must conform with the recommendations of the Downtown Columbia Plan.
58. Downtown Revitalization Phasing Plan: A phasing plan included in the Downtown Columbia Plan identifying additional development rights by phase for Downtown Revitalization.
59. Downtown Signature Building: An existing or proposed structure which requires premiere attention to its architectural design because of its cultural significance or prominent location in relationship to the public realm, such as its position on a street or open space, or as the terminus of a vista.
60. Downtown-wide Design Guidelines: General urban design guidelines for Downtown Revitalization adopted by the Howard County Council.