PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA- 153

Date Filed:_____

1. **Zoning Regulation Amendment Request**

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: Delete Section 112.1.D.1.c of the Zoning Regulations.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. **Petitioner's Name** Michael L. Buch

Address 10954 Johns Hopkins Rd., Clarksville, MD 21029

Phone No. (W) 301-359-3500 (H)

Email Address

3. **Counsel for Petitioner** Sang W. Oh, Esquire, Talkin & Oh, LLP

Counsel's Address 5100 Dorsey Hall Drive, Ellicott City, Maryland 21042

Counsel's Phone No. (410) 964-0300

Email Address soh@talkin-oh.com

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed

See attached Supplemental Statement.

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5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County

See attached Supplemental Statement.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A.

See attached Supplemental Statement.

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) See attached supplement.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes. Generally, two (2)

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

There are a two (2) locations in the County where the R-APT zoning district has been placed. The first location is 10945 Johns Hopkins Road. This ZRA will allow for the construction of an apartment building with slightly less than 25 units per acre and approximately 600 feet in length, including the length of the approximate 300' structured parking garage. The second location of the R-APT zoning district is at the northeast corner of Columbia Road and Old Route 108. This ZRA could similarly impact the Columbia Road and Old Route 108 – although it is the Petitioner's understanding that structured parking may not occur on such site.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition.

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in **[[** Double Bold Brackets **]]**. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.

12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Michael L. Buch
Petitioner's name (Printed or typed)

Michael L. Buch 2/12/15
Petitioner's Signature Date

S. W. Oh 2/12/15
Sang W. Oh, Counsel for Petitioner

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee.....$695.00. If the request is granted, the Petitioner shall pay $40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment ($40.00 minimum, $85.00 maximum)

Each additional hearing night.....$510.00*

The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

APPLICATIONS: One (1) original plus twenty four (24) copies along with attachments.

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For DPZ office use only:

Hearing Fee $ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised:07/12
T:\Shared\Public Service and Zoning\Applications\County Council\ ZRA Application

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.

- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.

- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.

- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.

- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.

- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

ZONING MATTER: Michael L. Buch

AFFIDAVIT AS TO CONTRIBUTION

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

I, MICHAEL L. BUCH, the applicant in the above zoning matter

✓, HAVE _____, HAVE NOT

made any contribution or contributions having a cumulative value of $500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: MICHAEL L. BUCH

Signature: Michael L. Buch

Date: 2/12/15

ZONING MATTER: Michael L. Buch

DISCLOSURE OF CONTRIBUTION

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of $500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than $5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: Michael L. Buch

RECIPIENTS OF CONTRIBUTIONS:

Name	Date of Contribution	Amount
Committee to Elect Allan Kittleman	12/16/14	$1000
Friends of Greg Fox	9/7/14	$2000

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: MICHAEL L. BUCH

Signature: Michael L. Buch

Date: 2/12/15

ZONING MATTER: Michael L. Buch

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

I, MICHAEL L. BUCH, the applicant in the above zoning matter

_____, AM ✓, AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: MICHAEL L. BUCH

Signature: Michael L. Buch

Date: 2/12/15

ZONING MATTER: Michael L. Buch ZRA 153
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DISCLOSURE OF CONTRIBUTION

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of $500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than $5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: Michael L. Buch, Ellen Buch, Buch Construction, Inc.

RECIPIENTS OF CONTRIBUTIONS:

Name	Date of Contribution	Amount
Committee to Elect Allan Kittleman	12/16/14, 12/16/14	$1000, $1000
Friends of Greg Fox	9/7/14, 9/7/14	$2000, $2000
Friends of Mary Kay Sigaty	10/4/11	$500
Calvin Ball Team	3/30/11, 3/30/11	$250, $250

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: MICHAEL L. BUCH

Signature: Michael L. Buch

Date: 7/29/15

SUPPLEMENT TO PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

Michael L. Buch, Petitioner

Petitioner submits this Supplement in support of his Petition to Amend the Zoning Regulations of Howard County.

The Petitioner requests the deletion of Section 112.1.D.1.c of the Zoning Regulations. This section has the purpose of establishing a bulk regulation restricting the permitted building length in the Residential Apartment District ("R-APT") to 120 feet and requiring Director approval for a building length up to 300 feet. The details of this use are shown on the attached Proposed Text Amendment (the "Amendment"). A brief statement concerning the reason(s) the requested amendment to the Zoning Regulations are being proposed are as follows:

4. <u>Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed.</u>

The Amendment is being proposed to eliminate the restriction on building length in the R-APT Zoning District. The elimination of the building length restriction would further the intent of appropriate developments in the R-APT District as a high density residential district. The current building length maximum places an inherent and practical limitation on apartment developments in that structured parking to support a R-APT development is rendered nearly impossible by a 300 feet maximum length of a building. A typical and practical structured parking facility to support a density of 25 units per acre is, by itself, approximately 300 feet in length. The maximum building length of 300 feet prevents construction of the residential portion of the building from enclosing more than one side of the structured parking. This presents both aesthetic and functional design problems that, essentially, render what should be a prototypical R-APT building unbuildable.

5. <u>Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with the current General Plan for Howard County.</u>

The increased design flexibility provided by the Amendment will serve to promote the policies of Plan Howard 2030, which recognizes the need for Howard County to provide a diverse mix of housing opportunities, specifically multifamily units and affordable housing. Plan Howard 2030 recognizes that, over the next 20 years, more than 60 percent of new housing demand will be for multifamily dwelling units. This projected trend is due both to an increasing ratio of smaller households and to the financial inability of many residents to afford single-family housing. Plan Howard 2030, p. 126. In recognition of these trends, the Howard County Council and County Executive created the R-APT district.

"[T]he single-family detached house is no longer preferred by many households. Smaller-sized housing will be in greater demand in the future. The data shows a demographic shift that aligns well with the decreasing availability of land for the traditional single-family detached home and the increased emphasis on planning for more compact higher-density residential development. From this perspective, condominium and rental apartments and townhome developments will be a greater portion of new homes built in the County in the future." Plan Howard 2030, p. 126.

The County's demographic shift was also identified in a recent Market Analysis and Strategic Implementation Analysis of the Route 1 and Snowden River Corridors by Robert Charles Lesser & Co. commissioned by the County (the "RCLCO Study"). The RCLCO Study found that "the true demand for multifamily units is indeed much higher than historical permitting trends and that there is likely 2X or more demand for multifamily units in the County overall based on the increase in 1- and 2-person households as the primary drivers of housing demand in addition to increased acceptance of and desire for high density housing product types." RCLCO Study, p. 7. The RCLCO Study also recommended that, to reduce residential development pressure on the Route 1 Corridor and to satisfy County demand, "Where feasible, in areas west of I-95, and to further serve the market now being served in the Route 1 corridor,

the County should seek opportunities for more housing, especially multi-family housing." RCLCO Study, p. 18.

In addition to recognizing the County's need for more multifamily housing, Plan Howard 2030 also calls for the provision of affordable housing opportunities for low and moderate income residents. Plan Howard 2030, pp. 127-30. Current trends in the County are "shifting the focus from past patterns where single-family detached homes dominated to a current mix that includes more townhouses and apartments, a trend that can help increase affordable housing choices." Plan Howard 2030, p. 123. Multifamily housing is inherently more affordable than single-family residences, and the trend towards an increase in multifamily housing opportunities should help to ensure that an ample supply of affordable housing is available for County residents.

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A.

The Amendment will preserve and promote the health, safety and welfare of the community. Unburdening the development of multifamily dwelling complexes from a restriction that runs counter to the stated purpose of the R-APT District will increase the availability and affordability of such housing, thereby benefitting the community as a whole.

The Amendment will allow for more efficient utilization of the land available in R-APT Districts. The current restriction on building length limits the ability to construct the higher density housing called for in the R-APT District. The present building length cap not only limits the size of multifamily buildings, it also encourages surface parking rather than structured parking. This results in density far less than as envisioned by R-APT and/or the parking for the development being spread over more acreage

of a proposed site. This result would be an inefficient and environmentally-detrimental use of the County's limited available zoning for high density apartments. The Amendment will also create more opportunities for more open space and community use amenities, benefitting the quality of life for residents.

Attached parking garages are also an option that is more convenient for residents of a R-APT development.

7. <u>Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s).</u>

Plan Howard 2030 has predicted a shift in future housing needs – from the current low density to higher density multifamily dwellings - and the need for such developments in Howard County. The Amendment will benefit the public by increasing the efficient development of this needed housing category. The availability of affordable housing will also increase since the R-APT zoning district has a 15 percent Moderate Income Housing Unit requirement.

Petitioner's Proposed Text
R-APT ZRA

Delete entirety of Section 112.1.D.1.c. and sub-paragraph (Bulk Regulations – Building length):

[[c. Building length ..... 120 feet**]]**

[[However, the Director of the Department of Planning and Zoning may approve a greater length, up to a maximum of 300 feet, based on a determination that the design of the building will mitigate the visual impact of the increased length.**]]**

Example of How Text Would Appear if Adopted:

1. For all uses, the following maximum limitations shall apply:

a. Height
(1) Structure with minimum setback ..... 65 feet
(2) Structure with an additional 1 foot in height for every 2 feet of setback above the minimum ..... 80 feet

b. Density ..... 25 dwelling units per net acre