



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA- 115 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: To amend Section 117.3 (OT District) by adding a new Section C. as follows: "In the Planned Service Area, in a project with frontage on a minor arterial road, ice cream stores, not to exceed 2,500 square feet, on property adjacent to B-2 zoned property." and by revising the purpose clause A of Section 117.3 to read as follows: "A. Purpose. This district is established to allow low-impact office uses on property on the edges of residential areas where that property is impacted by nearby retail/employment areas or arterial highways carrying high volumes of traffic. The OT district is a floating district that will provide a transition. The standards of this district should result in small-scale office buildings on attractively-designed sites that are compatible with neighboring residential uses."

[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 Forest Motel, Inc.

Address 10021 Baltimore-National Pike, Ellicott City, Maryland 21042

Phone No. (W) (H)

Email Address

3. Counsel for Petitioner Richard B. Talkin, Talkin & Oh, LLP

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

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

Email Address rtalkin@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 The purpose clause needs to be amended to reflect the original intent of the OT zone. The request for the addition of an ice cream store is to allow for traditional long term uses to continue in an OT zone.

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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. It will foster enhancement of Route 40 development by allowing assemblage of disparate properties, some of which may be in the OT zone. This proposal is in harmony with the General Plan. Pages 191-192 provides that the Route 40 corridor needs revitalization/redevelopment planning to sustain continuing, long term economic development. The County's ability to accommodate new businesses and industries will depend upon renovation of older buildings and redevelopment of properties that are underused or obsolete. The focus on the Route 40 corridor is important no only for its long-term economic development potential but also to improve the appearance and function of the corridor. Redevelopment of the area on a significant scale could create stronger community centers, a better mix of stores and services to serve nearby communities, some opportunities for small-scale mixed use developments, improved traffic circulation patterns and a vast improvement in the image and quality of the public environment along these highways. Many aging areas along Route 40 are dominated by uses that may not survive the life of this General Plan. Some sites are too small for the intensity of the uses on them. Others may be underdeveloped—a small building and parking lot on a relatively large lot. Also, the ad-hoc pattern of development on a site-by-site basis has created numerous redundancies. Each business has its own access to the main arterial, its own parking lot (often half empty) and its own building. The only green space on such sites is created by required landscaped area and setbacks. The normal attrition rate of businesses guarantees that, throughout the next 20 years, obsolete or uncompetitive businesses will close, creating numerous opportunities for reuse of sites along Route 40.

[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. The health, safety and welfare of the community will be served by the assembled development of separate properties.

[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 5. and 6. above.

[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

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.

It is not anticipated that there will be a substantial number of properties subject to the OT zone that are directly adjacent to B-2 zoned property. For those that are, their impact should be minimal since the buildings' size is limited in the OT zone and the design must be compatible with nearby residential homes.

[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. This amendment is designed to correct a court interpretation of the language of the OT zone and to allow the Soft Stuff ice cream store at the property of Forest Motel, Inc., a local favorite and tradition, to continue in business.

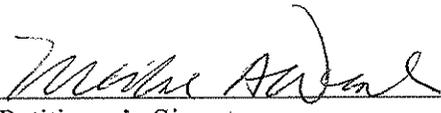
[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

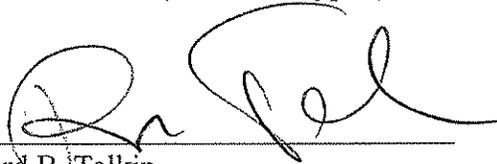
10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and 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 A. Weal
Petitioner's name (Printed or typed)

 2/25/09
Petitioner's Signature Date


Richard B. Talkin
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.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised:10/08
T:\Shared\Public Service and Zoning\Applications\County Council\New ZRA Application

Section 117.3.C.

ADD a new #7:

“7. IN THE PLANNED SERVICE AREA, IN A PROJECT WITH FRONTAGE ON A MINOR ARTERIAL ROAD, ICE CREAM STORES, NOT TO EXCEED 2,500 SQUARE FEET, ON PROPERTY ADJACENT TO B-2 ZONED PROPERTY.”

AMEND Purpose clause to read as follows:

“A. PURPOSE. THIS DISTRICT IS ESTABLISHED TO ALLOW LOW-IMPACT OFFICE USES ON PROPERTY ON THE EDGES OF RESIDENTIAL AREAS WHERE THAT PROPERTY IS IMPACTED BY NEARBY RETAIL/EMPLOYMENT AREAS OR ARTERIAL HIGHWAYS CARRYING HIGH VOLUMES OF TRAFFIC. THE OT DISTRICT IS A FLOATING DISTRICT THAT WILL PROVIDE A TRANSITION. THE STANDARDS OF THIS DISTRICT SHOULD RESULT IN SMALL-SCALE OFFICE BUILDINGS ON ATTRACTIVELY-DESIGNED SITES THAT ARE COMPATIBLE WITH NEIGHBORING RESIDENTIAL USES.”