



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-124 Date Filed: 2009 JUN 27 P 12:25

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 103.A. of the Zoning Regulations, by adding a new Section 139.2.

[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 Venture II, LLC (C/O Richard B. Talkin, Esquire)

Address 5100 Dorsey Hall Drive, Ellicott City, Maryland 21042-7870

Phone No. (W) 410-964-0300 (H)

Email Address rtalkin@talkin-oh.com

3. Counsel for Petitioner Richard B. Talkin, Esquire, 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 SEE ATTACHED SUPPLEMENT

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 SUPPLEMENT

[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 SUPPLEMENT

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[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

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[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 BELIEVED THAT LESS THAN 12 PROPERTIES WILL BE AFFECTED GENERALLY. THE IMPACT WOULD BE TO ALLOW THE PROPERTIES TO BE REDEVELOPED UNDER THE TNC-ZONE AT THIS TIME, SINCE THERE CURRENTLY IS NO ROUTE 40 MANUAL.

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[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. SEE ATTACHED SUPPLEMENT

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[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.

Forest Venture II, LLC  
BY: Richard B. Talkin  
Petitioner's name (Printed or typed)

Richard B. Talkin / 2      7-26-09  
Petitioner's Signature      Date

Richard B. Talkin / 2  
Counsel for Petitioner  
Richard B. Talkin, Esquire  
Talkin & Oh, LLP  
5100 Dorsey Hall Drive  
Ellicott City, Maryland 21042  
(410) 964-0300

[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.**

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**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](http://www.howardcountymd.gov)**

**PROPOSED TEXT CHANGE**  
**Petition of Forest Venture II, LLC**  
**to Amend the Zoning Regulations of Howard County, Maryland**

If adopted as proposed:

Add a new:

SECTION 103.A.139.2:

ROUTE 40 MANUAL - A MANUAL OF DESIGN STANDARDS ADOPTED  
BY THE COUNTY COUNCIL, OR, IN LIEU THEREOF, STANDARDS AND  
CRITERIA APPROVED BY THE ZONING BOARD IN A SITE PLAN ZONING  
PETITION UNDER SECTION 100.G.2.

## SUPPLEMENT

### Response to #4:

This amendment is being proposed to allow for redevelopment of properties on U.S. Route 40 using the TNC zoning district. Currently, the TNC zoning district calls for compliance with the Route 40 Manual, but, there is no Route 40 Manual.

The proposed amendment will permit properties to proceed with development if they have site plan approval by the Zoning Board pursuant to Section 100.G.2 of the Zoning Regulations.

### Response to #5:

The proposed amendment is designed to encourage the redevelopment of U.S. Route 40, in accordance with the concepts and goals of the 2000 General Plan. The General Plan discusses providing opportunities for the creation of small mixed use centers in Policy 4.6. Policy 5.3 discusses promoting small, well-designed mixed use developments on Route 40. It is clear that allowing TNC-zoned properties to be developed in accordance with a site plan approved by the Zoning Board, in lieu of the Route 40 Manual, which does not exist, is in harmony with the General Plan.

### Response to #6:

U.S. Route 40 communities need the ability to have small, attractively designed mixed-use centers that function as focal points and gathering spots. The proposed amendment can help

to achieve those. The utilization of mixed use on these sites will create increased opportunities to provide small developments that must be designed to be pedestrian-friendly.