

IN RE:	*	BEFORE THE
CORRIDOR SQUARE LLC	*	HOWARD COUNTY
PETITIONER	*	ZONING BOARD
	*	Case No.: ZB-1130M
	*	

REVISED JUSTIFICATION STATEMENT

Overview

Corridor Square LLC (the “Petitioner”) is seeking to amend the Zoning Map to reclassify approximately 3.91 acres of land from the TOD (Transit Oriented Development) Zoning District to the B-2 (Business: General) Zoning District. The rezoning request includes a Documented Site Plan (the Plan) as permitted under Section 100.0.G.2 of the Howard County Zoning Regulations (the “HCZR”) for motor vehicle fueling facility, convenience store, and car wash uses.

As more fully detailed below, the TOD District is reserved for properties that are located within 3,500 feet of a MARC station providing for safe and convenient pedestrian access for commuters. The requested rezoning area, however, is greater than 3,500 feet from the closest Marc Station as shown on the Vicinity Map in the top left corner of Sheet 1 of the accompanying Plan. The requested rezoning area is also sited along the frontage of Route 1 adjacent to the interchange with Route 100. In addition, there is no feasible safe and convenient pedestrian access from the requested rezoning area to the MARC Station.

The requested rezoning area is outlined in red on the accompanying Plan. It is comprised of the following properties that are collectively referred to herein as the “Subject Properties” or the “Site”:

- 7253 Washington Blvd., Elkridge, MD 21075, Tax Map 37, Grid 23, P/O Parcel 279. The rezoning area is approximately .46 acres. Petitioner is the fee-simple owner. The parcel was previously developed as an Exxon gas station and is currently vacant, other than the remaining impervious and surface parking areas from the former gas station use.
- 7239 Washington Blvd., Elkridge, MD 21075, Tax Map 37, Grid 23, Parcel 107, Lots 51-53, P/O Lots 56 & 57. The area requested to be rezoned is approximately 2.06 acres. It is owned by Memorial LLC, which has authorized the Petitioner to submit the instant request as evidenced by the accompanying Property Owner Authorization. Petitioner is the contract purchaser. This is the

front portion of the Rosa Bonheur Memorial Park (the “Memorial Park”) and is currently improved with 3 existing structures that are dilapidated, not currently in use, and proposed to be removed as shown on Plan. The majority of the Memorial Park, over 4 acres, is not included in this request and will not be disturbed. It is proposed to be preserved in perpetuity as shown and delineated on the Plan.

- 7223 Washington Blvd., Elkridge, MD 21075, Tax Map 37, Grid 23, Parcel 452. The rezoning area is approximately 1.39 acres. Petitioner is the fee simple owner. It is currently undeveloped and used as a stockpile yard.

Supplemental Responses to Questions Contained in the Petition

Explain the reason for the requested amendment to the Zoning Map. And explain the reason why the present zoning classification is not satisfactory.

There is a mistake in the underlying zoning that was adopted through the 2013 Comprehensive Zoning Map Process (the “2013 CZMP”). Maryland case law holds that “the presumption of validity accorded to a comprehensive zoning is overcome and error or mistake is established when there is probative evidence to show that the assumptions or premises relied upon by the Council at the time of the comprehensive rezoning were invalid.” *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted). An “[e]rror [or mistake] can be established by showing that at the time of the comprehensive zoning the Council failed to take into account **then existing facts**, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council’s action was premised initially on a misapprehension.” *Id.* (emphasis added).

As indicated above, the Subject Properties are currently zoned TOD. They were zoned TOD during the 2013 CZMP. Prior to 2013, the Subject Properties were zoned CE-CLI (Corridor Employment – Continuing Light Industrial).

Pursuant to the legislatively created purpose statement found in HCZR § 127.4.A, the TOD Zoning District designation is reserved for properties that are located **within** 3,500 feet of a MARC Station. “The TOD District provides for the development and redevelopment of key parcels of land **within** 3,500 feet of a MARC Station.” HCZR § 127.4.A (emphasis added). Moreover, it “is intended to encourage development of multi-use centers ... that are **located and designed for safe and convenient pedestrian access by commuters using the MARC Trains and other public transit links.**” *Id.* (emphasis added).

The Site is, and was in 2013, located more than 3,500 feet from the closest MARC Station, which is the Dorsey Station. In addition to being outside of the legislatively enacted radius, the rezoning area is located along Route 1 adjacent to the Route 100

interchange without any feasible path to provide safe and convenient pedestrian access by commuters using the MARC Trains or other public transit links.

The Howard County Council (the “Council”) knew, or reasonably should have known, that the Site was not within 3,500 feet of a MARC Station at the time they zoned the Subject Properties TOD in 2013. And that there was, and is, no safe and convenient pedestrian access to a MARC Station. The Council failed to take these then existing facts into account during the 2013 CZMP representing a mistake in fact in the underlying zoning.

The proposed rezoning to the B-2 (Business: General) Zoning District is appropriate to correct the Council’s mistake. Pursuant to Section 119.0.A of the Regulations, “the B-2 Zoning District is established to provide for commercial sales and services that directly serve the general public.” Rezoning the Subject Properties to B-2 will allow these underutilized and largely vacant properties to be developed with the retail and automotive uses that are shown on the accompanying Plan. The retail and automotive uses will serve the immediate area and general public and are appropriate along this portion of Route 1 with its adjacency to the Route 100 interchange.

Provide a detailed justification statement explaining how the proposed amendment will be in harmony with the current General Plan for Howard County.

The proposed amendment and uses will be in harmony with the General Plan for Howard County, HoCo by Design (the “General Plan”). The proposed development will enhance accessibility and convenience by integrating automotive services along Route 1 that cater to the needs of residents, commuters, and businesses. This will provide essential amenities that support daily activities and contribute to the corridor's vibrancy. It will also promote economic vitality allowing specific B-2 uses that can attract investment and stimulate economic growth. This will create employment opportunities strengthening the local economy and supporting the Route 1 Corridor’s revitalization efforts. In addition, it will improve the streetscape and design along this portion of Route 1 by implementing stringent design guidelines from the Route 1 Manual that promote cohesive architectural themes, pedestrian-friendly features, and landscaping that enhance the overall visual appeal of the corridor as shown on Sheet 4 of the Plan.

The proposed amendment and Plan are also in harmony with the Route 1 Corridor Plan’s (the “Corridor Plan”) Revitalization Strategy that encourages “private property reinvestment.” Corridor Plan at 32. And RTE 1-3 Policy Statement that seeks to “Foster revitalization in the Route 1 Corridor.” Corridor Plan at 38. Further, implementing Action 2b. calls for zoning changes to be implemented to “consider more flexibility.” *Id.*

It is also in harmony with RTE 1-4 Policy Statement which seeks to “[i]ncrease opportunities for reinvestment of commercial and industrial properties in the Route 1 Corridor to address blight through new and existing zoning tools...” *Id.* at 41.

Lastly, the Site is located within the new Eastern Howard County Enterprise Zone, which is the first Enterprise Zone in Howard County. Enterprise Zones were established by the Maryland Department of Commerce in 1982. The Eastern Howard County Enterprise Zone is one of just 36 in the State. The objective is to focus local and State resources on the encouragement of economic growth. As indicated in the County’s January 28, 2025 press release, the zone and incentive align with the General Plan and the Route 1 Corridor Plan goals to attract private investment and spur redevelopment enhancing the attractiveness and economic value of the area.

Will the proposed zoning district result in potential to adversely affect the surrounding and vicinal properties?

No. The B-2 zoning district will not result in the potential to adversely affect the surrounding and vicinal properties. As described in more detail below, the rezoning area is located along the frontage of Route 1 adjacent to the Route 100 interchange. Uses along Route 1 include automotive, industrial, and retail uses which are compatible with the B-2 zoning district. In addition, as part of the rezoning request, Petitioner is proposing to preserve over 4 acres of the Memorial Park in perpetuity.

Any other factors which the petitioner desires the Board to consider:

Petitioner is requesting approval of the accompanying Plan in accordance with HCZR §100.0.G.2. Pursuant to § 100.0.G.2.d, the Zoning Board shall consider the following factors in reviewing site plan(s):

The compatibility of the proposed development with the existing and potential land uses of the surrounding areas:

The proposed development will be compatible, or capable of existing in harmony, with the existing and potential land uses of the surrounding areas. As shown on the accompanying Plan, Petitioner is proposing a motor vehicle fueling facility (“MVFF”), convenience store, and carwash along the frontage of Route 1 adjacent to the interchange with Route 100. The frontage along this portion of Route 1 contains a mix of automotive, industrial, and retail uses.

Petitioner’s proposed development will enhance and revitalize this portion of Route 1 providing productive uses on underutilized properties. The majority of the proposed MVFF will be located on parcel 279, which is an abandoned gas station site and is currently vacant. Parcel 279 is bordered to its west by a property developed with an auto repair building and business.

The proposed convenience store will be located on the front portion of Parcel 107, which is directly east of Parcel 279. This area is approximately 2.06 acres of the Memorial park and contains 3 dilapidated structures, the entrance drive and a retaining wall. The entrance to the Memorial Park will be redirected to the proposed ingress and egress drive located on the western portion of Parcel 279 as shown on the Plan. This is proposed to be a signalized intersection.

Petitioner is not disturbing the majority of the Memorial Park. The interior of the Memorial Park, over 4 acres, will be placed in preservation. This will preserve the area in perpetuity as open or green space. It is anticipated preservation will be accomplished through a declaration of restrictive covenants to be recorded in the Land Records of Howard County, Maryland restricting any future development of the identified area of the Memorial Park. In addition, the existing retaining wall is proposed to be reconstructed at the new entrance of the Memorial Park. And Petitioner is proposing to construct a mausoleum and memorial to be located in the persevered area of the Memorial Park for the interment of any pet remains that may be disturbed with the proposed redevelopment.

The proposed car wash will be located on Parcel 452, which is to the east of Parcel 107. Parcel 452 contains no structures and is currently used as a stockpiling site.

In addition, as shown on Sheet 4 of the Plan, Petitioner is proposing substantial landscaping around the proposed development that will provide screening and ensure compatibility with the surrounding land uses.

Protection of the environmental integrity of the subject property and adjoining areas in the location and design of site improvements:

Petitioner is not aware of any environmentally sensitive features located on or in the vicinity of the Subject Properties.

The availability of safe road access for the proposed development:

The proposed development has frontage on and direct access to Route 1. The proposed egress and ingress drives shown on the Plan will provide safe access. Submitted with this Petition is a Traffic Impact Study supporting safe road access.

Compatibility of the proposed development with the policies and objectives of the Howard County General Plan:

The proposed development is compatible with the policies and objectives of the General Plan as detailed above.

****Petitioner reserves the right to supplement the Petition and Justification Statement and raise additional factors and arguments at the hearing on this matter.**