

IN RE:	*	BEFORE THE
COLUMBIA CONCEPTS LLC	*	HOWARD COUNTY
PETITIONER.	*	ZONING BOARD
	*	Case No.: ZB1132M
	*	

* * * * *

PETITIONER’S MEMORANDUM OF LAW

The Petitioner, Columbia Concepts LLC, by and through undersigned counsel, hereby submits this Memorandum of Law in support of Petitioner’s Amended Preliminary Development Plan Petition (the “Petition”).

I. INTRODUCTION

The Petition seeks approval of an amendment to the existing Preliminary Development Plan (“PDP”) applicable to the Long Reach Village Center (“LRVC”) in the New Town Zoning District of Columbia in Howard County to permit Major Village Center Redevelopment. As demonstrated by the record in this proceeding, including the testimony presented, exhibits admitted, and the Petition and accompanying materials filed in support thereof, Petitioner’s proposed amendment and redevelopment plan satisfy the applicable criteria for a Major Village Center Redevelopment pursuant to §125.0.J of the Howard County Zoning Regulations (“HCZR”).

II. OPPOSITION TO PRELIMINARY MOTION

On March 12, 2026, the day before the first scheduled hearing date before the Howard County Hearing Examiner, Joel B. Hurewitz filed a Motion for the Zoning Board to Reconsider its Decision to Have the Zoning Board Hearing Examiner Hear ZB 1132M Columbia Concepts, LLC (the “Hurewitz Motion to Reconsider”) in this matter.

Mr. Hurewitz filed a substantively similar motion in an unrelated case currently pending before the Howard County Zoning Board, Corridor Square, LLC, Case No. ZB-1130M. In that case, Mr. Hurewitz captioned his motion in part as a Motion to Disqualify Joyce Nichols as Zoning Board Hearing Examiner (the “Hurewitz Motion to Disqualify”). The Hurewitz Motion to Disqualify was opposed in Case No. ZB-1130M in an opposition motion by Christopher M. DeCarlo, Esq., counsel for Corridor Square, LLC, and objected to in the Memorandum of Law filed by Zoning Counsel, Nathaniel Foreman, Esq.

Mr. Hurewitz incorporated the Hurewitz Motion to Disqualify in another unrelated case currently pending before the Howard County Zoning Board, Case No. 1131M. In the interests of administrative efficiency, Petitioner’s counsel in Case No. 1131M opposed the Hurewitz Motion to Disqualify by incorporating the arguments presented by Mr. DeCarlo and Zoning Counsel in Case No. ZB-1130M.

Similarly, in the interests of administrative efficiency, Petitioner Columbia Concepts LLC opposes the Hurewitz Motion to Reconsider because it is not supported by law, and incorporates the arguments presented in Case No. ZB-1130M by Mr. DeCarlo and by Zoning Counsel. For reference, the opposition motion filed in Case No. ZB-1130M by Mr. DeCarlo is attached hereto as Exhibit A, and the portion of Zoning Counsel’s Memorandum of Law responding to the Hurewitz Motion to Disqualify is attached hereto as Exhibit B.

III. STATEMENT OF FACTS

A. Background and Need for Redevelopment

In 2014, the Howard County Council passed CR22-2014, which designated the LRVC as a blighted area in need of rehabilitation or redevelopment through an Urban Renewal Project, and authorized the County Executive to acquire real property in connection with the Project. *See*, Pet.

Ex. 2. Under this authority, Howard County purchased real property in the LRVC totaling 7.71 acres in 2014 and 2015.

A prior redevelopment effort for the LRVC was initiated in 2018 through Orchard Development Corp. et al., Howard County Zoning Board Case No. ZB-1121M. In the Decision and Order for ZB-1121M, the Zoning Board voted to update the PDP to reflect an additional 315 dwelling units pursuant to the LRVC redevelopment plan then under consideration, and to establish the Village Center boundaries.

B. Procedural History

On February 3, 2025, the County Council passed CR161-2024, which approved the Urban Renewal Project for the LRVC consistent with the plans submitted by Petitioner Columbia Concepts LLC, and CR162-2024, which authorized the sale of 7.71 acres of real property at LRVC to Columbia Concepts LLC. *See*, Pet. Ex. 3 and 4. The terms and conditions of the sale require that the petition for a Major Village Center Redevelopment of the LRVC be approved by the Zoning Board before title is conveyed.

On March 13, 2025, the Petitioner submitted a Notice of Intent to initiate the redevelopment of the LRVC. The Petitioner then conducted a Concept Planning Workshop with community members on April 22, 2025, followed by two Pre-Submission Community Meetings on May 22, 2025, and June 24, 2025. On August 13, 2025, the Petitioner presented its LRVC redevelopment plan to the Design Advisory Panel (“DAP”), which voted to have the design team develop an understanding of the James Rouse vision of a Village Center, and to return to DAP at the comprehensive plan stage with a refined concept addressing the Village Center vision and a comprehensive circulation plan. *See*, DAP Meeting Summary August 13, 2025, Page 7.

On October 20, 2025, the Petitioner filed an Amended Preliminary Development Plan Petition with the Howard County Department of Planning and Zoning. The Petition proposed to

amend the existing PDP in the New Town (“NT”) Zoning District of Columbia in accordance with its redevelopment plan for the LRVC. Documents filed in support of the Petition as required by HCZR §125.0.J.4.a include, *inter alia*, proposed Design Guidelines, a PDP Redline, a Justification Statement, and a Petition Plan which includes an Existing Conditions Plan, a Concept Plan, an Open Space and Recreation Exhibit, a Circulation Exhibit, and a Phasing Exhibit.¹

The Long Reach Community Association (“LRCA”) submitted its Community Response Statement (“CRS”) in connection with the proposed redevelopment of the LRVC on December 8, 2025. On December 18, 2025, the Petitioner presented the Petition Plan to the Planning Board, which unanimously voted to recommend approval.

On March 11, 2026, the Zoning Board held an Administrative Meeting regarding the Petition. The Zoning Board referred the case to a Hearing Examiner for findings of fact, and the Hearing Examiner conducted hearings on March 13, 2026, and March 25, 2026. The Petitioner presented testimony and exhibits through four witnesses from the development team: (1) Eric McWilliams, Senior Project Manager with Bohler Engineering (civil engineer and landscape design); (2) Patrick McGowan Associate and Senior Designer with KGD Architecture (master architect and LEED consultant); (3) Katie Wagner, Principal and transportation engineer with Gorove Slade (traffic consultant); and (4) Brian Kim, Managing Member of Columbia Concepts LLC (Petitioner and Project Manager).

C. Proposed Village Center Redevelopment Plan

The Petitioner’s proposed Major Village Center Redevelopment of LRVC, hereafter referred to as the Village Center Redevelopment (“VCR”), as detailed in the Petition Plan, involves

¹ Petitioner submitted revisions to the Design Guidelines, PDP Redline, Justification Statement, and Petition Plan after the initial October 20, 2025, filing. The revisions are reflected in the Case Materials as Design Guidelines REVISED, PDP Redline Revised, Justification Statement Revised, and Petition Plan Revised. All references to these documents herein refer to the revised versions.

16.064 acres of land in the NT Zoning District, which are within the boundaries of the LRVC. The redevelopment area includes eight properties located at Tax Map 36, Grid 12, Parcel 6, Lots B-1, E-1, F-1, G-1, Grid 12, Parcel 344, Lot 1, and Grid 11, Parcel 6, Lot 3. *See*, Petition Plan Sheet Number C-201 and Pet. Ex. 5, Slide 11.

The VCR proposes replacing the existing structures on these LRVC lots with a mixed-use development organized around buildings designated as Buildings A through E. Buildings A1 through A6 are townhomes providing 50 dwelling units for homeownership, with a total gross square footage of 173,700 square feet. Building B is a two-story commercial building totaling 28,700 square feet, dedicated exclusively to community uses. Building C is a seven-story building providing 255 rental dwelling units with 20,000 square feet of ground-level retail, totaling 402,600 square feet. Building D is a two-story multi-sports complex totaling 136,300 square feet. Building E is a seven-story building providing 200 senior living rental units, 42,000 square feet of retail, and 31,900 square feet of commercial space, totaling 285,800 square feet. *See*, Petition Plan Sheet Number C-301; Pet. Ex. 5, Slide 20.

These buildings are complemented in the VCR by 6.02 acres of open space across the 16.064-acre site. *See* Petition Plan, Sheet C-401. The proposed open space comprises approximately 1.19 acres of public open space, 2.22 acres of semi-public open space, 0.46 acres of private amenity space, 0.59 acres of public amenity streetscape, and 1.55 acres of natural open space. *Id.* As testified to by Mr. McGowan, the public open space is organized around three principal gathering areas: a community park of 0.66 acres featuring a performing area with seating berms, sized for concerts, outdoor theater, and similar programming, a playground and putting green area of 1.18 acres, and a pocket park of 0.53 acres between the sports complex and the senior building. *See* Pet. Ex. 5, Slides 22–26; Petition Plan, Sheet C-401. These spaces are connected by

a pedestrian pathway network that links the interior of the site to the existing Columbia trail system and Tamar Drive. *See* Pet. Ex. 5, Slide 25.

The VCR proposes the construction of 505 dwelling units in the LRVC. This would only increase the approved density by 190 dwelling units, as the Zoning Board previously approved an increase of 315 dwelling units in the prior LRVC redevelopment effort through ZB-1121M, units which were never constructed. The Petitioner's proposed amendment to the PDP of this increase of 190 dwelling units would result in an approved residential density of 2.4372 dwelling units per acre in the NT District, within the maximum residential density of 2.5.

The VCR proposes a total of 1,007 on-site parking spaces, comprising 833 garage spaces, 102 surface spaces, and 72 on-street spaces. *See* Pet. Ex. 5, Slide 49. Parking is provided below grade for each of the major buildings, with surface spaces serving Buildings B and E. The Petitioner will seek a waiver of off-street parking requirements pursuant to Section 16.104 of the Zoning Regulations, with the reduction justified by a shared parking methodology and the site's multimodal connectivity, including access to nine bus stops within a quarter mile, dedicated bicycle infrastructure, and planned Tamar Drive Complete Streets improvements. *See* Pet. Ex. 9; Petition Plan, Sheet C-301, Note 2.

IV. ARGUMENT

For review of a proposed amendment to a PDP and a proposed Major Village Center Redevelopment, the Zoning Board must review the criteria for approval found in HCZR §125.0.J.5.a. Petitioner herein addresses how each criterion for approval is satisfied.

A. Whether the petition complies with the applicable general guides and standards set forth in Howard County Zoning Regulations Section 125.0.B.3. (HCZR §125.0.J.5.a.1)

In prior cases where the Zoning Board considered the applicability of §125.0.B.3 to proposed PDP amendments, the Zoning board has held that the applicable guide and standard is “that the Preliminary Development Plan constitutes a general land use plan for the area covered thereby, designed to meet the objectives set forth in these Regulations... namely the preservation and promotion of the community's health, safety and welfare by the guiding of future growth and development of the County representing the most beneficial and convenient relationships among the residential, non-residential and public areas within the County considering the suitability of each area for such uses under Section 100.A of the HCZR.” *See* Wilde Lake Business Trust, ZB Case No. 1096M at 23-24; Orchard Development Corp. et al., Case No. ZB-1121M at 7.

The Petitioner submits that the totality of the responses to the additional criteria below, particularly HCZR §125.J.5.a.(3), which reviews compliance with the list of criteria in §125.0.J.4.a.(8), demonstrate that the proposed VCR constitutes a general land use plan for the area covered thereby and is designed to meet the objectives set forth in the Regulations.

B. Whether the proposed Major Village Center Redevelopment complies with the specific definition for a New Town Village Center. (HCZR §125.0.J.5.a.2)

The VCR contains all the elements of a NT Village Center as defined in HCZR 103.0. The VCR provides outdoor public space featuring both hardscape and softscape elements, designed as an accessible, pedestrian-oriented connection among the project buildings, satisfying the requirement for an outdoor public village green or plaza. It also dedicates substantial commercial space to uses that fulfill the day-to-day needs of village residents. The community use requirement is met by dedicated space for arts and cultural uses, providing community programming within the redeveloped LRVC. Finally, the VCR includes a mix of multifamily, age-restricted senior housing, and attached single-family townhomes. As explained in testimony from Mr. McGowan and Mr. Kim, the residential uses are proportioned to generate foot traffic and vitality for the commercial

and community uses without displacing them as the center's primary function, consistent with the definition's requirement that residential uses support and enhance, but not overwhelm, the other village center uses.

C. Whether the petition complies with the Major Village Center Redevelopment criteria in Section 125.0.J.4.a.(8). (HCZR §125.0.J.5.a.3)

Petitioner herein addresses each of the ten criteria in HCZR §125.0.J.4.a.(8). Petitioner notes that the full record, including the Technical Staff Report and the Village Center Community Response Statement, provides extensive additional evidence and analysis in addition to that presented below, which demonstrate the project's general alignment with these criteria.

1. The Village Center Redevelopment will foster orderly growth and promote the purposes of the Village Center in accordance with the planned character of the NT District.

The record demonstrates that the VCR is organized to achieve growth in an orderly, sequenced manner, and that its character and purpose are consistent with the founding vision for the NT District.

Mr. McWilliams described how the planned character of the NT District traces directly to the vision of James Rouse, who conceived Columbia as a place where diverse populations could coexist harmoniously, where access to nature and recreational spaces would be prioritized, and where residents could engage in meaningful community interaction. The village center was central to that vision as a community hub anchored by schools and community facilities, integrated with parks and open space, and accessible to residents across income levels and backgrounds.

Over time, the LRVC struggled to maintain the purpose and function of a Village Center. The County Council recognized this by designating LRVC as a blighted area requiring urban renewal. *See* Pet. Ex. 2 - CR22-2014. Mr. McWilliams testified that the existing planning limitations include underutilized retail components that lack a draw and a sense of place.

Mr. McGowan explained in his testimony that the VCR directly addresses these conditions through a mixed-use development with retail, a mix of residential that includes apartments, attached single-family, and age-restricted, as well as community spaces. This combination creates the critical mass of uses and users necessary for a flourishing village center, with the residential component supporting the commercial uses. The uses are connected through pedestrian walkways, shared open spaces, and a central park designed to invite the kind of community gathering and interaction Rouse envisioned. The proposed 505 dwelling units are well within the remaining density capacity of the NT District. *See* Pet. Ex. 6 – PDP Redline. This will direct new density to a recognized blighted Village Center where it will have the greatest revitalization impact.

The VCR will achieve orderly growth through a deliberate five-phase construction sequence, which Mr. McGowan described as being designed in response to community input requesting that commercial uses accompany residential development. *See* Pet. Ex. 5 at Slide 31. As Mr. McGowan explained, this phasing builds logically from infrastructure to commercial activation to residential density to destination amenity, with each phase supporting the viability of the next. In his professional opinion, the proposed phasing will foster orderly growth and promote the purposes of the Village Center. As he also testified, the proposed phasing is not immutable, and changes to it may still be considered.

Compatibility with the planned character of the NT District is reinforced by the VCR's compatibility with the LRCA's Village Center Master Plan 2025 ("2025 Master Plan"), which Petitioner filed along with the Petition. The VCR includes the major elements of a redeveloped LRVC as called for by the 2025 Master Plan, including a mix of housing alongside retail, open space, and parks and plazas, organized around principles of connectivity, sustainability, and community-oriented public uses. *See* Village Center Master Plan 2025, p. 12-16. The LRCA found

that “The Petition generally comports with the 2025 LRCA Village Center Master Plan”. *See* Community Response Statement, Page 2.

2. The amount of commercial business floor area contained in the Village Center Redevelopment is appropriate to provide retail and commercial service to the village as a location for convenient, diverse commercial business uses which serve the local neighborhoods of the village and surrounding local community.

The record establishes that the VCR proposes a substantial commercial business floor area, which is appropriate for serving the local neighborhoods and the local community neighboring the LRVC. The VCR provides retail space distributed across the mixed-use buildings, with standalone commercial uses in both the multi-sports complex (Building D) and the community building (Building B). *See* Pet. Ex. 5, Slide 20; Petition Plan, Building Use Plan 03.13.26.

The amount of retail area proposed in the VCR is intended to address the undersized, underperforming commercial uses that Mr. McWilliams testified had failed to sustain the current Village Center. As Mr. McGowan testified, the commercial buildings are designed to accommodate varied tenant improvement sizes with the goal of creating a cohesive commercial experience that serves the surrounding community. This varied, neighborhood-serving retail program contrasts with big-box retail and is precisely the type of convenient, diverse commercial service the criterion contemplates.

3. The Village Center Redevelopment will foster the purpose of a Village Center as a community focal point providing good opportunities for community interaction and communication.

Mr. McGowan testified about how the Petition Plan fosters the Village Center's purpose as a community focal point. The open space program was designed around multiple distinct gathering spaces, each supporting different modes of community interaction. *See* Pet. Ex. 5, Slides 22–29. The community park is oriented to encourage existing neighbors and new residents to gather in a

shared space. The pocket plaza, situated between the sports complex and the senior building, is designed to foster informal gatherings and chance interactions among users of the site. *See* Pet. Ex. 5, Slides 23–24. Mr. McGowan characterized these as "chance interactions" central to contemporary urban design and to James Rouse's vision of community life. The pedestrian pathway network connects these spaces to one another and to the existing trail system, attracting residents of surrounding neighborhoods. *See* Pet. Ex. 5, Slides 25–26. The community building (Building B) anchors the site's civic programming and serves as a beacon for community activity. Building B will provide organized space for community programs, events, arts activities, studio work, and shared civic uses, drawing residents together. *See* Pet. Ex. 5, Slide 27.

4. The location and the relative proportions of the permitted uses for commercial businesses, dwellings, and open space uses, and the project design will enhance the existing development surrounding the Village Center Redevelopment.

As Mr. McGowan testified and as shown in the Petition Plan, the locations of the buildings in the VCR reflect a deliberate response to surrounding land uses. The townhome buildings (Buildings A1–A6) are situated adjacent to existing multifamily residential units, creating a compatible transition in use. The larger commercial and mixed-use buildings (Buildings C, D, and E) are oriented toward Foreland Garth and Tamar Drive, concentrating commercial activity along the roadway frontage where it is most visible and accessible, while shielding adjacent residential neighborhoods from commercial traffic. *See* Pet. Ex. 5, Slides 17, 19–20. The community building, Building B, is prominently featured at the north of the site to create active engagement with community programming that is visible to all who enter and pass through the Village Center from Tamar Drive. *See* Pet. Ex. 5, Slide 27.

Significant open space is located in the interior of the VCR, bridging uses and providing a network of open space accessible to residents of surrounding neighborhoods as well as LRVC residents and visitors. *See* Pet. Ex. 5, Slides 24–26.

The proportional mix is consistent with the LRVC's function as a neighborhood hub. The residential component of 505 total dwelling units generates density that supports commercial and community viability. The plan achieves a balance between permitted uses while maintaining design compatibility with the surrounding neighborhoods, and without maximizing the available density or building height. The location and relative proportions of the permitted uses, therefore, enhance the existing development surrounding the VCR.

5. The Village Center Redevelopment provides accessible usable landscaped areas such as courtyards, plazas or squares.

The record demonstrates that the VCR provides a substantial and varied program of accessible, usable landscapes over the 6.02 acres of open space across the 16.064-acre site. *See* Petition Plan, Sheet C-401. As Mr. McGowan testified, the open space program was designed around distinct gathering spaces of varying scale and character and detailed the variety of intended community uses. *See* Pet. Ex. 5, Slides 22–29. The community park features a performing area designed to accommodate concerts, outdoor theater, and similar programming accessible by residents of the surrounding neighborhoods. *See* Pet. Ex. 5, Slides 28–29. The playground and putting green area provide active recreational space accessible from the pedestrian pathway and connect to the existing Columbia trail system. *See* Pet. Ex. 5, Slide 25. An additional public amenity streetscape of approximately 0.59 acres runs along the internal street network, providing landscaped pedestrian connections among the buildings. *See* Petition Plan, Sheet C-401.

6. The Village Center Redevelopment is compliant with all applicable environmental policies and requirements, and provides new environmental improvements to the redevelopment area through the use of methods such as,

but not limited to, green building standards, water conservation, natural drainage systems, the planting of native vegetation, the removal of existing invasive plants, the improvement of stormwater deficiencies, and following low impact development practices.

The existing LRVC site is largely impervious with stormwater management infrastructure that predates current Maryland requirements. As Mr. McWilliams testified, the VCR will replace this deficient infrastructure with modern quality-based stormwater facilities designed to reduce nitrogen phosphorus loads prior to releasing them to the stream system. He also testified that the VCR will utilize green building techniques, and the larger structures will need to be LEED-certified. Mr. McGowan, as the representative of the Petitioner's Master Architect and LEED consultant, testified that the VCR is very sensitive to sustainability, and testified as to the landscaping as presented to the Design Advisory Panel as containing native plantings of different scales to foster a sense of place.

At this stage, the Petitioner has demonstrated compliance with applicable environmental policies and requirements by affirming the commitment to providing new environmental improvements to the redevelopment area through green building standards, improved stormwater management, and the incorporation of native vegetation and low-impact development practices. This emphasis on environmental improvement has community support, as the CRS states that the "Village Board greatly appreciates the (VCR's) clear focus on environmental sustainability" and "suggests that the Zoning Board adopt the design guidelines and sustainability features." See LRCA Community Response Statement, Page 8.

7. The Village Center Redevelopment fosters pedestrian and bicycle access.

Ms. Wagner testified that the VCR does foster pedestrian and bicycle access to and within the LRVC. The existing site suffers from gaps in sidewalk infrastructure and has no dedicated bicycle facilities. *See* Pet. Ex. 8, p. 2. The VCR proposes that internal sidewalks, shared-use

pathways, and high-visibility crosswalks will provide continuous pedestrian circulation throughout the site and connections to the surrounding street network. The VCR also proposed a direct connection between the LRVC and the Elkhorn Branch Trail. *See* Pet. Ex. 8, p. 3. An additional witness testifying in support of the Petition at the hearing, Phil Scherer with Baltimoreans for People-Oriented Places, noted that the existing connection between the Village Center site and the Elkhorn Branch Trail consists of stairs, which precludes true bicycle access. This presents the Petitioner with the opportunity to replace that connection with a fully bikeable link between the VCR and the trail. The VCR thus fosters pedestrian and bicycle access as required by HCZR § 125.0.J.4.a.(8)(g).

8. Public transit opportunities are appropriately incorporated into the Village Center Redevelopment.

The VCR appropriately incorporates public transit opportunities as required by HCZR § 125.0.J.4.a.(8)(h). As Ms. Wagner testified and as corroborated in the Parking Needs Study at Exhibit 9, the site is currently served by nine bus stops within a quarter mile, including RTA Routes 402 and 408, which provide connections to the Mall in Columbia, Dobbin Center, Snowden Square, Waterloo Park, and Homewood Center, and MTA Route 345, an express service connecting the site to Ellicott City, Columbia, and Washington, D.C. *See* Pet. Ex. 9, p. 12. Ms. Wagner further testified that the existing bus stops along Tamar Drive will remain following completion of the redevelopment. *See* Pet. Ex. 7. The VCR incorporates these existing transit opportunities through a connected pedestrian grid designed to provide links between the site's interior gathering core and these perimeter transit stops. This ensures that public transit remains a primary and accessible mode of travel for the entire community.

9. The Village Center Redevelopment is compatible with the surrounding community.

The record establishes that the VCR is compatible with the surrounding community. Mr. McGowan testified that, in developing the site design, the design team was sensitive to scale, based on community input and what makes sense within the context of the surrounding community. The design deliberately came in below the maximum allowable buildout in order to more appropriately fit within the surrounding community. He testified that building heights and massing scale down toward the site perimeter, and that the townhome buildings were designed to blend with the scale of the existing apartment buildings. *See* Pet. Ex. 5. Mr. McGowan testified that, in his professional opinion, the redevelopment is compatible with the surrounding community. Ms. Wagner likewise testified that, from a traffic standpoint, the redevelopment is compatible with the surrounding community.

The record further reflects broad community and institutional support for the VCR's compatibility with the surrounding community. The Planning Board unanimously voted to recommend approval following its December 18, 2025, hearing. The LRCA found that the Petition “generally comports” with the 2025 Master Plan and that it meets the definition of a NT Village Center. *See* Community Response Statement, Pages 2, 8. Brian Shepter, Deputy Chief of Staff to the County Executive, testified on behalf of the County Administration in support of the vision for the LRVC reflected in the Petition. Erika Chavarria, Executive Director of Columbia Community Care Inc., testified in support of the redevelopment, emphasizing its potential to serve the needs of Long Reach community residents and to uplift the surrounding neighborhoods. The redevelopment is thus compatible with the surrounding community as required by HCZR § 125.0.J.4.a.(8)(i).

10. The Village Center will continue to meet the definition of a New Town Village Center.

As previously addressed in Section IV.B of this Memorandum in response to the required Zoning Board finding under HCZR § 125.0.J.5.a.2, the VCR will continue to meet the definition of a NT Village Center.

D. Regardless of the Zoning Board's findings on Subsections 5.a. (1) through (3) above, whether the petitioner's property is within the appropriate boundaries of the New Town Village Center.

The VCR is entirely within the boundaries of the LRVC. The 2025 Master Plan displays the LRVC boundaries. *See* Village Center Master Plan 2025, p. 7. The 2025 Master Plan boundaries reflect the boundaries in the Long Reach Community Association's "Village Center Master Plan 2012," and the same boundaries that were established by the Decision and Order in Orchard Development Corp. et al., Case No. ZB-1121M. *See* Pet. Ex. 10, p. 5.

With respect to the requirement under HCZR § 125.0.J.5.b that the Zoning Board make a decision on the Village Center boundaries, Petitioner proposes no change from the existing established boundaries. Petitioner notes, however, that the comments from the Division of Land Development in the DPZ Technical Staff Report suggest that "Cloudleap Court should be included in the Village Center Boundary, at least to the point that it provides access to the future underground garage proposed below grade to the townhomes." *See* DPZ Technical Staff Report, Page 22.

V. Protestants' Arguments

Protestant Mr. Hurewitz raised concerns about the accuracy of the financial disclosure statements titled "Affidavit and Disclosure of Contribution" filed by Petitioner and the property owners, as required by the Maryland Public Ethics Law at Md. Code Ann., Gen. Prov. §§ 5-852 through 5-854. Petitioner identified discrepancies in two financial disclosure statements and submitted revised statements to the Zoning Board on March 20, 2026. Petitioner submits that all

of the information contained in the financial disclosure statements is accurate as sworn to by the affiants. Petitioner further submits that the content of the financial disclosure statements is not germane to consideration of this Petition and the related approval criteria.

Mr. Hurewitz also raised concerns regarding an easement granting parking rights to a neighboring owner unaffiliated with the VCR on property within the VCR. Whatever encumbrances exist will be binding on the Petitioner as a matter of law and must be honored or renegotiated and resolved by new agreement as the development process moves forward. Any such obligations are subject to review and approval at later development stages and are not relevant to the criteria for Zoning Board approval at this stage.

Regarding the other concerns expressed by opposition witnesses about parking, the record contains substantial expert testimony and documentary evidence supporting the proposed parking program, most notably the Parking Needs Study included as Exhibit 9. Ms. Wagner testified with a robust technical foundation confirming that the proposed 1,007 on-site parking spaces are adequate for the development as proposed, accounting for the mixed-use nature of the site, the time-of-day variations in demand across uses, the availability of public transit, and the vehicle availability and travel behavior characteristics specific to this location. The concerns expressed by opposition witnesses, while reflective of genuine community interest, do not rebut the technical methodology and conclusions of the Parking Needs Study. Further, as noted by the Department of Planning and Zoning, “parking ratio requirements will be determined at the Comprehensive Sketch or Site Development Plan stages DPZ reviews for parking adequacy.” *See DPZ Technical Staff Report, Page 3.*

Several opposition witnesses expressed concern regarding the proposed phasing sequence and timeline. The Petition, as submitted, provides a reasonable framework for phased buildout that

satisfies the applicable criteria. However, as Mr. McGowan testified, the phasing sequence shown in Exhibit 5 is not immutable. Alternatives to the phasing sequencing may still be considered at a later stage in the redevelopment process.

VI. CONCLUSION

The Protestants' arguments do not materially impact the substantial evidence Petitioner has presented establishing compliance with the approval criteria. Community concerns will continue to be addressed in subsequent stages of the development process, as the Petitioner will provide the more granular information required for Comprehensive Sketch Plan, Final Development Plan, and Site Development Plan approvals. There will be opportunities for additional community input at these future stages. The building scale, site design, and mission of the space will be further addressed by the requirement that Petitioner return to the DAP at the Comprehensive Sketch Plan stage. This will ensure that the design remains in harmony with the James Rouse vision as it is further refined by the Petitioner before any construction permits are issued. The record contains substantial evidence that the Petitioner has satisfied all current legal requirements for the amendment of the Preliminary Development Plan.

For the foregoing reasons, Petitioner respectfully requests approval of the Petition.

Respectfully submitted,

/s/ Owen C. Jarvis
Owen C. Jarvis, Esq.
CARNEY KELEHAN
10715 Charter Drive
Columbia, Maryland 21044
ocj@carneykelehan.com
Phone: (410) 740-4600
Fax: (410) 730-7729

Counsel for Petitioner

Certificate of Service

I hereby certify that on this 1st day of April, 2026, a copy of the foregoing was sent by electronic mail to the following:

Nathaniel A. Forman
Howard County Zoning Counsel
O'Malley, Miles, Nylen & Gilmore
60 West St. #203
Annapolis, Maryland 2140
Nforman@omng.com

Joel B. Hurewitz
5681 C Harpers Farm Road
Columbia, MD 21044
joelhurewitz@gmail.com

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

PETITIONER’S OPPOSITION TO PROTESTANT JOEL B. HUREWITZ’S MOTION TO DISQUALIFY HEARING EXAMINER AND ZONING COUNSEL

Corridor Square, LLC (“Petitioner”), by and through its undesigned counsel, and pursuant to § 2.403.D.5.a of the Rules of Procedure of the Howard County Zoning Board (the “ZB Rules of Procedure”) and Article III.D.5.a of the Rules of Procedure of the Zoning Board Hearing Examiner (the “ZHE Rules of Procedure”), files this Opposition to Protestant, Joel B. Hurewitz’s (“Hurewitz” or “Protestant”) Motion to Disqualify (the “Motion”) submitted on January 26, 2026. Petitioner requests the Motion be denied; and in support thereof, Petitioner states as follows:

I. INTRODUCTION

Protestant seeks the extraordinary relief of disqualifying both the Howard County Hearing Examiner and Zoning Counsel from this matter, and presumably any other matter. The disqualification is not premised on any alleged basis or inability to fulfill their respective contractual duties. Instead, Protestant seeks to disqualify them based on his misreading and misapplication of various provisions of the Howard County Charter (the “Charter”) and the Howard County Code of Ordinances (the “HCCO”). Despite the long-standing administrative practice to fill

the Hearing Examiner and Zoning Counsel positions through contractual employment as allocated in the County budget, Protestant insists both positions must be filled by specific appointment of the Howard County Council (the “Council”) through resolution. This position is without merit and must be rejected.

II. BACKGROUND

The Council contractually hired Joyce Nichols as the Howard County Hearing Examiner (the “Hearing Examiner”) in January 2020 – six years ago. *See*, January 6, 2020, Council Press Release.¹ For the past six years, Ms. Nichols has lawfully presided over and adjudicated numerous conditional use, variance, and administrative appeal matters.

Prior to Ms. Nichols’ contractual employment as the Hearing Examiner, the position was filled by Michele Lefavre. In the same manner as Ms. Nichols, Ms. Lefavre was contractually employed by the Council from the inception of the Hearing Examiner position in the early 2000 until around 2019. During her employment, Ms. Lefavre presided over and adjudicated hundreds of conditional use, variance, and administrative appeal matters. Of note, neither Ms. Lefavre nor Ms. Nichols were appointed to the Hearing Examiner position by Council Resolution. The Council’s long standing administrative practice has been to contractually hire the Hearing Examiner, not appoint them by resolution.

¹<https://cc.howardcountymd.gov/sites/default/files/migrate/files/010620%2520Council%2520Hires%2520Hearing%2520Examiners.pdf>

In December 2021, the Council passed Council Bill 77-2021 expanding the role of the Hearing Examiner to certain zoning matters, including change or mistake zoning cases, under the jurisdiction of the Zoning Board. *See*, CB 77-2021.² In May 2023, the Council passed Council Bill 10-2023, clarifying the role of the Hearing Examiner to hear Zoning Board matters and specifying the powers, duties and procedures of the Hearing Examiner in those cases. *See*, CB-10-2023.³

Pursuant to Sec 16.1000 of the Howard County Code of Ordinances (“HCCO”), the Council “may employ a Zoning Counsel on a part-time, contractual basis.” The Zoning Counsel position was created in or around 2000 with the passage of Council Bill 37-2000. *See*, CB 37 2000.⁴ From the early 2000s until around at least 2020, the Zoning Counsel contractual position was filled by Eileen Powers. Ms. Powers acted as Zoning Counsel in numerous change or mistake zoning cases in her tenure. Of note, Ms. Powers was never appointed to the position by Council Resolution. Interestingly, Mr. Hurewitz has participated in opposition in a least one prior mistake zoning case with Ms. Powers as Zoning Counsel and did not raise any issue with her qualification to serve as Zoning Counsel. *See*, ZB-1122M⁵

² https://library.municode.com/md/howard_county/ordinances/code_of_ordinances?nodeId=1131588.

³ https://library.municode.com/md/howard_county/ordinances/code_of_ordinances?nodeId=1215486.

⁴ <https://apps.howardcountymd.gov/olis/LegislationDetail?legislationId=11034&legislationNumber=C B37-2000>

⁵ <https://cc.howardcountymd.gov/sites/default/files/2023-08/ZB%201122M%20Meadowood%20Maple%20Lawn%20DO%20signed.pdf>

III. ARGUMENT

A. The Motion should be denied because it is untimely, was not filed with the Hearing Examiner, and will cause undue prejudice to Petitioner.

Pursuant to § 16.203A(a)(4), the Zoning Board held its initial administrative public meeting on this matter on November 17, 2025, and unanimously voted to forward the Petition to the Hearing Examiner. The initial hearing before the Hearing Examiner is scheduled for February 25, 2026. Protestant had actual or constructive knowledge of the November 17, 2025, initial administrative meeting. Petitioner posted notice, sent certified letters to adjoining property owners, and published notice 30 days in advance of the meeting in two newspapers of general circulation. The meeting date was also advertised on the Zoning Board's website 30 days in advance.

Moreover, Protestant was admittedly aware that the Hearing Examiner was not appointed by resolution years before this Petition and case was scheduled. On or around February 24, 2022, Mr. Hurewitz filed a public information act request with the County seeking "a copy of any contract for Hearing Examiner Joyce Nichols and any associated resolution and/or minutes of the County Council regarding its approval." *See*, Protestant's Motion to Disqualify at p. 5-7. The County responded to Mr. Hurewitz on or around February 28, 2022, by providing him the Hearing Examiner Contract and amendments, and by informing him that there were no resolutions or minutes related to the contract. *Id.* The County further informed Mr. Hurewitz that the 2022 Hearing Examiner contract was approved by affirmative of a majority of the Council. *Id.*

Despite having knowledge in 2022 of the alleged issue raised in his Motion, Mr. Hurewitz sat on his hands for nearly four years. Instead of timely raising his alleged issues through the filing of a declaratory judgment action with the Circuit Court, he decided to hi-jack the instant matter through the filing of a collateral Motion that has no bearing on the merits of the case.

Making matters worse, Mr. Hurewitz failed to properly raise the issue prior to the Zoning Board administrative meeting.⁶ If he would have done so, the Zoning Board would have had the opportunity to address the allegations prior to sending the case to Hearing Examiner. Instead, Mr. Hurewitz chose to wait until exactly 30 days prior to the Hearing Examiner public hearing removing any ability for the Zoning Board to consider and rule on the Motion without causing prejudice and delay to the Petitioner.

Moreover, he failed to file the Motion with the Hearing Examiner as required by Article III.D.5.a of the ZHE Rules of Procedure. Because the Zoning Board voted on November 17, 2025, to authorize the Hearing Examiner to first hear the Petition, jurisdiction over this Motion, and any other preliminary motion, falls under the Hearing Examiner. Protestant, however, did not file the Motion with the Hearing Examiner requiring automatic denial.

In short, Mr. Hurewitz challenges the legitimacy of contractual positions that have existed and that he has been aware of for years. Despite this knowledge, he

⁶ See, § 2.403.D.5.a of the ZB Rules of Procedure requiring preliminary motions to be filed at least 30 days prior to the hearing.

raises the issue only after this zoning case has commenced. Granting the Motion would unjustly delay and de-rail the pending matter causing prejudice to the Petitioner, and would inject uncertainty into all pending Zoning Board matters. As such, the Motion should be denied.

B. The Charter and Code does not require the Hearing Examiner and Zoning Counsel to be appointed by resolution.

As detailed above, the Hearing Examiner and Zoning Counsel positions have existed since the early 2000s. Since their inception, neither position has been filled by Council appointment or resolution. The Council instead has contractually hired the Hearing Examiner and Zoning Counsel utilizing funds allocated for the positions in the County's budget or supplemental appropriation. Indeed, Rule 1.015 of the Rules of Procedure of the County Council provides that "the Council may, by resolution or as provided in the County budget, employ such legal, financial, technical or other assistance as it may from time to time deem necessary."

In addition, there is no Howard County Code or Charter provision that requires the Hearing Examiner to be appointed by resolution. This is especially true in the context of zoning cases authorized under §16.203A in which the Hearing Examiner is not charged with final decision making. Similarly, under the Code and Charter, Zoning Counsel is not required to be appointed by resolution. § 16.1000 of the HCCO governs the employment of Zoning Counsel. It states, in pertinent part, that "[t]he County Council may employ a Zoning Counsel on a part-time, contractual basis." (emphasis added).

C. Protestant's request for declaratory relief is improper because the Zoning Board does not have the authority to issue a declaratory ruling in this matter.

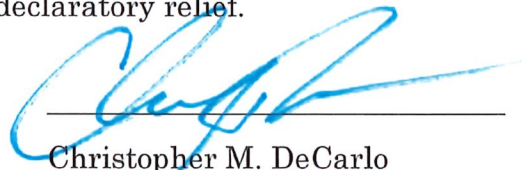
In addition to disqualification, Protestant requests the Zoning Board issue a declaratory ruling that the Hearing Examiner and Zoning Counsel positions are vacant. First, the Zoning Board does not have the authority to issue such a declaratory ruling. § 2.408 of the ZB Rules of Procedure only grants the Zoning Board the authority "to issue a declaratory ruling with respect to the applicability to any person, corporation, property or state of facts of any rule adopted by the Zoning Board, or the Zoning Enabling Act, or the Zoning Regulations or the Zoning Map of Howard County." Protestant's request does not involve the applicability of the aforementioned provisions. It instead seeks a ruling that would invalidate the Council's contract with the Hearing Examiner and Zoning Counsel. The Zoning Board does not have the authority to declare employment contracts entered into with the Council void and the positions vacant.

Second, assuming for argument the Zoning Board does have the authority to issue such a declaratory ruling, §2.408 of the ZB Rules of Procedure requires Protestant to file a separate action requesting declaratory relief ---"Any interested person may petition the Zoning Board to issue a declaratory ruling ..." ("emphasis added"). Further, the petition must be publicly advertised and requires a public hearing. In short, the rules do not allow Protestant to back-door a request for declaratory ruling in a pending matter.

IV. CONCLUSION

For the foregoing reasons, Protestant's Motion must be denied. It is an untimely and improper collateral attack that should of, at the very least, been filed prior to the initial Zoning Board administrative meeting. In addition, Protestant failed to file the Motion with the Hearing Examiner who has jurisdiction over this matter. Moreover, the arguments are without merit and the Zoning Board does not have the authority to issue the requested declaratory relief.

Dated: February 10, 2026



Christopher M. DeCarlo
Venable LLP
210 W. Pennsylvania Avenue, Ste 500
Towson, Maryland 21204
410 494-6226
cmdecarlo@venable.com

Certificate of Service

I hereby certify that on this 10th of February, 2026, a copy of the foregoing was sent by electronic mail to the following:

Joel B. Hurewitz
joelhurewitz@gmail.com
5681 C Harpers Farm Road
Columbia, MD 21044
410-992-3412

Nathaniel A. Forman
Nforman@omng.com
O'Malley, Miles, Nysten & Gilmore
60 West St. #203
Annapolis, Maryland 2140



Christopher M. DeCarlo

IN RE: * BEFORE THE
CORRIDOR SQUARE, LL. * HOWARD COUNTY
* ZONING BOARD
ZONING COUNSEL * CASE NO.: ZB-1130M

MEMORANDUM OF LAW

Comes now Zoning Counsel for Howard County’s (“Zoning Counsel”) Memorandum of Law filed herein pursuant to § III.D.11 of the Rules of Procedure of the Zoning Board Hearing Examiner (“Hearing Examiner”) in Case No.: ZB-1130M, which is a Zoning Map Amendment Petition from Corridor Square, LLC (“Petitioner”) to reclassify parcels of land from the Transit Oriented Development (“TOD”) District to the B-2 (Business General) District with a motor vehicle fueling facility, convenience store, and car wash located at 7253 Washington Boulevard in Elkridge, Maryland.

PRELIMINARY MOTION

Zoning Counsel objects to Protestant Joel B. Hurewitz’s Motion to Disqualify Hearing Examiner and Zoning Counsel and wishes to incorporate the arguments made in Petitioner’s Opposition to Protestant Joel B. Hurewitz’s Motion to Disqualify Hearing Examiner and Zoning Counsel, and supplement with additional information stated herein.

The Protestant made several declarations that are nothing more than misinterpretation of the cited law. For context, both the Hearing Examiner and Zoning Counsel positions—for as long as they have existed—have been filled by employment contract as approved in the County budget. Rule 1.015 of the Rules of Procedure of the County Council states that “the Council may, by resolution

or as provided in the County budget, employ such legal, financial, technical, or other assistance as it may from time to time deem necessary.” This Rule is explicit in stating that budget actions may take the place of resolutions within the context of certain hiring practices. We maintain that this situation is one of them.

Section 16.305 of the Howard County Code of Ordinances speaks to Terms of Service for the Zoning Board of Appeals states:

- (a) The budget for the Hearing Examiner shall be included in the Board of Appeals budget.
- (b) While holding the position of Hearing Examiner, the Hearing Examiner may not represent any client involving land use in Howard County.

This implies that employment of the Hearing Examiner for the Board of Appeals is approved through the budgetary process. While the Zoning Board and the Board of Appeals are different, the previous section stayed silent on the position of the Hearing Examiner for the Zoning Board and normal interpretation allows for the inference of a similar process for a similar position.

Furthermore, Section 16.1000 of the Code states, in pertinent part:

- (a) The County Council may employ a Zoning Counsel on a part-time, contractual basis. The Zoning Counsel shall be a member in good standing of the Bar of the Maryland Court of Appeals and at the time of appointment shall have been actively engaged in the general practice of law for at least 5 years.

The Code does require a vote of three Councilmembers to enter into the contract of employment, which occurred, but it simply does not demand a Council Resolution and its full public process to employ a Hearing Examiner or a Zoning Counsel. We contend that these positions are part of the administrative actions and proceedings of the Council- a human resources personnel process.

In addition to what we believe to be Protestant's misinterpretation of the law, the Motion should be dismissed for policy reasons, with the aim of serving the best interests of Howard County residents. Though the Charter proscribes adherence to certain legal requirements, within those confines, the County Council still has the ability to, and the duty to, decide the most expedient, efficient, and cost-effective ways to discharge its administrative duties. Granting this Motion would introduce delay and uncertainty to the whole zoning hearing process. As mentioned before, there is no substantive concern with the experience or qualifications of the current Hearing Examiner or Zoning Counsel. Though well intentioned, the desire for procedural accuracy should not be used to obsessively contemplate minutiae to the detriment of executing the business of serving residents.

STATEMENT OF FACTS

The subject of the present case consists of 3.91 acres on the south side of Washington Boulevard (US Route 1) approximately 2,000 feet west of the intersection of Route 1 and Route 100 as shown on Tax Map 37, Grid 23 and consisting of p/o Parcel 279, p/o Parcel 107 and Parcel 452 ("Subject Property" or "Property"). In 2013, the Subject Property was placed in the Transit Oriented Development ("TOD") District from the CE-CLI ("Corridor Employment – Continuing Light Industrial") District pursuant to Amendment 48 to Council Bill (CB) No. 32-2013. Petitioner alleges the Howard County Council ("County Council")'s rezoning of the Subject Property to the TOD District was a legal mistake, and in support provide three (3) arguments in support:

1. The Subject Property is more than 3,500 feet from the Dorsey MARC Station required by the TOD District.
2. The Subject Property does not satisfy or promote TOD's purpose of encouraging safe and convenient pedestrian access by commuters using the MARC Trains and other public transit links.

