

IN THE MATTER OF:

**OLDE SCAGGSVILLE, LLC
and
G & R MAPLE LAWN, INC.**

*** BEFORE THE HOWARD COUNTY
* ZONING BOARD
*
* Zoning Board Case No. ZB-1134M

**PETITIONERS' MEMORANDUM OF LAW
IN SUPPORT OF PETITION TO AMEND THE ZONING MAP**

Petitioners Olde Scaggsville, LLC and G & R Maple Lawn, Inc. (collectively, “Petitioners”), by and through undersigned counsel, submit this Memorandum of Law in support of their Petition to Amend the Zoning Map of Howard County (the “Petition”).

I. INTRODUCTION

The Petition seeks to rezone two parcels located immediately adjacent to the southern boundary of the established Maple Lawn Mixed Use Development (the “Subject Properties”) from the B-1 (Business: Local) District to the RR-MXD-3 (Residential: Mixed Use Development) District. The evidence presented at the July 15, 2026 hearing establishes substantial changes in the character of the relevant neighborhood and in the circumstances affecting the Subject Properties since the 2016 zoning action. The proposed rezoning would account for those changes in a manner consistent with Howard County’s general plan, HoCo By Design, including by increasing available housing stock for residents of differing incomes. Under the applicable legal standard, an amendment to the Zoning Map is appropriate.

II. STATEMENT OF FACTS

A. The 2016 Rezoning

The Subject Properties consist of two acres located along Buch Way immediately adjacent to the southern edge of the Maple Lawn Mixed Use Development. The surrounding Maple Lawn development is zoned RR-MXD-3 and is governed by an approved PDP, with G & R Maple Lawn,

Inc. as the master developer. The Subject Properties are currently zoned B-1 as a result of a 2016 rezoning.

At the time of rezoning, the Subject Properties were outside the approved Maple Lawn Preliminary Development Plan (“PDP”), and the landowners were not pursuing incorporation into Maple Lawn. Rather, the Subject Properties were expected to function independently as commercial properties. Given these circumstances, the Department of Planning and Zoning (the “Department”) concluded in its 2016 Technical Staff Report that the parcels could not function as RR-MXD-3 property. The Department recommended B-1 zoning. Petitioners' Exhibit 3, ZB-1107M Technical Staff Report.

The 2016 zoning history establishes the circumstances against which the present Petition must be evaluated. Prior to 2016, the Subject Properties were zoned RR-MXD-3. The Department of Planning and Zoning's Technical Staff Report explained:

“Although the Property is within the MXD-3 Overlay District, it is not within the boundaries of the adjoining Maple Lawn Mixed Use Development, and it is below the 25-acre minimum lot size. Therefore, it can only be developed under the RR District Regulations.”

Petitioners' Exhibit 3, ZB-1107M Technical Staff Report at 2.

The Department therefore concluded that, under the circumstances existing in 2016, the parcels could not function as RR-MXD-3 property because they were outside the approved Maple Lawn Mixed Use Development and were too small to function as an independent MXD development. The Department recommended B-1 because, under the facts and market conditions existing in 2016, the parcels were intended to function independently as commercial property, and B-1 was the appropriate zoning classification for that purpose.

The 2016 Technical Staff Report also recognized incorporation into Maple Lawn as an alternative:

“Another alternative would be to incorporate the Property into the adjacent Maple Lawn Development to the west and north.”

Petitioners' Exhibit 3 at 5.

That alternative was not pursued in 2016. As expert and Professional Land Planner and Landscape Architect Kevin Foster of Gutschick, Little and Weber, P.A., testified, the parcels and Maple Lawn were separately owned in 2016, and there was no plan at that time for the Subject Properties to become part of the Maple Lawn PDP. Hr’g Test. at 32:36–33:04. Owner Mike Buch likewise testified that, following the 2016 rezoning, his intention was to develop the parcels independently with office and commercial uses permitted in the B-1 District. Hr’g Test. at 1:14:25–1:14:30, 1:14:57–1:15:05. At that time, that use was both appropriate and commercially viable. Hr’g Test. at 1:14:25–1:14:30, 1:14:57–1:15:05.

B. Change in the Neighborhood Since 2016

The circumstances that informed the 2016 determination have materially changed in several significant respects. First, the COVID-19 pandemic produced significant and unforeseen structural changes in workplace behavior and the commercial office market. Testimony from Petitioner witnesses Michael Greenebaum and Michael Buch, who develop and lease office space in the area, as well as economic expert Dr. Daraius Irani, established that the shift toward remote and hybrid work has materially reduced demand for traditional office space and changed the way the Maple Lawn Business District functions. Hr’g Test. at 1:30:00–1:30:35; 1:16:04–1:16:36, 1:17:00–1:17:32; 2:01:07–2:01:52. The evidence further established that these changes were not reasonably foreseeable in 2016. *E.g.*, Hr’g Test. at 2:04:34–2:04:46.

Second, Howard County's housing needs have changed substantially. As outlined in the testimony of Petitioner's witness Jessamine Duvall, a local housing expert, the County has recognized a substantial increase in the demand for housing since 2016. Hr'g Test. at 2:20:49–2:21:07. Ms. Duvall explained that the County has undertaken a formal housing-planning process since then, completed the Housing Opportunities Master Plan (“HOMP”) in 2021, and adopted HoCo By Design in 2023. Hr'g Test. at 2:20:32–2:20:38, 2:13:09–2:13:13. Those planning efforts recognized the need for additional housing, greater housing diversity, multifamily housing, rental housing, affordable housing, and redevelopment and infill opportunities. Hr'g Test. at 2:19:49–2:20:24.

Third, the County's planning policies have changed in response to those changed conditions. Most significant was the testimony of Julia Sauer, the County's Division Chief of Public Service and Zoning Administration, was called as a witness by Zoning Counsel. Hr'g Test. at 2:30:17–2:30:26. Ms. Sauer confirmed on cross-examination that the County's recognition of the housing shortage reflects a change in housing need and a change in policy since the prior General Plan, based upon changed housing demand and the housing shortage. Hr'g Test. at 2:58:–2:59:03.

Fourth, the evidence established Maple Lawn has experienced significant changes in the physical and functional character of the community since 2016. Mr. Greenebaum's testimony established that office utilization, parking utilization, housing demand, and the relationship between residential and commercial uses have all changed significantly since the 2016 rezoning. Hr'g Test. at 1:30:00–1:30:35, 1:40:05–1:40:53.

Finally, the relationship between the Subject Properties and Maple Lawn has changed. In 2016, incorporation of the parcels into Maple Lawn was merely an alternative identified by the

Department of Planning and Zoning and was not being pursued. Today, the owners of the Subject Properties and Maple Lawn's master developer are jointly pursuing the rezoning and a companion PDP amendment to incorporate the parcels into the existing Maple Lawn mixed-use framework. Hr'g Test. at 31:30–31:45.

III. THE HUREWITZ MOTION TO DISQUALIFY SHOULD BE DENIED

As a preliminary matter, Petitioners ask that a motion filed by Protestant Joel B. Hurewitz seeking to disqualify Hearing Examiner Joyce Nichols and Zoning Counsel Nathaniel Forman be denied. The thrust of Mr. Hurewitz's Motion is that, in his view, the manner in which the positions of Hearing Examiner and Zoning Counsel are appointed and employed by Howard County are *ultra vires* and unlawful. He also seeks to postpone the proceedings and have the Zoning Board retain jurisdiction over this matter until he contends those positions are formally appointed by resolution of the County Council.

Mr. Hurewitz's Motion is collateral to the merits of the Petition. It does not challenge the requested zoning classification, the evidence presented at the hearing, or the application of the County's zoning regulations to the Subject Properties. Instead, it seeks to prevent consideration of the merits based upon a challenge to the County's administrative appointment and employment procedures.

The County's governing framework provides for the employment of Zoning Counsel on a contractual basis. Howard County Code § 16.1000 provides that the County Council may employ a Zoning Counsel “on a part-time, contractual basis.” The County Council's Rules of Procedure likewise provide for the Council's employment of legal, financial, technical, or other assistance as necessary. There is no Howard County Code or Charter provision that requires the Hearing Examiner to be appointed by resolution. Further, § 2.408 of the Zoning Board Rules of Procedure

does not grant the authority to the Zoning Board to issue a declaratory ruling on the qualifications of the Hearing Examiner, or the Council's contract with the hearing examiner.

Mr. Hurewitz has raised the same basic appointment challenge in multiple other Howard County zoning proceedings. Mr. Hurewitz's serial challenges time and again have been found to be contrary to the Howard County Code and unsupported by applicable law. The Motion should therefore be denied, and the Hearing Examiner should proceed to consideration of the merits of the Petition.

IV. LEGAL STANDARD

Howard County Code § 16-204(a) authorizes the Zoning Board to make decisions on piecemeal map amendments and development plans consistent with Maryland's "change-mistake" rule. *See County Council of Prince George's County v. Zimmerman Development Co.*, 444 Md. 490, 512–13 (2015). Under the change-mistake rule, a petitioner seeking a piecemeal rezoning based upon change must establish a substantial change in the character of the neighborhood since the relevant prior zoning action. *Montgomery v. Board of County Commissioners for Prince George's County*, 256 Md. 597, 602 (1970). The analysis requires determination of three principal facts:

- (1) the boundaries of the relevant neighborhood;
- (2) the changes that have occurred within that neighborhood; and
- (3) whether those changes have altered the character of the neighborhood.

Id.

The relevant neighborhood must be reasonably defined with reference to the property's "immediate environs." *Clayman v. Prince George's County*, 266 Md. 409, 418 (1972). The relevant neighborhood is not necessarily coterminous with a zoning district, property boundary, or development-plan boundary; the inquiry concerns the geographic area that reasonably constitutes

the property's surrounding neighborhood for purposes of determining whether its character has changed. *See, e.g., Brown v. Wimpres*, 250 Md. 200, 205 (1968) (holding physical features such as major roads and highways may provide appropriate neighborhood boundaries).

With regard to change, it is appropriate to compare the neighborhood as it is to the neighborhood at the time of the last rezoning. *Bowman Group v. Moser*, 112 Md. App. 694, 697 (1996) (affirming rezoning for request based upon “a change in the neighborhood since the last zoning designation.”) The changes must also be considered cumulatively rather than piecemeal. *Id.* at 700–01.

Maryland law does not limit the change inquiry to physical construction or development. In *Rohde v. County Board of Appeals for Baltimore County*, 234 Md. 259, 267–68 (1964), the Court considered changing development trends and increased demand for rental accommodations as evidence of changed conditions. In *Meginniss v. Trustees of Sheppard and Enoch Pratt Hospital*, 246 Md. 704, 711 (1967), the Court recognized increased demand for apartment units as evidence of change. In *Bosley v. Hospital for Consumptives of Maryland*, 246 Md. 197, 204 (1967), the Court considered changing residential development and community needs as evidence of change.

V. ARGUMENT

The evidence in this case meets the standard for change justifying rezoning under Maryland law. Like changing development trends, and increased demand for apartment units, the COVID-19 pandemic provides an example of dramatic, unforeseen, non-physical change. In *Critzos, II v. Marquis*, 256 Md. App. 684, 692–93 (2023), the Court recognized that although the general possibility of an infectious-disease outbreak might have been contemplated, the magnitude and pervasive consequences of COVID-19 were not reasonably foreseeable. From a land use

perspective, the end result of the pandemic was a completely new reality for utilization of office space, and dramatically increased demand for housing in and around Maple Lawn.

Consistent with this brand new landscape, Petitioners seek the required changes to permit the development of multifamily housing on the Subject Properties. Petitioners therefore request that the Subject Properties be rezoned from B-1 to RR-MXD-3 so that the parcels may be incorporated into the existing Maple Lawn Mixed Use Development through the companion PDP amendment. The ZMA is therefore necessary to permit the proposed incorporation of the parcels into the Maple Lawn development framework.¹

The existing B-1 zoning is no longer satisfactory under the changed circumstances confronting Maple Lawn post-pandemic. RR-MXD-3 is the appropriate zoning classification because it will allow the Subject Properties to be incorporated into the established Maple Lawn Mixed Use Development and planned consistently with the surrounding neighborhood and the County's current planning policies. For these reasons, Petitioners respectfully request that the Hearing Examiner recommend approval of the Petition.

A. The Relevant Neighborhood is Maple Lawn and its Immediate Environs, Not Merely the Existing PDP Boundary

Here, the evidence establishes Maple Lawn and its immediate environs as the appropriate neighborhood. *Clayman* requires consideration of the property's immediate environs. 266 Md. at 418. *Brown* recognizes that physical features, including major transportation corridors, may establish logical boundaries for the relevant neighborhood. 250 Md. at 205.

¹ Approval of the ZMA, standing alone, will not incorporate the Subject Properties into the Maple Lawn PDP or authorize a particular development. As Mr. Foster testified, the parcels must still be incorporated into the Maple Lawn PDP through the companion PDP amendment before they can function as part of the Maple Lawn Mixed Use Development. Hr'g Test. at 27:05–27:19, 27:28–28:00, 28:07–28:17.

The Subject Properties are immediately adjacent to Maple Lawn but are not presently included within the approved Maple Lawn PDP. The existing PDP boundary identifies the land currently subject to the approved development plan. It does not, however, define the neighborhood for purposes of Maryland's change-in-character analysis.

Petitioners introduced the testimony of Mr. Foster, the professional planner and landscape architect, regarding the boundaries. Mr. Foster testified that Maple Lawn is generally bounded by MD Route 216, U.S. Route 29, Johns Hopkins Road, and Pindell School Road. Hr'g Test. at 17:18–17:29. Those major transportation corridors, Mr. Foster testified, provide reasonable and identifiable boundaries for the relevant neighborhood. Hr'g Test. at 17:48–18:16, 19:25–19:46.

Mr. Foster testified that the Subject Properties are located immediately adjacent to the southern edge of the Maple Lawn Business District, near the intersection of MD Route 216 and Maple Lawn Boulevard. Hr'g Test. at 20:01–20:23. While in the 2016 rezoning, the parcels were outside of the Maple Lawn PDP and were intended to function independently, today, the parcels are being jointly pursued for incorporation into Maple Lawn. Hr'g Test. at 31:30–31:45. But in either case, the Subject Properties sit within the geographic bounds of the Maple Lawn neighborhood.

B. The Economic and Land Use Context of the Neighborhood Has Changed Substantially Since 2016

1. COVID-19 Fundamentally Changed the Use of Office Space in Maple Lawn

At the time of the 2016 rezoning, the intended use of the Subject Properties was independent office and commercial development. Mr. Buch testified that, following the 2016 rezoning, his intention was to develop the parcels independently with office and commercial uses permitted in the B-1 District and that, at the time, this was an appropriate and commercially viable use. Hr'g Test. at 1:14:25–1:14:30, 1:14:57–1:15:05. He further testified that the COVID-19

pandemic and its impact on the commercial office market were not foreseeable in 2016. Hr’g Test. at 1:15:17–1:15:22. The pandemic fundamentally changed workplace behavior, including the widespread adoption of remote and hybrid work, and materially reduced demand for traditional office space. Hr’g Test. at 1:16:04–1:16:36, 1:17:00–1:17:32. As a result, as the testimony of multiple witnesses confirmed, independent office development on the Subject Properties is no longer commercially viable. Hr’g Test. at 1:16:04–1:16:36, 1:17:00–1:17:32.

Dr. Daraius Irani provided expert economic testimony concerning the same change. He explained that COVID-19 was a catalyst for structural economic changes rather than a conventional economic downturn. Hr’g Test. at 1:59:22–1:59:55. Those changes have affected workplace behavior, employer demand for office space, commuting patterns, and commercial real estate markets. Hr’g Test. at 2:01:07–2:01:52. Dr. Irani further testified that these changes have persisted and represent long-term structural changes rather than a temporary fluctuation. Hr’g Test. at 2:00:52–2:01:07, 2:01:56–2:02:04, 2:04:48–2:04:56. Further, the magnitude and consequences of the pandemic on workplace behavior and the commercial office market could not reasonably have been anticipated when the Subject Properties were rezoned in 2016. Hr’g Test. at 2:04:34–2:04:46; *see Critzos*, 256 Md. App. at 692–93.

2. The Change is Evident in the Maple Lawn Business District

The office-market change is reflected in the physical and functional operation of Maple Lawn itself. Michael Greenebaum testified in detail about the ways that Maple Lawn has changed significantly since 2016, including a fundamental change in the office market, increased housing demand, and an evolution in how successful mixed-use neighborhoods function. Hr’g Test. at 1:29:15–1:29:40. He testified that remote and hybrid work have substantially reduced utilization of traditional office space in the neighborhood, and have changed parking utilization within the Maple Lawn Business District. Hr’g Test. at 1:30:00–1:30:35.

Petitioners' exhibits comparing office parking conditions before and after the pandemic further corroborate that testimony. An aerial photograph from 2013, introduced as Petitioner's Exhibit 5, depicts full parking areas serving the office buildings. A more recent photographs of the same parking lot from 2026, introduced as Petitioner's Exhibit 6, depicts the same parking nearly vacant during peak business hours. Mr. Greenebaum testified that the difference is representative of the changed utilization of office space in Maple Lawn following the pandemic. Hr'g Test. at 1:30:09–1:30:35, 1:36:48–1:37:00.

3. Maple Lawn's Mixed Use Identity Has Grown Since 2016

In the same ten-year span, Maple Lawn has matured as an established mixed-use community with residential neighborhoods, employment uses, retail and restaurants, services, infrastructure, open spaces, and pedestrian connections. Mr. Greenebaum detailed the changes in the way people live and work within Maple Lawn since 2016, noting that in addition to the changes in the office market, housing demand has increased, and the relationship between residential and commercial uses has evolved. Hr'g Test. at 1:38:45–1:39:06, 1:40:05–1:40:53. As a result, traditional office occupancy is no longer the sole driver of activity within the Business District, in stark contrast to 2016. Hr'g Test. at 1:40:05–1:40:53.

Whereas Mr. Greenebaum explained increased demand for housing in Maple Lawn, Dr. Irani explained the long-term economic benefit of incorporating more housing into the neighborhood. Hr'g Test. at 2:03:01–2:03:15. Dr. Irani testified that complementary residential and commercial uses support one another. Hr'g Test. at 2:05:00–2:05:18. He explained that mixed-use environments are economically more resilient as a result. Hr'g Test. at 2:03:16–2:03:49.

C. Howard County's Housing Needs and its Approach to Housing Have Changed Substantially Since 2016

1. The County's Need for Housing has Dramatically Increased

The record independently establishes a significant change in the County's housing needs.

Petitioners offered local housing expert, Jessamine Duvall, who testified concerning Howard County's housing conditions and planning policies. Hr'g Test. at 2:11:05–2:11:42. Ms. Duvall explained that the County began a formal process to address housing conditions in 2019 after recognizing that its housing inventory was scarce for people at every income level. Hr'g Test. at 2:15:58–2:16:12, 2:17:13–2:17:36, 2:18:20–2:19:34. The resulting Housing Opportunities Master Plan, she explained, was completed in 2021. Hr'g Test. at 2:20:32–2:20:38. HoCo By Design was adopted in 2023. Hr'g Test. at 2:13:09–2:13:13.

Ms. Duvall testified that HOMP identified recommendations including the use of land-use policy and incentives to produce income-restricted housing; changes to zoning regulations and land-use plans to enable more equitable growth; facilitation of lower-cost housing types; removal of zoning barriers to mixed-use neighborhoods and developments; and promotion of efficient development approval processes. Hr'g Test. at 2:19:49–2:20:24. She further testified that these actions reflected a formal County recognition that its housing inventory was no longer meeting the needs of residents across income levels. Hr'g Test. at 2:20:49–2:20:57. Crucially, Ms. Duvall testified that Howard County had not formally recognized these housing conditions when the Subject Properties were rezoned in 2016. Hr'g Test. at 2:20:58–2:21:07.

This type of change since 2016 is evidence of changed circumstances for the purpose of a ZMA under Maryland law. In *Meginniss*, the Court recognized increased demand for apartment units as evidence of change relevant to rezoning. 246 Md. at 711. In *Rohde*, the Court recognized increased demand for rental housing and changing development trends as a basis for a finding of change. 234 Md. 267-68. Here, the evidence demonstrates not merely an increase in housing demand but a formal County recognition of a housing shortage and adoption of policies

specifically designed to address it. This case fits squarely within the line of cases standing for the proposition that increases in demand for housing can represent a change for the purposes of the change-mistake rule.

2. The County Has Changed its Land Use Policies in Response to Those Changed Housing Conditions

Further underscoring the change related to the demand for housing are the broad changes in County planning policy since 2016. HoCo By Design recognizes the need for additional housing and encourages redevelopment and infill within established communities and areas served by existing infrastructure. The Plan recognizes that approximately 98 percent of the County's land supply is already developed, committed for development, or preserved, leaving limited undeveloped land available for future growth. It therefore identifies redevelopment as an important opportunity for accommodating future growth.

HoCo By Design also embraces mixed-use development, including communities in which places to live are integrated with places to work, shop, and dine. The Plan's Mixed-Use Neighborhood Character Area policies further recognize multifamily housing opportunities and contemplate apartment complexes and condominiums with a greater number of units and buildings at a greater scale. Policy DN-8 specifically supports new development and redevelopment of multifamily communities that meet current and future rental housing demands. Its implementing action supports multifamily housing serving a range of income levels and integrating market-rate housing with affordable housing opportunities.

These policies are materially different from the planning framework that existed when the Subject Properties were rezoned in 2016. The policies are a formal recognition that the County's housing needs changed. The County recognized a housing shortage. The County studied the housing conditions. The County adopted HOMP. The County subsequently adopted HoCo By

Design. That sequence is evidence of a substantial change in the County's housing needs and land-use circumstances since 2016.

3. The County's Own Zoning Official Confirmed the Change in Housing Need and Policy

The record contains particularly significant corroborating evidence from Julia Sauer, Division Chief of Public Service and Zoning Administration for Howard County, that the demand for housing in the County has dramatically increased.

Ms. Sauer was called as a witness by Zoning Counsel at the July 15, 2026 hearing. Hr'g Test. at 2:30:17–2:30:26. On cross-examination, Ms. Sauer was directed to the relevant provisions of HoCo By Design and to the Department of Planning and Zoning's Technical Staff Report for this Petition. Hr'g Test. at 2:53:41–2:53:48. Ms. Sauer read into the record the portion of HoCo By Design addressing the Mixed-Use Neighborhood Character Area, including the recognition that certain Future Land Use Map character areas are envisioned to contain a range of multifamily housing types and that Mixed-Use Neighborhood areas are envisioned to contain apartment complexes and condominiums with a greater number of units and buildings at a greater scale. Hr'g Test. at 2:56:52–2:57:22. Ms. Sauer also read into the record Policy DN-8, which supports new development and redevelopment of multifamily communities to meet current and future rental housing demand, as well as the implementing action supporting multifamily housing serving a range of income levels and integrating market-rate housing with affordable housing opportunities. Hr'g Test. at 2:57:29–2:57:55.

Ms. Sauer then read the Department's analysis of the present ZMA, which states that:

The proposed zoning map amendment may help advance general plan goals. . . to the extent future development of multifamily units in the Maple Lawn Business District results in a greater variety of home choices, context-sensitive design, safe and convenient pedestrian and bicycle access, and affordable housing opportunities.

Current Technical Staff Report, ZB-1134M; Hr’g Test. at 2:58:10–2:58:35.

Ms. Sauer agreed that HoCo By Design's treatment of the housing shortage and housing needs represented a change in housing need and a change in policy since the prior General Plan. Hr’g Test. at 2:58:38–2:59:01. She further agreed that the change in policy was based upon the change in housing demand and the housing shortage. Hr’g Test. at 2:59:01–2:59:03. When asked whether it was fair to say that, since 2016, Howard County has recognized a housing shortage and taken affirmative policy steps to address the shortage, Ms. Sauer answered “Yes, and hopefully more to come.” Hr’g Test. at 2:59:05–2:59:19.

Ms. Sauer was not Petitioners' retained expert, or even affirmatively called by Petitioners. She is a senior County zoning official and was called by Zoning Counsel. Her testimony was based upon the County's own General Plan and the Department's own Technical Staff Report. Hr’g Test. at 2:30:37–2:30:54, 2:31:00–2:31:04. It independently corroborated Petitioners' evidence that the County's housing needs have substantially changed since 2016, and confirmed the housing shortage is so substantial it prompted the policy response.

D. The Changes Considered Cumulatively, Have Altered the Character of the Neighborhood.

Maryland law requires the changes to a neighborhood to be considered cumulatively. *Bowman*, 112 Md. App. at 700–01.

The evidence establishes several related changes:

- (i) The commercial office market has undergone a structural transformation following COVID-19.
- (ii) Traditional office demand has declined and the manner in which office space is used has changed.
- (iii) Howard County's housing needs have changed, including increased demand for multifamily, rental, affordable, and diverse housing.
- (iv) The County has formally recognized a housing shortage.

- (v) The County has adopted new policies responding to those changed housing conditions.
- (vi) Maple Lawn has matured into an established mixed-use neighborhood.
- (vii) The relationship between the Subject Properties and Maple Lawn has changed so that the parcels can now be incorporated into the existing Maple Lawn development.

As opposed to 2016, when the Subject Properties were outside the Maple Lawn PDP and evaluated in a commercial environment in which traditional office development remained viable, the conditions in 2026 are dramatically different. The Subject Properties are immediately adjacent to what is now an established mixed-use community; traditional office demand has materially changed; Howard County faces a recognized housing shortage; County housing policies have changed in response; Maple Lawn's physical and functional character has evolved; and the Subject Properties can now be incorporated into Maple Lawn through a coordinated PDP process.

The cumulative effect of these changes is substantial, and the appropriate conclusion is that the character and land-use circumstances of the relevant neighborhood have materially changed since the 2016 zoning action.

E. The Existing Zoning No Longer Suits the Subject Property and Should be Changed

1. B-1 Classification is No Longer Appropriate for the Subject Properties

In light of the changed circumstances, the present B-1 classification is no longer satisfactory.

As detailed above, the B-1 classification in 2016 reflected a realistic expectation that the Subject Properties would function independently as commercial properties. But as the preceding sections explain, that premise no longer reflects current conditions. The Subject Properties are immediately adjacent to an established RR-MXD-3 mixed-use community and are now capable of

being integrated into that community through the companion PDP petition. The requested rezoning responds directly to those changed circumstances.

2. RR-MXD-3 is the Appropriate Zoning Classification Under Current Conditions

RR-MXD-3 is appropriate because it aligns the Subject Properties with the surrounding Maple Lawn Mixed Use Development and permits the parcels to be planned cohesively with the established community.

The requested zoning will:

- (i) align the zoning classification of the Subject Properties with the surrounding Maple Lawn development;
- (ii) permit the parcels to be incorporated into the existing Maple Lawn PDP framework;
- (iii) facilitate redevelopment of previously disturbed and underutilized property;
- (iv) support additional housing opportunities within an established mixed-use community;
- (v) allow residential and commercial uses to function together within the existing Maple Lawn framework; and
- (vi) advance the County's current planning objectives concerning redevelopment, infill, housing diversity, and mixed-use development.

The requested zoning is not an isolated or incompatible zoning classification. It is the zoning classification governing the surrounding Maple Lawn development and is particularly appropriate given the changed circumstances that now permit the Subject Properties to be incorporated into that development.

3. The Requested Zoning is in Harmony With HoCo By Design

The requested amendment is also in harmony with the County's current General Plan, HoCo By Design.

HoCo By Design recognizes the County's limited remaining land supply and identifies redevelopment and infill as important opportunities for accommodating future growth. The Subject Properties represent precisely that type of opportunity. They are immediately adjacent to an established mixed-use community, are served by existing infrastructure, and can be incorporated into an existing development framework.

HoCo By Design also embraces mixed-use development that integrates places to live with places to work, shop, and dine. The requested RR-MXD-3 zoning is consistent with that objective because it allows the Subject Properties to be incorporated into the existing Maple Lawn mixed-use community rather than developed as an isolated commercial site.

The County's current housing policies provide additional support. HoCo By Design recognizes the need for substantial additional housing supply and supports a greater range of housing types, including multifamily housing. The current Technical Staff Report similarly concludes that the proposed ZMA may advance General Plan goals through greater housing choice, context-sensitive design, pedestrian and bicycle access, and affordable housing opportunities.

The requested amendment is therefore consistent with the County's current planning framework.

4. The Requested Zoning Will Not Adversely Affect Surrounding or Vicinal Properties

Critically, the requested rezoning is compatible with the surrounding neighborhood.

The Subject Properties are immediately adjacent to the existing Maple Lawn RR-MXD-3 Mixed Use Development. Rezoning them to the same zoning classification will eliminate the existing zoning discontinuity and permit coordinated planning of the parcels with the surrounding

community. The Subject Properties are also previously disturbed and underutilized land, including impervious areas associated with the existing Business District. The requested rezoning therefore supports redevelopment and infill within an established community rather than extending development into a new area.

Moreover, the ZMA does not itself authorize a specific development. Future development remains subject to the applicable PDP and subsequent development-review processes, including the requirements governing site design, transportation, public facilities, buffering, environmental features, and other applicable regulations. The ZMA therefore provides the appropriate zoning framework without prejudging the detailed site-specific issues that will be addressed through the companion PDP and subsequent development review.

The requested zoning is accordingly compatible with the surrounding and vicinal properties.

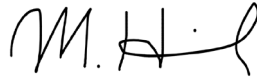
VI. CONCLUSION

The evidence establishes substantial changes in the character of the relevant neighborhood and in the circumstances affecting the Subject Properties since the 2016 zoning action. The circumstances have materially changed, chiefly as a result of the unforeseen structural changes in workplace behavior and the commercial office market arising from the COVID-19 pandemic.

Howard County's housing needs have also changed substantially. The County recognized a housing shortage, undertook a formal housing-planning process, completed HOMP in 2021, and adopted HoCo By Design in 2023. The County's current policies promote additional housing, multifamily housing, rental housing, affordable housing, redevelopment, infill, and mixed-use development. Under the relevant law, the cumulative evidence establishes that the character and land-use circumstances of the relevant neighborhood are materially different from those existing in 2016. The existing B-1 zoning no longer reflects those circumstances. RR-MXD-3 does.

For the foregoing reasons, Petitioners respectfully request that the Hearing Examiner recommend approval of Zoning Board Case No. ZB-1134M and that the Howard County Zoning Board approve the requested amendment to the Howard County Zoning Map, changing the Subject Properties from the B-1 (Business: Local) District to the RR-MXD-3 (Residential: Mixed Use Development) District.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Heintz", written over a horizontal line.

MANDEE HEINL
Saul Ewing LLP
Counsel for Petitioners