

IN THE MATTER OF	:	BEFORE THE
Olde Scaggsville, LLC.	:	ZONING BOARD
and	:	OF HOWARD COUNTY
G & R Maple Lawn, Inc.	:	
PETITIONERS	:	Zoning Board Case No. 1134M

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REPORT

On July 15, 2026, the undersigned, serving as the Howard County Zoning Board Hearing Examiner, and in accordance with the Zoning Board and Hearing Examiner Rules of Procedure, held the evidentiary hearing for the Petition of Olde Scaggsville, LLC. and G & R Maple Lawn, Inc. to Amend the Zoning Map of Howard County. Petitioners request that the Zoning Board determine that a change in the character of the neighborhood has occurred since the last comprehensive rezoning and to correct this mistake by rezoning the subject Property from the RR-MXD-3 (Residential: Mixed Use Development) and the B-1 (Business Local) zoning districts to the RR-MXD-3 (Residential: Mixed Use Development) zoning district. In a separate Application Petitioner G & R Maple Lawn, Inc. filed for a second amendment to the approved Preliminary Plan of Development (PDP) for which an evidentiary hearing was also held by your Hearing Examiner. The record in the PDP application is incorporated into the record of 1134M and the record in 1134M is incorporated into the record of the PDP.

The subject Property consists of approximately 2.47 acres on the north side of Buch Way, approximately 300 feet northwest of the intersection of MD Route 216 and Buch Way and shown as Parcels 200 and 226 on Howard County Tax Map 46, Grid 3 ("Buch Property"). Of the 2.47 acres of the Buch Property, approximately 0.47 are in the RR-MXD-3 Zoning District, with the remaining acreage in the B-1 Zoning District. This request is to consolidate the Buch Property into a single zoning classification—RR-MXD-3.

The Hearing Examiner viewed the subject Property as required by the Zoning Board/Hearing Examiner Rules of Procedure. Mande Heinl, Esq. represented the Petitioners. Mike Buch (Petitioner), Kevin Foster (Land Planner), Dr. Darrius Irani (Economist), Michael Greenebaum (Developer) and Jessamine Duvall (Housing) testified on behalf of Petitioners. Julia Sauer (Division Chief for Public Service and Zoning Administration) testified on behalf of the Department of Planning and Zoning in support of the Petition. Several citizens asked the witnesses questions but no citizens testified. Nathaniel Forman, Esq., Zoning Counsel, fully participated in the hearing.

The parties of record in the Petition are Olde Scaggsville, LLC. and G & R Maple Lawn, Inc., represented by Mande Heinl, Esq., attorney for Petitioners, and Nathaniel Foreman, Esq., Zoning Counsel. Memoranda of Law were filed by Petitioners and Zoning Counsel. Mr. Hurewitz also filed a Memoranda of Law but he is not a party of record in accordance with the Rules of Procedure of the Zoning Board Hearing Examiner, Art. III, Subsection D.18. as he did not request orally or in writing to become a party of record. Therefore Mr. Hurewitz's Memoranda was not considered as it was not properly filed.

Petitioners submitted the following exhibits:

Ex 1. Maple Lawn Farms Neighborhood Overview Map

Ex 2. Maple Lawn Farms Current Zoning Map

Ex 3. ZB1107M Olde Scaggsville, LLC - Technical Staff Report 5/19/2016

Ex 4. ZB1107M Olde Scaggsville, LLC - Decision and Order 1/26/2017

Ex 5. Howard County GIS 2013 Aerial Photo – 11292 Buch Way

Ex 6. Maple Lawn Farms Parking Map

Ex 7. Memorandum of Understanding document

Ex 8. HoCo By Design manual

Ex 9. The Housing Opportunities Master Plan

Zoning Counsel submitted the following exhibit:

Ex 1. Amended Comprehensive & Subdivision Sketch Plan – Maple Lawn Farms

FINDINGS OF FACT

Based upon the evidence of record, the Zoning Board Hearing Examiner finds the following facts:

1. Property Identification. The subject Property is located on the north side of Buch Way, approximately 300 feet northwest of the intersection of MD Route 216 and Buch Way. It is identified as Tax Map 46, Grid 3, Parcels 200 (1.47 acres) and 226 (1 acre), 11292 Buch Way, Scaggsville, Maryland. Parcels 200 and 226 are developed with

modular office buildings approved by Temporary Use case TU-15-005.

2. Vicinal Properties.

Direction	Zoning	Land Use
North	RR-MXD-3	Employment Commercial - Office
South	RR-MXD-3	Buch Way & Route 216
East	RR-MXD-3	Institutional Use & Single-Family Houses
West	RR-MXD-3	Employment Commercial – Gas Station

3. Roads. Buch Way has two travel lanes within a varying width right-of-way. Annual Average Daily Traffic data is not available for this portion of Buch Way. Buch Way is classified as a Private Road.

The nearest intersection is Buch Way and Scaggsville Road, approximately 80 feet southeast of the parcels. Scaggsville Road and Buch Way are accessed from the traffic circle at the Route 216 and Route 29 interchange. Route 216 is classified as a minor arterial.

4. Water and Sewer Service. The Property is within the Metropolitan District and Planned Service Area for Water and Sewer.

5. The General Plan. The Property is designated as Suburban Commercial on the Future Land Use Map adopted in the General Plan, HoCo By Design.

MD 216 (Scaggsville Road) is a Minor Arterial.

Buch Way is a Local Road.

Petitioners assert that the request to rezone the Property to RR-MXD-3 is in harmony with HoCo By Design because the rezoning will support additional residential opportunities integrated into the established commercial core of Maple Lawn Farms. HoCo By Design explores redevelopment as a transformative opportunity and provides emphasis on walkable, connected neighborhoods and efficient use of land within already developed areas served with public infrastructure. Petitioners assert that Howard County continues to face projected housing demand and redevelopment of these parcels will meet the goals of HoCo By Design.

HoCo By Design describes Maple Lawn Farms as a Mixed-Use Neighborhood, a General Plan character area more fully described in Appendix B: Character Areas, pages TAB-21 to TAB 23, which states:

- Mixed-Use Neighborhoods include land “offering the opportunity to live, work, shop, and play in a master-planned community. Mixed-Use Neighborhoods emphasize a mix of uses, a neighborhood activity center, and one or more neighborhoods connected to the activity center by a network of pathways or walkable streets” (TAB-21).
- “The design of mixed-use neighborhoods transitions effectively between residential and nonresidential uses, and includes safe and convenient pedestrian and bicycle access for nearby residents. Sites effectively minimize the impact of cut-through traffic on nearby neighborhood streets by orienting vehicle access and circulation away from neighborhoods” (TAB-21).

□ “Residential neighborhoods within and adjacent to the activity center are encouraged to offer different home types of varied lot sizes with a range of home choices” (TAB-21).

The Mixed-Use Neighborhood character area is also mentioned in HoCo By Design’s Dynamic Neighborhoods chapter, which states:

□ “Various character areas on the FLUM are envisioned to have a range of multi-family housing types; however, Multi-Family Neighborhood, Mixed-Use Activity Centers, and Mixed-Use Neighborhood character areas are envisioned to contain apartment complexes and condominiums with a higher number of units and buildings at a greater scale” (page DN-54).

□ Policy Statement DN-8: “Support the new development and redevelopment of multi-family communities that meet the County’s current and future rental housing demands and ensure that resident displacement is minimized in redevelopment projects.”
Implementing Action #1: “Support multi-family housing projects that serve a range of income levels and integrate traditional market rate housing with affordable housing opportunities.”

The proposed Zoning Map Amendment may help advance General Plan goals, to the extent that future development of multifamily units in the Maple Lawn Farms Business District results in a greater variety of home choices, context-sensitive design, safe and convenient pedestrian and bicycle access, and affordable housing opportunities.

6. Zoning Regulations. The RR district permits numerous residential uses, including single-family detached dwellings. The MXD district permits apartments, single-

family detached dwellings and other low intensity commercial and retail uses. The Petitioners are proposing to develop the lots with a 260-unit apartment building. The requested RR-MXD-3 district requires Planning Board approval to determine the applicable setbacks for the development. Buch Way is designated as a Public Road.

The following is a summary of the facts elicited through the testimony and exhibits:

a. The 2016 Rezoning.

The Subject Property consists 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 Property is currently zoned B-1 as a result of a 2016 rezoning.

At the time of rezoning, the Subject Property was outside the approved Maple Lawn Preliminary Development Plan ("PDP"), and the landowners were not pursuing incorporation into Maple Lawn. Rather, the Subject Property was 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. 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 Property was 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.”

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.” ZB-1107M Technical Staff Report 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 Property 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 Petitioners 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 Petitioners’ 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, who 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 Property 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. Currently the owners of the Subject Property 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.

APPLICABLE LAW

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. Wimpress*, 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.

CONCLUSIONS OF LAW

1. What area reasonably constituted the “neighborhood” of the subject property

Petitioners’ expert land planner, Mr. Kevin Foster, testified regarding the area that he reasonably believed to constitute the neighborhood. Mr. Foster testified that he believed the boundaries of the neighborhood were Johns Hopkins Road to the north, US 29 to the east, MD Route 216 to the south and Pindell School Road to the west. Both your Hearing Examiner and Zoning Counsel agree with Petitioners’ definition of neighborhood for purposes of this Application. To paraphrase Mr. Foster, a neighborhood must be considered and analyzed beyond a single development approval— such as the PDP boundary. Instead, a neighborhood is defined by the physical development patterns, continuity of development and natural and manmade barriers that separate and define an area. Neither your Hearing Examiner nor Zoning Counsel is persuaded by an argument that a neighborhood should be confined solely to the adjoining or adjacent parcels to the Buch Property. See *Sedney v. Lloyd*, 44 Md. App. 633 (1982) (holding neighborhood implies an area immediately larger than the property itself and its neighbors).

Maryland case law, while not establishing bright line rules, nevertheless provides examples and principles to consider when defining a neighborhood. The concept of a neighborhood is a flexible one and will vary according to the geographical locations involved. See *Montgomery v. Bd. of Cnty. Comm’rs for Prince George’s Cnty.*, 263 Md. 1

(1971). Moreover, the law governing a neighborhood in a piecemeal rezoning is not and should not be precisely and rigidly defined but should vary from case to case. See *Clayman v. Prince George's County*, 266 Md. 409 (1972).

Given the size of the Maple Lawn District it is reasonable to determine that the neighborhood could reasonably be confined to the limits of the PDP because using only roadways or natural features could result in a more expansive boundary than is necessary. This alternative position depends upon differentiating neighborhoods based on density and lotting patterns. Thus, Maple Lawn can be considered a unique and distinct neighborhood from the single-family detached units east of Pindell School Road and south of Johns Hopkins Road in the RR-DEO District. This definition of neighborhood would incorporate Maple Lawn South consisting of 176 single-family detached dwelling units on the south side of MD 216 in the R-ED- MXD-3 District, but otherwise outside of the Maple Lawn PDP. It could also expand to the Gates of Maple Lawn age-restricted community consisting of fifty-seven (57) townhouse condominiums in the R-SA-8 District on the south side of MD 216 and east of Maple Lawn South. In conclusion, both your Hearing Examiner and Zoning Counsel agree with Petitioners' defined neighborhood, although the actual definition of neighborhood is fairly debatable.

2. The changes which have occurred in that neighborhood since the original or last comprehensive zoning affecting the property.

The second prong necessary to demonstrate change requires listing the changes that occurred in the neighborhood. Since rezoning in 2016, Petitioners' evidence of change can be summarized as:

- a. Howard County and the region are experiencing a substantial and well documented housing shortage, including an increase in demand for multifamily and moderate-income housing options, and

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 Property was 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, supra*, the Court recognized increased demand for apartment units as evidence of change relevant

to rezoning. 246 Md. at 711. In *Rohde, supra*, 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 Property was 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.

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.

b. The neighborhood’s economic and land use context has shifted significantly since the COVID-19 pandemic.

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 Property 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 Property 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 Property was rezoned in 2016. Hr'g Test. at 2:04:34–2:04:46; see *Critzos, supra*, 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.

THE MOST APPROPRIATE ZONING DISTRICT **FOR THE SUBJECT PROPERTY**

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 Property would function independently as commercial properties. But as the preceding sections explain, that premise no longer reflects current conditions. The Subject Property is immediately adjacent to an established RR-MXD-3 mixed-use community and is 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 Property 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 Property 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 Property 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 Property 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 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.

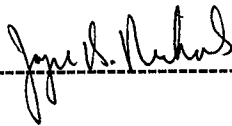
4. The Requested Zoning Will Not Adversely Affect Surrounding or Vicinal Properties.

Critically, the requested rezoning is compatible with the surrounding neighborhood. The Subject Property is immediately adjacent to the existing Maple Lawn RR-MXD-3 Mixed Use Development. Rezoning the subject parcels to the same Zoning classification will eliminate the existing zoning discontinuity and permit Coordinated planning of the parcels with the surrounding community. The Subject Property is 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.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joyce B. Nichols", is written over a horizontal dashed line.

Joyce B. Nichols

Zoning Board Hearing Examiner

October 7, 2026