



HOWARD COUNTY
RECEIVED
**PETITION TO AMEND THE
ZONING REGULATIONS OF
HOWARD COUNTY**

2009 FEB 27 P 4:40

DPZ Office Use Only:

Case No. ZRA- 118

Date Filed: _____

1. **Zoning Regulation Amendment Request**

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: We request a text amendment change to section 127.2; Corridor Employment (CE Zone) to increase the flexibility of uses within this zone in the Route 1 corridor by increasing the amount of first floor retail in office buildings and to decrease the minimum size of Parcels within the zone permitting uses allowed in larger CE zone properties.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. **Petitioner's Name** MDG Companies, Agent for the Owner

Address 8850 Columbia 100 Pkwy #400, Columbia, MD 21045

Phone No. (W) 410-730-9091 (H) _____

Email Address erichards@mdgcompanies.com

3. **Counsel for Petitioner** NONE

Counsel's Address _____

Counsel's Phone No. _____

Email Address _____

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed Attached Response to Section 4

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County _____

The proposed text amendments are in complete harmony with the current general plan.

We are requesting no new permitted uses other than those already allowed within the CE zone. The changes will actually improve and hasten the realization and implementation of the general plan for the Route 1 corridor.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. _____

These requested changes are in complete harmony with the legislative intent of the Zoning Regulations.

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) . _____

The public benefits are as follows:

1. These changes will result in the hastening of the redevelopment of the Route 1 corridor and therefore add substantial property and tax revenue for the citizens of Howard County.

2. These changes will result in more completed projects therefore enhancing the economic development of Howard County.

3. These changes will result in the redevelopment and removal of many dilapidated and unsightly structures along the Route 1 corridor.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes.

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

These amendments will affect and enhance the viability of every CE project in the Route 1 corridor.
They will not have a detrimental impact on anything.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. _____

These are perilous times within the commercial real estate industry. Development should
be encouraged instead of thwarted by Government regulation. The CE zone, by its very
nature, is highly restrictive and, up to this point, not economically viable. Howard County
Government and landowners must work together to create economic stability not only for
the Government, but for the entire economic structure of Howard County. Real estate
development has been, and will continue to be, a vital part of the tax and employment base for Howard
County. These changes will enhance these mutual goals. The Route 1 corridor, as one of
its primary focuses, the preparation of office space for the BRAC expansion. If Howard
County is going to remain viable in its race for these businesses, it must provide cost
effective and reasonable office space. The changes we are recommending will take a large
step toward allowing for a significant increase in the development of office space. In addition,
it will cause the redevelopment of the Route 1 corridor to become a near-term reality.

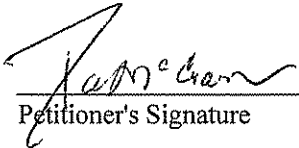
[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in **[[Double Bold Brackets]]**. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Patrick McCuan
Petitioner's name (Printed or typed)

 2/27/09
Petitioner's Signature Date

Petitioner's name (Printed or typed)

Petitioner's Signature Date

Petitioner's name (Printed or typed)

Petitioner's Signature Date

Counsel for Petitioner's Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00*

The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

APPLICATIONS: One (1) original plus twenty (20) copies along with attachments.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised:10/08
T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

Response to Section 4

The Department of Planning And Zoning and the Route 1 Manual has as its primary focus for the zone, the creation of office and other Class-A redevelopment within the Route 1 corridor. To accomplish this goal and to hasten the redevelopment of this corridor, minor changes to the regulations in the CE zone will be needed. In today's world, office only users, especially on smaller CE zone parcels, require a selection of non-office uses within their building. In addition, the economic environment has made the current CE zones almost economically not feasible for development. CE zone projects must have retail uses on the first floor that will encourage Tenants to locate within the project. The current CE zone is very restrictive regarding these uses, especially for smaller parcels. Forcing office users onto the first floor is not viable, except in very limited cases. In addition, the CE project needs a slightly larger retail component to make it financially feasible. Therefore we recommend the following modifications:

- a. The level of retail square footage within an office building in the CE zone as detailed in section C1.(a)(b) of the CE zone is inadequate. Therefore we propose that the percentages of retail within an office building of all multi-story buildings be slightly increased to allow for adequate retail uses needed for the building and the project. In our proposal, the retail uses are restricted to the first floor only. Please refer to the attached red-line zoning regulations for modifications to Section C: *Commercial Uses Permitted with Limitation*.
- b. We propose that the parcel size limitation restriction for free-standing banks and restaurants be reduced from 20 acres to 5 acres. Currently, parcels less than 20 acres are penalized by not allowing these uses.
- c. The existing regulations allow restaurants within an office building but without a drive-thru window. We propose that one drive-thru window be permitted only if it is integral and enclosed within the office building. This drive-thru would not be "attached" in any manner whatsoever to the office building.
- d. The existing regulations allow for only one bank drive-thru lane in a multi-story building. We propose to permit up to two (2) drive-thru lanes if they are integral and enclosed within the building. These drive-thru lanes would not be "attached" in any manner whatsoever to the office building.
- e. The cumulative retail floor area restrictions of 500 feet per acre should be removed.
- f. The bulk regulations should be modified to specify a "zero" building set-back from Route 1. This would bring this set-back into conformance with the CAC zone.

C. Commercial Uses Permitted With Limitations

1. Commercial uses within office buildings, hotels or parking structures
 - a. The uses below are permitted as a matter of right in any building used primarily for offices or parking and having at least two stories. The cumulative floor area of these uses shall not exceed ~~15 percent of the floor area of the building.~~
THE AMOUNT OF THE SQUARE FOOTAGE ON THE FIRST FLOOR.
 - b. The maximum floor area for these uses may increase to ~~20~~ percent of each office building or parking structure having at least four stories and within a route one corridor development project. ~~25 (OR THE AMOUNT OF SQUARE FOOTAGE ON THE FIRST FLOOR, WHICHEVER IS LESS) OF EACH BUILDING~~
 - c. The maximum floor area for these uses may increase to 50 percent of a multistory office building located on a shallow parcel that cannot be reasonably combined with adjoining parcels to create a significantly larger redevelopment site due to adjoining environmental features, existing land use or public roads. The parcel shall:
 - (1) Exist on April 13, 2004, the effective date of Council Bill 75 - 2003; and
 - (2) Have a developable area based on zoning and subdivision regulations that is within 300 feet of the Route 1 right-of-way.
 - d. The following uses are permitted in multi-story office, hotel or parking structures:
 - (1) Athletic centers, health clubs, tennis clubs and similar uses.
 - (2) Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions with a maximum of ~~one~~ drive through lane having no more than four stacking spaces. TWO
 - (3) Blueprinting, printing, duplicating or engraving services.
 - (4) Laundry and dry cleaning establishments without delivery services.
 - (5) Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
 - (6) Pizza delivery services and other services for off-site delivery of prepared food.
 - (7) Restaurants, carryout, including incidental delivery services.
 - (8) Restaurant, fast food without a drive-through. UNLESS IT IS ENCLOSED AND INTEGRAL TO THE STRUCTURE.
 - (9) Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
 - (10) Retail establishments, limited to convenience stores, food stores, drug and cosmetic stores, liquor stores and specialty stores.
 - (11) Service agencies such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, mailing services.
2. Commercial Uses In Freestanding Buildings
 - a. Within any Route 1 Corridor development project having at least ⁵~~20~~ gross acres of land in the CE district, the businesses listed below are permitted as the sole or primary users of a building. ~~The cumulative floor area of all buildings occupied by these uses shall not exceed 500 square feet per acre of CE zoned land within the development.~~ These freestanding commercial buildings are allowed in addition to the commercial uses within office buildings addressed above.
 - (1) Development of freestanding commercial uses shall be phased with the development of other CE permitted uses within the project so that at no time shall the floor area of freestanding commercial uses exceed 25 percent of the total

floor area of other CE uses either constructed or being constructed pursuant to approved site development plans.

(2) Uses Permitted As A Matter Of Right:

- (a) Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.
- (b) Child day care centers.
- (c) Restaurants, carryout, including incidental delivery services.
- (d) Restaurant, fast food, without a drive-through.
- (e) Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.

- b. Athletic Centers are permitted on lots that do not have any frontage on Route 1 and which have a developable area no portion of which is within 1000 feet of the Route 1 right-of-way. [Council Bill 16-2008 (ZRA-94) Effective 6/9/08]

D Accessory Uses

- 1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
- 2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.
- 3. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.

E. Bulk Regulations

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. Maximum Height Limitation

- a. Structure with minimum setback from a public street right-of-way 60 feet
- b. Structure with an additional 1 foot of setback from a public street right-of-way for the portion of the structure over 60 feet for every 2 feet of additional height 100 feet

2. Minimum setbacks for development complying with the Route 1 Manual standards

The following minimum setback requirements apply to sites that comply fully with the CE zoning regulations and the Route 1 Manual's requirements:

- a. From External Public Street Right-Of-Way:
 - (1) All structures and uses, except those listed in (2) AND (3) 20 feet
 - (2) Parking, loading docks, outdoor storage, dumpsters and fencing used to enclose or screen these uses 40 feet
 - (3) FROM ROUTE 1 RIGHT-OF-WAY 0 FEET
- b. From Internal Public Street Right-Of-Way:
 - (1) All structures and uses, except those listed in (2) and (3) 10 feet
 - (2) Parking, except truck parking 20 feet
 - (3) Truck parking, loading docks, outdoor storage areas, dumpsters, and fencing used to enclose or screen these uses 40 feet
- c. From Residential Districts