



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-1168 Date Filed: 2-26-16

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: Add uses to be permitted as a matter of right in the Office Transition (OT) District.

[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 Demirel Plaza, LLC

Address 4087 High Point Road, Ellicott City, Maryland 21042

Phone No. (W) (H) (410) 440-1242

Email Address

3. Counsel for Petitioner Sang W. Oh, Esquire, Talkin & Oh, LLP

Counsel's Address 5100 Dorsey Hall Drive, Ellicott City, Maryland 21042

Counsel's Phone No. (410) 964-0300

Email Address soh@talkin-oh.com

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

See attached Supplemental Statement.

2016 FEB 26 AM 10:10

RECEIVED HOWARD COUNTY COUNCIL

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

See attached Supplemental Statement.

[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._____

See attached Supplemental Statement.

[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) See Section 6.

[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? No.

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.

There is currently only one (1) approved OT district in Howard County. If this ZRA is approved, any future considerations of OT zoning will consider these permitted uses in deciding the appropriateness of the OT zoning.

[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.

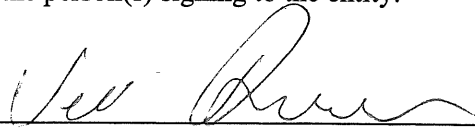
[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

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.

Demirel Plaza, LLC
Petitioner's name (Printed or typed)


Petitioner's Signature

Date


Sang W. Oh, Counsel for Petitioner

[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 four (24) 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:07/12

T:\Shared\Public Service and Zoning\Applications\County Council\ ZRA Application

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

ZONING MATTER: Demirel Plaza, LLC

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: Demirel Plaza, LLC

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: Veti Demirel
Signature: [Handwritten Signature]
Date: 2/26/16

ZONING MATTER: Demirel Plaza, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Demirel Plaza, LLC, the applicant in the above zoning matter

_____, AM

X, AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Veli Demirel

Signature: Veli Demirel

Date: 2/26/16

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

Demirel Plaza, LLC Petitioner

Petitioner, Demirel Plaza, LLC, by and through its attorneys, Sang W. Oh and Talkin & Oh, LLP, submit this Supplement in support of its Petition to Amend the Zoning Regulations of Howard County.

The Petitioner requests the addition of nine uses to be allowed as a matter of right in the Office Transition (“OT”) District, Section 117.3.C of the Zoning Regulations. The details of these additions are shown on the attached Proposed Text Amendment (the “Amendment”). A brief statement concerning the reasons for the requested amendment to the Zoning Regulations is as follows:

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

The Amendment proposes to add nine uses allowed as a matter of right in the OT District. The addition of these uses would be consistent with the policy objectives behind the creation of the OT District and add much needed options for developments in that zone. Presently, the OT District has a very limited selection of commercial activities which may be developed as a matter of right. The Zoning Regulations state that a purpose of the OT District is to serve as a transitional area between residential areas and nearby commercial zones. The proposed additions are low-impact commercial uses that will provide transitional development between residential and commercial zones. Furthermore, these uses help with the flexibility and viability of OT mixed-use developments.

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

The Amendment will serve to promote the policies of PlanHoward 2030, which recognizes the need for mixed-use developments, and the redevelopment of older areas of the County with mixed-use projects. The OT District is a relatively new mixed-use zone with a maximum size of five acres, providing opportunities for small scale mixed-use development. OT Districts allow for residential development, but

are limited to animal hospitals, public utilities, personal services facilities, and business offices for their complementary commercial uses. With such limited options for commercial development, land owners are less likely to develop property as an OT District. In fact, there is currently only one property designated as OT in the entire County. This property is located on the south side of Frederick Road, on the border of the Route 40 Corridor. PlanHoward 2030 Policy 5.9 encourages enhancement of the Route 40 Corridor through appropriate mixed-use redevelopment. In order to further PlanHoward 2030's desire for mixed-use programs, zones designated as such must have a variety of commercial options in order for property owners to benefit from their development.

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.**

The Amendment will preserve and promote the health, safety and welfare of the community because it would allow businesses that traditionally cater to their surrounding communities to be developed as a matter of right in the OT District. As a transitional mixed-use area, the OT District is designed to gradually ease the shift between commercial and residential zones. To aid in the transition between zones, it is important that the commercial uses available in the OT District be of a nature that allows them to easily integrate into existing residential communities. The proposed additional uses are generally low intensity small businesses that are utilized by residents from the surrounding neighborhood. Permitting these uses as a matter of right would benefit the community as a whole by increasing the availability of localized services designed to serve the nearby community.

**Petitioner's Proposed Text
Office Transition ZRA**

Add to Section 117.3.C.:

1. Animal hospitals, completely enclosed.
2. ANTIQUE SHOPS, ART GALLERIES, CRAFT SHOPS.
3. BAKERIES.
4. BICYCLE REPAIR SHOPS.
5. BLUEPRINTING, PRINTING, DUPLICATING OR ENGRAVING SERVICES LIMITED TO 2,000 SQUARE FEET OF NET FLOOR AREA.
6. CHILD DAY CARE CENTERS AND NURSERY SCHOOLS.
7. CLOTHING AND APPAREL STORES WITH GOODS FOR SALE OR RENT.
8. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4.
9. One dwelling unit per business establishment within the same structure, provided the dwelling unit does not exceed 50% of the floor area of the structure.
10. ELECTRONICS REPAIR
11. FURNITURE, APPLIANCE AND BUSINESS MACHINE REPAIR, FURNITURE UPHOLSTERING, AND SIMILAR SERVICES.
12. Government structures, facilities and uses, including public schools and colleges.
13. Offices, professional and business.
14. PET GROOMING ESTABLISHMENTS AND DAYCARE, COMPLETELY ENCLOSED.
15. Personal service establishments, provided the floor area of such uses does not exceed 50% of the floor area of all non-residential uses on the approved OT site development plan.
16. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.

Example of How Text Would Appear if Adopted:

1. Animal hospitals, completely enclosed.
2. Antique shops, art galleries, craft shops.
3. Bakeries.
4. Bicycle repair shops.
5. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
6. Child day care centers and nursery schools.
7. Clothing and apparel stores with goods for sale or rent.
8. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.e.4.
9. One dwelling unit per business establishment within the same structure, provided the dwelling unit does not exceed 50% of the floor area of the structure.

10. Electronics repair
11. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
12. Government structures, facilities and uses, including public schools and colleges.
13. Offices, professional and business.
14. Pet grooming establishments and daycare, completely enclosed.
15. Personal service establishments, provided the floor area of such uses does not exceed 50% of the floor area of all non-residential uses on the approved OT site development plan.
16. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.