



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

**DPZ Office Use Only:**  
Case No. ZRA- 178  
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: Add "Hotels, motels, country inns and conference centers" as a use permitted as a matter of right in the B-1 (Business: Local) District. Also amends definition of "Hotel or Motel" to allow for extended stays, not to exceed six (6) months.

[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** K2 Properties, LLC

Address 10328 Baltimore National Pike, Ellicott City, MD 21042

Phone No. (W) \_\_\_\_\_ (H) \_\_\_\_\_

Email Address \_\_\_\_\_

**3. Counsel for Petitioner** Thomas G. Coale, Talkin & Oh, LLP

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

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

Email Address tcoale@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.

HOWARD COUNTY COUNCIL  
RECEIVED  
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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.

This amendment would permit hotels, motels, country inns and conference centers in all B-1 properties and also modify the definition for hotels and motels for all districts that permit such uses. In light of the other uses allowed in B-1, allowing this as a new by-right use will not have a noticeable impact in the B-1 zone. Amending the definition of "Hotel and Motel" will bring it into accordance with the common understanding of an extended stay hotel. As referenced in the attached supplement, extended stay is only permitted in residential zones under the current Howard County Zoning Regulations.

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[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. \_\_\_\_\_

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[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.

K2 Properties LLC  
Petitioner's name (Printed or typed)

  
Petitioner's Signature

2/27/17  
Date

  
Thomas G. Coale, 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.**

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**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](http://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: K2 Properties, 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.

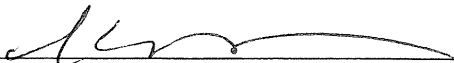
APPLICANT OR  
PARTY OF RECORD: K2 Properties, LLC

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>None</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: Kim B. Kim

Signature: 

Date: 2/29/2017

ZONING MATTER: K2 Properties, LLC

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**AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL**

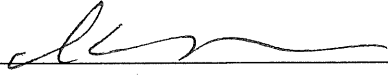
**As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850**

I, K2 Properties, LLC, the applicant in the above zoning matter  
\_\_\_\_\_, AM  \_\_\_\_\_, 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: Kim B. Kim  
Signature:   
Date: 2/29/2017

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

K2 Properties, LLC Petitioner

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Petitioner, K2 Properties, LLC, by and through its attorneys, Thomas G. Coale 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 “Hotels, motels, country inns and conference centers” (hereinafter referred to as “Hotels”) to the uses allowed as a matter of right in the Business: Local (“B-1”) District, Section 118.0.B. of the Zoning Regulations. Petitioner also requests an amendment to the definition of “Hotel or Motel” to provide for extended stay hotels, not to exceed six (6) months. The details of these amendments are shown on the attached Proposed Text Amendment (the “Amendment”). A brief statement concerning the reason(s) for proposing the requested amendments to the Zoning Regulations are 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 include Hotels as a use allowed as a matter of right in the B-1 District and modify the definition of “Hotels and Motels” to include extended stay hotels. The Purpose Statement of the B-1 District is “to provide areas of local business that can directly serve the general public with retail sales and services.” B-1 uses include, *inter alia*, colleges and universities, museums, libraries, nursing homes, office space, and private swimming pools. The inclusion of Hotels in the B-1 would be entirely consistent with the purpose of B-1 and the uses allowed therein. Hotels serve the local community and facilitate local business. The uses noted above are of the same, if not greater, intensity than what may be expected from a Hotel use. Furthermore, Hotels are already permitted by-right in lower intensity commercial districts such as the Planned Office Research (POR) and Historic: Commercial (HC) Districts.

The amended definition of “Hotel or Motel” brings current usage into accordance with the language of the Zoning Regulations. While extended stay hotels are branded as “hotels”, owned by hotel chains, and

are managed in a similar fashion to Hotels, for purposes of zoning they have existed in a gray area between residential and commercial uses. The existing definition of “Hotel or Motel” purportedly limits this use to weekly rentals, while the proliferation of extended stay hotels suggests that this limitation may be honored in the breach. Similarly, the definition of “Dwelling” does not permit, and expressly disallows, the type of use customary for an extended stay hotel: “ A building, or portion thereof, which provides living facilities for one family. As used herein, the term ‘dwelling,’ or any combination thereof, shall not be deemed to include a hotel, motel, clubhouse, hospital or other accommodations used for more or less transient occupancy.” By amending the definition of “Hotels or Motels” to permit monthly rentals limited to six months, the Regulations may be brought into accordance with common usage and current application of the law.

The amended definition also provides a six month demarcation point between “Hotel or Motel” and residential uses. The current definition for “Hotel or Motel” leaves the two types of uses ambiguously intertwined and states only that “lodging will be provided to transient guests on a daily, weekly, or similar short term basis.” While the Department of Planning and Zoning (“DPZ”) has interpreted this provision to mean less than 30 days, this interpretation is not codified in the regulations and left ambiguous to those unfamiliar with DPZ’s interpretation. Lodging provided on a weekly basis could mean one week or it could mean a year-long rental paid on a weekly basis. The proposed amended definition would provide certainty to DPZ and the public at large regarding what makes a “Hotel or Motel” versus residential dwelling units. Six months is an appropriate term that allows for extended stay guests, but prevents the use from crossing into a period of residency for purposes of school registration, taxation, voting, etc.

**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.**

While Hotels are not explicitly addressed in Plan Howard 2030, the Amendment is in harmony with numerous policy goals from the General Plan. First, in light of the fact that significant portions of the Route 40 Corridor are zoned B-1, the Amendment will directly contribute to Policy 5.9 (“Continue to enhance the vitality of the Route 40 Corridor”) and 10.2 (“Focus growth in Downtown Columbia, Route 1

and Route 40 Corridors, and some Columbia Village Centers, as well as some older commercial or industrial areas which have redevelopment potential”). Allowing Hotels in B-1 will support the commercial districts along Route 40 and encourage economic growth in this area of the county.

The Amendment will also support Policy 6.4, which prompts County lawmakers to “[e]nsure that the County continues to capture future job and business growth opportunities.” Policy 6.4 recommends updating the zoning regulations to address evolving commercial and development trends and growth opportunities. As commerce continues to discard geographic limitations, the demand for Hotels in commercial zones will increase. Local businesses are not limited by their geography either in terms of those they consult or those they serve. Moreover, extended stay hotels will become necessary as businesses bring in consultants or clients for longer term collaboration. This commercial trend is already shown by the proliferation of extended stay hotels across the County.

**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 a common and necessary commercial use in more commercial zones across Howard County. As stated above, the 21<sup>st</sup> Century economy requires businesses to be able to refer clients, consultants, and business partners to local accommodations that provide temporary lodging.

Moreover, Hotels provide tax revenue in excess of that normally derived from commercial properties. Any visitor to Howard County who rents a Hotel room for 30 days or less must pay a county room rental tax equal to seven percent (7%) of the rental charge. By allowing Hotels in B-1, Howard County will have the opportunity for additional tax revenue that is distinct from other commercial enterprises. This revenue is levied on visitors to the county and will serve to preserve and promote the health, safety, and welfare of county residents.

**Petitioner's Proposed Text**  
**B-1 (Business: Local) District ZRA**

First, amend the definition of "Hotel or Motel" in Section 103.0:

Hotel or Motel: Any building or portion thereof or group of buildings containing guest rooms in which, for compensation, lodging is provided to transient guests on a daily, weekly, [[or similar short term basis]] OR MONTHLY BASIS, NOT TO EXCEED SIX MONTHS.

**Example of How Text Would Appear if Adopted:**

Hotel or Motel: Any building or portion thereof or group of buildings containing guest rooms in which, for compensation, lodging is provided to transient guests on a daily, weekly, or monthly basis, not to exceed six months.

Second, add to Section 118.0.B.:

29. HOTELS, MOTELS, COUNTRY INNS AND CONFERENCE CENTERS.

**Example of How Text Would Appear if Adopted:**

29. Hotels, motels, country inns and conference centers.

**RENUMBER SUBSEQUENT USES ACCORDINGLY**