



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-186 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: Amend Section 127.5.E.2.b.(1), to increase gross floor area limit as applicable to hotels.

[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 Jay Somnath LLC

Address 9512 Washington Avenue, Unit B, Laurel, MD 20723

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

The 20,000 square foot cap on commercial uses in the CAC precludes the construction of a viable hotel. This amendment is offered to make the allowed use practical in implementation, while retaining the limitation on all other commercial uses.

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

Blank lines for justification 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

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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 attached Supplemental Statement
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[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.

The proposed amendment would affect all properties under 20 acres in the CAC zone. The rationale for the requested ZRA provided in the attached supplement applies equally to all such parcels.

[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. None
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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.

Jay Somnath LLC
Petitioner's name (Printed or typed)


Petitioner's Signature

8/27/18
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.

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.

PETITIONER: Jay Somnath 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: Jay Somnath, LLC

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>M/A</u>	_____	_____
<u>M/A</u>	_____	_____
<u>M/A</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: Mihir B Patel
Signature: [Handwritten Signature]
Date: 8/27/18

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

Jay Somnath, LLC Petitioner

Petitioner, Jay Somnath, 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.

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

The Petitioner requests the limitation on maximum floor area of commercial structures in the CAC (Corridor Activity Center) zone be amended to allow for a reasonably sized hotel. The purpose of the CAC District is to “provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses.” Howard County Zoning Regulations § 125.5.A. Key among those uses are Hotels, which are allowed in the CAC by right, but are not feasible on parcels of 20 acres or less due to the 20,000 square foot limitation. In the United States, the average hotel has 115 rooms and requires around 48,000 square feet.¹ The proposed amendment would create a limited exception to the floor area limitation to accommodate a reasonably sized hotel.

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. In light of the fact that significant portions of the Route 1 Corridor are zoned CAC, the Amendment will directly contribute to **Policies 5.4** (“Enhance the Route 1 Corridor revitalization strategy to recognize the distinct

¹ “Build A Hotel Cost”; <https://www.fixr.com/costs/build-hotel>

character and market potential of diverse corridor segments, and the potential at various intersections, crossings, and nodes for additional retail, restaurant, and employment development as identified in the 2011 Route 1 Market Analysis’), 5.5 (“Proactively consider innovative tools to enhance the Route 1 Corridor’s competitiveness, attract and retain businesses, and maximize redevelopment opportunities”), 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”).

The 20,000 square foot cap on commercial structures intended to preclude “big box” retail has arbitrarily conscribed the mix of commercial uses available in the CAC and resulted in a less vibrant business community. Under Policy 5.4, Implementing Action b., lawmakers are encouraged to evaluate the efficacy of existing Route 1 zoning districts (CE, CAC, TOD) and consider more flexibility, especially regarding commercial uses. As noted above, the current square footage limit on commercial structures precludes a market standard hotel. Removing the restriction that precludes hotels in CAC will support the commercial districts along Route 1 and encourage economic growth in that area of 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 proposed amendment will preserve and promote the health, safety and welfare of the community because it will effectuate the original intent of allowing hotels in the CAC while retaining the limitation on “big box” retail. The 21st Century economy requires businesses to be able to refer clients, consultants, and business partners to local accommodations that provide temporary lodging. Allowing the effective implementation of Hotels as a by right use will promote the diversity of commercial uses in the CAC and result in a more vibrant Route One Corridor.

Moreover, Hotels provide tax revenue in excess of that normally derived from commercial properties. Any visitor to Howard County who rents a hotel room pay a county “room rental tax” equal to seven percent (7%) of the rental charge. By enabling this use in CAC as intended, Howard County will have the opportunity for additional tax revenue that is distinct from other commercial uses. 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
Section 127.5: CAC (Corridor Activity Center) District ZRA

Amend Section 127.5.E.2.b.(1) as follows:

- b. The gross floor area for any individual commercial use shall not exceed:
 - (1) ~~[[On]]~~ IN DEVELOPMENTS ON parcels less than 20 acres in size:
 - [[.....20,000 sq. ft.]]
 - (a) ONE HOTEL WITH A MAXIMUM FLOOR AREA OF 50,000 SQ. FT.
 - (b) ALL OTHER COMMERCIAL USES.....20,000 SQ. FT.

Example of How Text Would Appear if Adopted:

- b. The gross floor area for any individual commercial use shall not exceed:
 - (1) In developments on parcels less than 20 acres in size:
 - (a) One hotel with a maximum floor area of 50,000 sq. ft.
 - (b) All other commercial uses.....20,000 sq. ft.