

Introduced 6/3/19
Public hearing 6/17/19
Council action 7/1/19
Executive action 7/5/19
Effective date 9/4/19

County Council of Howard County, Maryland

2019 Legislative Session

Legislative day # 8

BILL NO. 30-2019 (ZRA-186)

Introduced by:
The Chairperson at the request of Jay Zomnath, LLC

AN ACT altering the maximum floor area requirements for a hotel in a CAC (Corridor Activity Center) District in developments on parcels less than 20 acres in size; and generally relating to Howard County Zoning Regulations.

Introduced and read first time June 3, 2019. Ordered posted and hearing scheduled.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on June 17, 2019.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on July 1, 2019 and Passed , Passed with amendments _____, Failed _____.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 3rd day of July, 2019 at 4 a.m. p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive July 5, 2019

Calvin Ball
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County*
2 *Zoning Regulations are amended as follows:*

3

4 *By Amending Subsection E. of Section 127.5.E CAC (Corridor Activity Center) District.*

5

6

Howard County Zoning Regulations.

7

SECTION 127.5: CAC (CORRIDOR ACTIVITY CENTER) DISTRICT

8

9

A. Purpose

10 The CAC District is intended to provide for the development of pedestrian-oriented, urban
11 activity centers with a mix of uses which may include retail, service, office and residential uses.
12 These centers should be located near to Route 1 and close to residential communities that will
13 benefit from a pedestrian-oriented local business area. The requirements of this district, in
14 conjunction with the Route 1 Manual and the public improvements recommended by the Route 1
15 Corridor Revitalization Study, vehicular and pedestrian improvements that connect internally
16 and with surrounding developments will result in development that will strengthen nearby
17 communities, provide for safe and convenient pedestrian travel, and improve the streetscape of
18 Route 1 and intersecting roads.

19 Many parcels in the CAC District were developed before this district was created. It is not the
20 intent of these requirements to disallow the continued use of sites developed prior to the CAC
21 District. The intent of this district will be achieved by bringing the sites into compliance with
22 these requirements and the standards of the Route 1 Manual as uses are expanded or
23 redeveloped.

24

E. Requirements for CAC Development

25

2. Requirements for Nonresidential Uses

26

a. On a lot adjoining the Route 1 right-of-way, for the buildings closest to Route
27 1:

28

(1) At least 50% of the first floor of the building must be designed for retail or
29 service uses. Service uses include personal service, service agency, restaurants,
30 and similar uses serving the public.

31

(2) The first floor of the building facade facing Route 1 must include storefronts
32 and primary entrances for the first floor retail and service uses.

33

(3) The first floor facade shall be designed to provide pedestrian interest along
34 Route 1 in accordance with the Route 1 Manual.

35

b. The gross floor area for any individual commercial use shall not exceed:

36

37

(1) IN DEVELOPMENTS on parcels less than 20 acres in size:

38

[..... 20,000 sq. ft.]

(a) ONE HOTEL WITH A MAXIMUM FLOOR AREA OF 50,000
SQ. FEET.

(b) ALL OTHER COMMERCIAL USES 20,000 SQ. FT

(2) In developments on parcels 20 or more acres in size:

(a) A maximum of one food store if a portion of the façade is wrapped with smaller stores or contains architectural features to simulate smaller retail storefronts 70,000 sq. ft.

(b) A maximum of one commercial use with a maximum footprint of 20,000 sq. ft. and a maximum floor area of 40,000 sq. ft., and located in a mixed use building.

(c) All other commercial uses 20,000 sq. ft

Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on July 5, 2019.

Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2019.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2019.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2019.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2019.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2019.

Jessica Feldmark, Administrator to the County Council



**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

[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 attached Supplemental Statement
-
-
-

[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
-
-
-


[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.

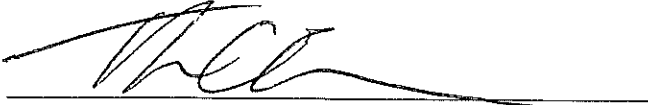
After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, 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

PETITIONER: Jay Somnath 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, Mihir B Patel, the applicant in the above zoning matter

_____, AM


AM NOT, 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: Mihir Patel

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.



January 3, 2019

TECHNICAL STAFF REPORT

Planning Board Meeting of January 17, 2019

Case No./Petitioner: ZRA-186 – Jay Somnath LLC

Request: Amend Section 127.5.E.2.b.1 to increase the maximum floor area for hotels in the CAC Zoning District.

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

The CAC zoning district was established in the 2004 Comprehensive Zoning Plan and many properties on Route 1 were rezoned from B-1, B-2, and M-1 to CAC at that time with the goal of promoting “pedestrian-oriented, urban activity centers with a mix of uses which may include retail, service, office and residential uses”. Hotels were included as a use permitted as a matter of right. Section 127.5.E.2 *Requirements for Nonresidential Uses*, shown below, was created to encourage pedestrian activity along Route 1 by discouraging large auto-oriented grocery stores and “big box” retailers. To accomplish this, retail businesses with a floor area greater than 20,000 square feet were prohibited. This restriction did not apply to hotels.

DPZ’s legislative review found that this limitation was imposed because large retailers, such as grocery stores and big box format stores require truck access and loading facilities that cannot be easily accommodated. The specific language at that time was “*retail businesses shall not exceed 20,000 square feet of floor area for any individual business*”.

E. Requirements for CAC Development

2. Requirements for Nonresidential Uses

- a. For any building on a lot abutting the right-of-way of Route 1:
 - (1) At least 50% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses serving the public.
 - (2) The first floor of the building facade facing Route 1 must include storefronts and primary entrances for the first-floor retail and service uses.
 - (3) The first-floor facade shall be designed to provide pedestrian interest along Route 1 in accordance with the Route 1 Manual.
- b. Retail businesses shall not exceed 20,000 square feet of floor area for any individual business.

In 2008, Bill 56-2008/ZRA-98 amended the CAC Zoning District to increase the floor area maximum to 70,000 square feet for one grocery store and to 40,000 square feet for one anchor retail use on parcels 20 acres or larger. All other retail uses were limited to 20,000 square feet as originally intended. While the floor area restriction for parcels less than 20 acres appeared to

maintain the intent of the original language, the word *retail* was changed to *commercial*, which includes hotels. This unintended consequence limits hotels to 20,000 square feet of floor area.

II. DESCRIPTION AND EVALUATION OF PROPOSAL

This section contains DPZ's technical evaluation of ZRA-186. The Petitioner's proposed amendment text is attached to this Technical Staff Report as Exhibit A, Petitioner's Proposed Text.

Hotels are permitted as a matter of right in the CAC zone, but are limited to 20,000 square feet of floor area because they are classified as a commercial use. The Petitioner contends that a 20,000-square foot hotel is not economically practical on Route 1. Therefore, the Petitioner seeks to increase the floor area maximum for hotels to 50,000 square feet in developments less than 20 acres.

SECTION 127.5.E.2.B.(1) CAC (Corridor Activity Center) Zoning District

Modify the floor area limitation for parcels less than 20 acres to allow one hotel of up to 50,000 square feet. All other commercial uses will be limited to the 20,000-square foot floor area maximum.

DPZ recommends approval

The proposed amendment is consistent with the inclusion of hotels as a use permitted by right in the CAC zoning district. The 20,000-square foot limitation makes hotel development in the CAC zone impractical.

The original intent of the floor area limitation was to prevent large auto-oriented grocery stores and "big box" retail businesses. Bill 56-2008/ZRA-98 amended the CAC Zoning District to allow a 70,000-square foot grocery store and a 40,000-square foot anchor retail store for developments over 20 acres, but created an unintended consequence for hotels by changing the term *retail* to *commercial*. The floor area maximum for hotels is not consistent with other Route 1 Zoning Districts (TOD and CE), which do not limit the floor area of hotels, nor is it consistent with the Targeted Growth and Revitalization Designation.

Targeted Growth and Revitalization Designation

"These areas include the Route 1 Corridor, the Snowden River Parkway area, Maple Lawn, Emerson, Turf Valley, Waverly Woods, Columbia Village Centers, nodes along the Route 40 Corridor, and other locations. These are areas where current policies, zoning, and other regulations, as well as policies suggested in PlanHoward 2030, seek to focus most future County growth."

The CAC zoning district prescribes maximum height and setback requirements that establish a building envelope. Consistent with General Plan policy 5.4, Implementing Action e. (described below), more flexible zoning is needed to allow greater market potential. Further, a maximum square footage requirement limits the potential for amenity areas such as restaurants, swimming pools, recreation/exercise areas and common spaces, which accompany higher quality establishments. Therefore, DPZ does not recommend any further restrictions on development beyond this building envelope and recommends that the Council remove the maximum square footage restrictions for hotels in the CAC district to encourage flexible zoning that considers market conditions and investment in the Route 1 corridor.

III. GENERAL PLAN

The CAC zoning district is in Growth and Revitalization Areas in the Planned Service Area along the Route 1 corridor. The proposed amendment seeks to make hotel development viable in this area. The proposed amendment is in harmony with the following PlanHoward 2030 policies that encourage new development in designated Growth and Revitalization Areas.

Policy 5.1

Identify, develop, implement and refine a comprehensive program to foster a diversified economy and encourage innovation and entrepreneurship.

Implementing Action e.

Renewed Approach to Route 1 and Existing Business Parks. Address the demand for business growth in the Baltimore-Washington Corridor, despite the declining availability of greenfield development sites, through new redevelopment strategies.

Policy 5.4

Enhance the Route 1 Corridor revitalization strategy to recognize the distinct 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.

Implementing Action e.

Zoning Review. Evaluate the efficacy of existing Route 1 zoning districts (CE, CAC, TOD); consider more flexibility, especially regarding commercial uses. Reduce strip commercial development

Policy 6.4

Ensure that the County continues to capture future job and business growth opportunities.

Implementing Action b.

Zoning Regulations. Update zoning and other regulations to address the evolving commercial and industrial markets and development trends.

IV. AGENCY COMMENTS

Agency comments are attached.

V. RECOMMENDATION

For the reasons noted above, the Department of Planning and Zoning recommends that the ZRA-186 be **APPROVED** and that the Council consider removing the maximum square footage requirement entirely.

Approved by:

 12-31-18
Valdis Lazdins, Director Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

Exhibit A – Petitioner’s Proposed Text

CAPITALS indicates text to be added. [[Text in double brackets]] indicates text to be deleted.

SECTION 127.5: - CAC (Corridor Activity Center) District

E. Requirements for CAC Development

2. Requirements for Nonresidential Uses

b. The gross floor area for any individual commercial use shall not exceed:

(1) 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



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350
Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

To: Zoning Administration, Department of Planning and Zoning (DPZ)
From: Kristin O'Connor, Division Chief, Comprehensive and Community Planning, DPZ
Re: General Plan Comments Re: Case No: ZRA-186

The request is for a Zoning Regulation Amendment to Section 127.5 CAC (Corridor Activity Center) to amend Section 127.5.E.2.b.1 to increase the permitted gross floor area for a hotel use.

Background:

The *General Plan 2000* recommended creating important focal points along US 1. To promote nodes or "corridor activity centers" along Rt. 1, the county approved new zoning districts (including the CAC) and new design standards in areas of Growth and Revitalization Areas. Targeted Growth and Revitalization Designation are areas "that include the Route 1 Corridor, the Snowden River Parkway area, Maple Lawn, Emerson, Turf Valley, Waverly Woods, Columbia Village Centers, nodes along the Route 40 Corridor, and other locations. These are areas where current policies, zoning, and other regulations, as well as policies suggested in *PlanHoward 2030*, the county's current general plan, seek to focus most future County growth" (p. 74).

The proposed amendment makes hotel development more feasible along the corridor. The proposed amendment is consistent with the following *PlanHoward 2030* policies that encourage new development in designated Growth and Revitalization Areas:

POLICY 5.1

Identify, develop, implement and refine a comprehensive program to foster a diversified economy and encourage innovation and entrepreneurship. *Implementing Action e: Renewed Approach to Route 1 and Existing Business Parks*. Address the demand for business growth in the Baltimore-Washington Corridor, despite the declining availability of greenfield development sites, through new redevelopment strategies (p. 54-55).

POLICY 5.4

Enhance the Route 1 Corridor revitalization strategy to recognize the distinct 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. *Implementing Action b: Zoning Review*. Evaluate the efficacy of existing Route 1 zoning districts (CE, CAC, TOD); consider more flexibility, especially regarding commercial uses. Reduce strip commercial development (p. 59).

POLICY 6.4

Ensure that the County continues to capture future job and business growth opportunities. *Implementing Action b: Zoning Regulations*. Update zoning and other regulations to address the evolving commercial and industrial markets and development trends (p. 80).

If you have any questions, please do not hesitate to call me at ext. 4321 or reach me via email at koconnor@howardcountymd.gov.

KR

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: November 29, 2018

Hearing Examiner _____
Planning Board: 01/17/19 Board of Appeals _____ Zoning Board _____

Petition No. ZRA-186 Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: Jay Somnath

Petitioner's Address: _____

Address of Property: _____

Return Comments by December 17, 2018 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: SEE APPLICATION

- To:
- _____ MD Department of Education – Office of Child Care
 - _____ 3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
 - _____ Bureau of Environmental Health
 - _____ Development Engineering Division
 - _____ Department of Inspections, Licenses and Permits
 - _____ Department of Recreation and Parks
 - _____ Department of Fire and Rescue Services
 - _____ State Highway Administration
 - _____ Sgt. Karen Shinham, Howard County Police Dept.
 - _____ James Irvin, Department of Public Works
 - _____ Office on Aging, Terri Hansen (senior assisted living)
 - _____ Police Dept., Animal Control, Deborah Baracco, (kennels)
 - _____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
 - _____ Land Development - (Religious Facility & Age-Restricted Adult Housing) **ZONING REG. AMENDMENT**
 - _____ Housing and Community Development
 - _____ Resource Conservation Division – Beth Burgess
 - _____ Route 1 Cases – DCCP – Kristen O'Connor
 - _____ Telecommunication Towers – (Comm. Dept.)
 - _____ Division of Transportation – Dave Cookson

RECEIVED
NOV 29 2018

Division of Land Development
Department of Planning & Zoning

COMMENTS:

1. By allowing up to 50,000 s.f. of floor area for a hotel:
Can this size hotel be built and still meet the
55-65' maximum height limits as outlined in
127.5. D. 2.?

DLD has no additional comment at this time.

J. Maenhart - DLD 12-3-18

SIGNATURE

KR

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: November 29, 2018

Hearing Examiner _____
Planning Board: 01/17/19 Board of Appeals _____ Zoning Board _____

Petition No. ZRA-186 Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: Jay Somnath

Petitioner's Address: _____

Address of Property: _____

Return Comments by December 17, 2018 to Public Service and Zoning Administration

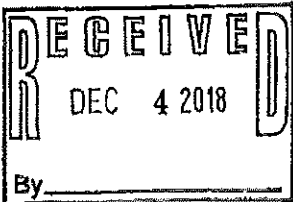
Owner: (if other than applicant) _____

Owner's Address: _____

Petition: SEE APPLICATION

To:

- _____ MD Department of Education – Office of Child Care
- _____ 3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
- _____ Bureau of Environmental Health
- _____ Development Engineering Division
- _____ Department of Inspections, Licenses and Permits
- _____ Department of Recreation and Parks
- _____ Department of Fire and Rescue Services
- X _____ State Highway Administration
- _____ Sgt. Karen Shinham, Howard County Police Dept.
- _____ James Irvin, Department of Public Works
- _____ Office on Aging, Terri Hansen (senior assisted living)
- _____ Police Dept., Animal Control, Deborah Baracco, (kennels)
- _____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
- _____ Land Development - (Religious Facility & Age-Restricted Adult Housing)
- _____ Housing and Community Development
- _____ Resource Conservation Division – Beth Burgess
- _____ Route 1 Cases – DCCP – Kristen O'Connor
- _____ Telecommunication Towers – (Comm. Dept.)
- _____ Division of Transportation – Dave Cookson



COMMENTS:

NO OBJECT TO ZONING REQUEST
Any future development will require all necessary permits
from MDOT SHA

[Signature] MDOT SHA
DIST. 7
SIGNATURE

1 JAY SOMNATH, * BEFORE THE
2 PETITIONER * PLANNING BOARD OF
3 ZRA-186 * HOWARD COUNTY, MARYLAND

4 * * * * * * * * * * * * * * *

5 MOTION: *Amend Section 127.5.E.2.b.2 to exempt hotels from the gross floor area limitation*
6 *entirely in the CAC zoning district.*

7 ACTION: *Recommended approval; Vote 4-0.*

8 * * * * * * * * * * * * * * *

10 RECOMMENDATION

11
12 On January 17, 2019, the Planning Board of Howard County, Maryland, considered the petition of
13 Jay Somnath to amend Section 127.5.E.2.b.2 to increase the maximum gross floor area limitation for hotels
14 on parcels less 20 acres in the CAC zoning district to 50,000 square feet.

15 The Planning Board considered the petition, the Department of Planning and Zoning (DPZ) Technical
16 Staff Report and Recommendation, and comments of reviewing agencies. DPZ supported the Petitioner’s
17 proposal and further suggested that hotels be exempt entirely from the maximum gross floor area limitation
18 citing the original intent of the CAC zoning district to only limit the square footage of retail buildings. DPZ
19 asserted that hotels were unintentionally included in the gross floor area limitation through ZRA-98, when the
20 term “retail” was changed to “commercial.” Furthermore, DPZ stated that the recommendation is consistent
21 with other zoning districts (CE, TOD, B-1, and B-2) along Route 1 that do not limit the floor area of hotels;
22 that General Plan policies encourage growth and revitalization along Route 1; and that the purpose of the
23 CAC zoning district to create “pedestrian-oriented, urban activity centers.”

24 Sang Oh represented the Petitioner and stated that the existing floor area cap on hotels results in fewer
25 rooms and amenities typically provided by mid-to-high end establishments. He also stated that while the
26 petition did request an increase in the floor area limitation, removing the limitation entirely will provide
27 developers more flexibility. No one from the public testified.

28
29 Board Discussion and Recommendation

30 In work session, Board members discussed the unintended consequence of ZRA-98, which changed
31 the term “retail” to “commercial.” Board members also asked DPZ staff to affirm that all other bulk
32 regulations, including setbacks, height, and parking, will remain. DPZ staff confirmed that the existing bulk

1 regulations will apply and limit the size of hotels, especially through height and parking requirements. Retail
2 uses will still be subject to the 20,000 square foot floor area limitation.

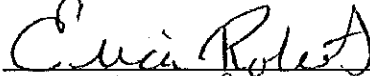
3 Mr. Coleman made the motion to exempt hotels from the maximum square footage limitation in the
4 CAC zoning district entirely. Ms. Aldler seconded the motion. The motion passed by a vote 4 to 0.

5 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 21st day of
6 February 2019, recommends that ZRA-186, as described above, be **APPROVED**.

7
8
9 HOWARD COUNTY PLANNING BOARD

10 Absent

11 Phillips Engelke, Chair

12 

13 Erica Roberts, Vice-chair

14 

15 Delphine Adler

16 

17 Ed Coleman

18 

19 Kevin McAuley

20
21
22
23 ATTEST:

24 

25 Valdis Lazdiņš

26 Executive Secretary



HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 17 June 2019

Subject: HCCA Testimony – CR30-2019 Zoning Change in CAC District for an LLC.

HCCA supports a review of the Route 1 Corridor, but opposes CB 30-2019 (ZRA-186)

My name is Alan Schneider. I am a Board member and officer of Howard County Citizens Association. I am authorized to testify for HCCA.

Approval is untimely. It should be tabled for consideration later. The Route 1 corridor review is currently scheduled for public meetings prior to approval of a Route 1 Master Plan.

Approving a zoning change for all parcels in the CAC District prior to public meetings and approval of the Route 1 Master Plan would be improper. Community input is an essential part of the development of a Master Plan for Route 1. Action affecting the entire zone that is taken before currently scheduled public meetings and thoughtful input by DPZ of all input into a Master Plan for Route 1 would be contrary to the land use planning processes in Howard County.

Ethics questions arise when a ZRA filed by zoning attorneys representing an LLC is expedited for approval before scheduled public meetings on a Master Plan for land use in that area, and before action is taken by DPZ on input from all sources in development of a Master Plan.

Transparency is severely clouded. Unknown is the extent of the proposed change which “applies to all acres in excess of 20 acres” in the Route 1 area. The ZRA applicant states that the approval of the zoning change potentially affects the development of more than one property in the CAC zone. How many parcels are affected? In what locations? Who owns the parcels? What could be the effect on planning for the CAC District? How would development, or redevelopment affect any existing businesses? More information is required before making this change to the entire zone before a Master Plan is approved.

Unknown are the owners and parties affiliated with Jay Sonnath, LLC. An affidavit signed by Mihir Patel is attached, but no development plans for any specific parcel are provided. The relationship of Mihir Patel to the LLC is unknown. Parcels owned by individuals and parties affiliated with the LLC are unknown.

Transparency and the best practices compel tabling of CB 30 until after public meetings and a review of alternative plans and planning for the Route 1 corridor is concluded and approved.

Thank you.

Alan Schneider

Howard County Citizens Association



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, ALAN SCHNEIDER, have been duly authorized by
(name of individual)

HOWARD COUNTY CITIZENS ASSOCIATION to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB30-2019 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: ALAN SCHNEIDER

Signature: [Handwritten Signature]

Date: 17 June 19

Organization: HCCA

Organization Address: ELICOTT CITY MD

Number of Members: 500

Name of Chair/President: St. Kohn

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.