



Howard County Council

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

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8 September 2022

TO: Amy Gowan, Director
Department of Planning and Zoning

RE: ZRA 203, Demirel Plaza, LLC

Attached is Petition No. ZRA-203, filed by Demirel Plaza, LLC to request a modification to the residential allowance allowed as a matter of right in the Office Transition District, Section 117.3C of the Zoning Regulations. The Amendment proposes to modify the provision that allows one square foot of residential space for every square foot of commercial space so as to expressly allow Age-Restricted Adult Housing.

Please notify our office when you schedule this case before the Planning Board. Should you have any questions, please contact me at 410-313-2395 or Theodore Wimberly at 410-313-2001.

Sincerely,

Ashley Aguilar
Board Administrator

Attachments

Cc: D. Moore, Esq.
T. Wimberly
J. Sager
T. Sieglein
Council Members
Michelle Harrod



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only
 Case No: 203
 Date Filed: 9/7/2022

**Petition to Amend the Zoning Regulations
 of Howard County**

Zoning Regulation Amendment Request

1. I (we), the undersigned, hereby petition the Zoning Board of Howard County to amend the Zoning Regulations of Howard County as follows:

Modify residential allowance under Section 117.3.C.13, Office Transition (OT) District to include Age-Restricted Adult Housing.

[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: 3016 Forum Place, Ellicott City, Maryland 21042
Phone:(W) _____ **(H)** (410) 440-1242
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: (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.

2022 SEP - 7 A 7:37
 HOWARD COUNTY COUNCIL

[You may attach a separate document to respond to Section 4. If so, this document shall be titled "Response to Section 4"]

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

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 100.0.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 100.0.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?

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.

No. 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 the permitted use of "Age-Restricted Adult Housing" 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. Provide the address, Tax Map, and Parcel Number for any parcel of land known to be affected by the amendment(s) that the Petitioner owns or has a legal or equitable interest in.

10105 Frederick Road, Ellicott City, Maryland 21042
Tax Map 24, Grid 1, Parcel 62, Lot PAR A

The Petitioner agrees to erect and maintain Planning Board meeting poster(s) on the affected parcels in accordance with the Affidavit of Posting provided by the Department of Planning and Zoning. The poster(s) must be erected no less than six weeks prior to the date of the Planning Board meeting and must be removed within seven days of the conclusion of the Planning Board meeting.

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

10. 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 10. If so, this document shall be titled "Response to Section 10."]

11. 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.

12. The Petitioner certifies that no petition for the same or substantially the same proposal as herein contained for the subject property has been denied in whole or in part by the Zoning Board or has been withdrawn after the taking of evidence at a public hearing of the Zoning Board within twenty-four (24) months of the Zoning Board hearing unless so stated herein.

13. 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.

14. 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/Owner's Names

 9/6/2022

Petitioner's/Owner's Signature Date

Petitioner's/Owner's Names

Petitioner's/Owner's Signature Date

Petitioner's/Owner's Names

Petitioner's/Owner's Signature Date

Thomas G. Coale

Counsel for Petitioner's Names

 9/6/22

Counsel for Petitioner's Signature Date

Fees

The Petitioner agrees to pay all fees* as follows:

Filing Fee\$ 2,500.00. 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

Public Notice Poster:..... \$ 25.00 (per poster)

* 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 (24) copies along with attachments.

For DPZ office use only:

Hearing fee: \$ _____

Poster(s) fee: \$ _____

Total: \$ _____

Receipt No. _____

Make checks payable to the "Director of Finance"

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

County Website: www.howardcountymd.gov

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: _____

**AFFIDAVIT AS TO CONTRIBUTIONS TO CANDIDATES AND
BUSINESS ENGAGEMENTS WITH ELECTED OFFICIALS**

**As required by the Maryland Public Ethics Law
Annotated Code of Maryland, General Provisions Article
Sections 5-852 through 5-854**

**ALL BOLDED TERMS ARE DEFINED BY SECTION 5-852
MARK EACH PARAGRAPH AS APPLICABLE**

1. I, Veli Demirel, the **Applicant** filing an **Application** in the above zoning matter, to the best of my information, knowledge, and belief **HAVE** / **HAVE NOT** made a **Contribution** or contributions having a cumulative value of \$500 or more to the treasurer of a **Candidate** or the treasurer of a **Political Committee** during the 48-month period before the **Application** was filed; and I **AM** / **AM NOT** currently **Engaging in Business with an Elected Official**.

2. I, the **Applicant** or a **Party of Record** in the above referenced zoning matter, acknowledge and affirm that, if I or my **Family Member** has made a **Contribution** or contributions having a cumulative total of \$500 or more during the 48-month period before the **Application** was filed or during the pendency of the **Application**, I will file a disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was

made, the amount, and the date of the **Contribution**; and that a **Contribution** made between the filing and the disposition of the **Application** will be disclosed within 5 business days after the **Contribution**.

3. I, the **Applicant**, acknowledge and affirm that, if I begin **Engaging in Business** with an **Elected Official** between the filing and the disposition of the **Application**, I will file this Affidavit at the time of **Engaging in Business** with the **Elected Official**.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY and upon personal knowledge that the contents of this Affidavit are true.

Veli Demirel Owner
(Print full name)

Veli Demirel
(Sign full name &
indicate legal capacity, if applicable)

9/16/2022
(Date)

ZONING MATTER: _____

DISCLOSURE OF CONTRIBUTION

**As required by the Maryland Public Ethics Law
Annotated Code of Maryland, General Provisions Article
Sections 5-852 through 5-854**

ALL BOLDED TERMS ARE DEFINED BY SECTION 5-852

If the **Applicant** or a **Party of Record** or their **Family Member** has made a **Contribution** or contributions having a cumulative value of \$500 or more during the 48-month period before the **Application** is filed or during the pendency of the **Application**, the **Applicant** or the **Party of Record** must file this disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was made, the amount, and the date of the **Contribution**.

For a **Contribution** made during the 48-month period before the **Application** is filed, the **Applicant** must file this disclosure when they file their **Application**, and a **Party of Record** must file this disclosure within 2 weeks after entering the above zoning matter.

A **Contribution** made between the filing and the disposition of the **Application** must be disclosed within 5 business days after the **Contribution**.

Any person who knowingly and willfully violates Sections 5-852 through 5-854 of the General Provisions Article of the Annotated Code of Maryland 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
(Print Full Name)

RECIPIENTS OF CONTRIBUTIONS:

NAME	DATE	AMOUNT
The Calvin Ball Team	1 / 13 / 2021	\$ 500.00
The Calvin Ball Team	4 / 20 / 2021	\$ 1,000.00

I acknowledge and affirm that any **Contribution** I make between the filing of this disclosure and the disposition of the **Application** must be disclosed within 5 business days of the **Contribution**.

Veli Demirel owner
(Print full name)

Veli Demirel
(Sign full name & indicate legal capacity, if applicable)

9/6/2022
(Date)

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

Demirel Plaza, LLC Petitioner

The Petitioner requests a modification to the residential allowance allowed as a matter of right in the Office Transition (“OT”) District, Section 117.3.C of the Zoning Regulations. Although one-for-one residential is allowed in the OT, in order to have Age-Restricted Adult Housing this use must be expressly stated as an allowable use. The details of this modification are shown on the attached Proposed Text Amendment (the “Amendment”). A brief statement concerning the reasons for the requested amendment 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 modify the provision that allows one square foot of residential space for every square foot of commercial space so as to expressly allow Age-Restricted Adult Housing (“ARAH”). Upon information and belief, it is the position of Howard County Department of Planning and Zoning and the Howard County Office of Law that ARAH is only allowed in those zones that identify this as a permitted use, despite the fact that the zone may allow residential as a matter of right. This Amendment does not increase the allowable residential allowed on site or diminish the commercial space.

The addition of ARAH would allow additional flexibility in the development of residential units in the OT and generate smaller and more affordable units for Howard County’s senior population. Moreover, ARAH in a mixed-use zone would offer senior housing in proximity to retail services, which is not found anywhere else in the Zoning Regulations. 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. There is no apparent reason that ARAH should be excluded from such a transitional zone.

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 need for affordable senior housing. 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 at a 1:1 ratio with commercial development. The result is smaller residential apartments mixed with retail commercial. Presently, there is 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 9.4 recommends that policy-makers “Expand housing options to accommodate the County’s senior population who prefer to age in place....” At present, ARAH is primarily generated through conditional use approval on residentially zoned property. These approvals do not allow integrated commercial uses and, due to the high cost of land in Howard County, generally consist of single-family attached units that are offered almost exclusively for-sale. The proposed ZRA is crafted to generate for-rent ARAH apartment units in mixed commercial/residential zones. In doing so, this ZRA would address an absence in the market for units set aside for older adults.

The Howard County Planning Board and Howard County Council recently evaluated the demand for smaller ARAH units in Howard County under ZRA 198/CB 87-2021. While ZRA 198 correctly identified a market need, the proposed solution of mandating smaller units rather than encouraging the creation of the same presented a fatal flaw. Here, the Petitioner owns OT zoned property and is prepared to move forward with ARAH units should this ZRA be approved.

This Amendment is also in harmony with Howard County’s 2021 Age-Friendly Action Plan. Under the recommendations related to housing, the Plan recommends that policy makers (H1) Modify covenants and zoning regulations to enhance and facilitate aging in place and (H4) Enhance planning for older adults, including the prioritization and implementation of the Housing Opportunities Master Plan. The latter planning document recommends additional housing modalities be available for underserved populations, such as seniors. Housing Opportunities Master Plan at 6.

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 generate smaller, more affordable ARAH units in mixed use developments. As a transitional mixed-use area, the OT District is designed to gradually ease the shift between commercial and residential zones. The addition of ARAH will provide more options to seniors in the surrounding area to age in place. As indicated above, the proposed ZRA will not result in any additional residential being created or prevent any commercial space from being built. It will also encourage developers in the OT zone to pursue housing options that do not put an additional burden on public schools. In sum, this ZRA meets a housing need that has been identified in numerous planning documents and ensures that more affordable options will be available for Howard County seniors.

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

Amend Section 117.3.C.13:

13. One square-foot of residential space, INCLUDING AGE-RESTRICTED ADULT HOUSING, is permitted for each square-foot of commercial space and must be located within the same structure.

Example of How Text Would Appear if Adopted:

13. One square-foot of residential space, including Age-Restricted Adult Housing, is permitted for each square-foot of commercial space and must be located within the same structure.

Entity	Address	Individual	Document Type	Individual	Date	Signature	Witness	Date	Amount	Other
Demirel Plaza, LLC	203	Veli Demirel	Affidavit of Contribution	Veli Demirel	9/6/2022	X				
Demirel Plaza, LLC	203	Veli Demirel	Affidavit Engaging in Business	Veli Demirel	9/6/2022					X
Demirel Plaza, LLC	203	Veli Demirel	Disclosure of Contribution	Veli Demirel	9/6/2022		The Calvin Ball Te	1/13/2021	500	
Demirel Plaza, LLC	203	Veli Demirel	Disclosure of Contribution	Veli Demirel	9/6/2022		The Calvin Ball Te	4/20/2021	1,000	