

Introduced 01.03.2023  
Public hearing 01.17.2023  
Council action 02.06.2023  
Executive action 02.08.2023  
Effective date 04.10.2023

## County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 1

BILL NO. 6 - 2023 (ZRA - 203)

**Introduced by:**  
The Chair  
at the request of  
Demirel Plaza, LLC

**AN ACT** amending the Howard County Zoning Regulations to allow Age-Restricted Adult Housing as a permitted use in the Office Transition (OT) zoning district, under certain conditions; and generally relating to Age-Restricted Adult Housings.

Introduced and read first time Jan 3, 2023. Ordered posted and hearing scheduled.

By order

Michelle Harrod  
Michelle Harrod, 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 Jan 17, 2023.

By order

Michelle Harrod  
Michelle Harrod, Administrator

This Bill was read the third time on Feb 6, 2023 and Passed , Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order

Michelle Harrod  
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7 day of Feb, 2023 at 11:00 a.m./p.m.

By order

Michelle Harrod  
Michelle Harrod, Administrator

Approved  Vetoed by the County Executive Feb 8, 2023

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  
2 *Howard County Zoning Regulations are hereby amended as follows:*

3  
4 *By Amending:*

5 *Section 117.3: “OT (Office Transition) District”*  
6 *Subsection C. “Uses Permitted as a Matter of Right”*  
7 *Number 13.*

8  
9 **HOWARD COUNTY ZONING REGULATIONS**

10  
11 **SECTION 117.3: OT (Office Transition) District**

12 **A. Purpose**

13 The OT District is established to allow office and other low-intensity commercial uses  
14 adjacent to areas of residential zoning. The OT District is a floating district that will  
15 provide a transition along the edges of residential areas impacted by arterial highways  
16 carrying high volumes of traffic. The standards of this district should result in small-scale  
17 commercial buildings on attractively-designed sites that are compatible with neighboring  
18 residential uses.

19  
20 **C. Uses Permitted as a Matter of Right**

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

24  
25 **Section 2. Be it further enacted** by the County Council of Howard County, Maryland, that this  
26 *Act shall become effective 61 days after its enactment.*



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

(410) 313-2350

DPZ Office Use only  
Case No: ZRA 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.

SEP 7 - 7 36  
HOWARD COUNTY COUNCIL

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

See attached Supplemental Statement.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

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**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."]

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**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."]

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**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 I, 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."]

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**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.

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**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](http://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

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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**

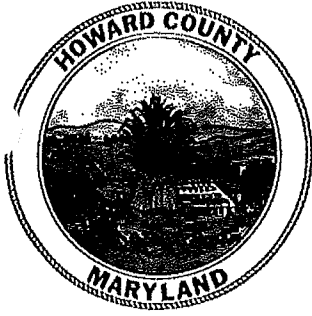
Amend Section 117.3.C.13:

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.





# Howard County Council

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

COUNCILMEMBERS

Opel Jones, Chair  
District 2  
Christiana Rigby, Vice Chair  
District 3  
Liz Walsh  
District 1  
Deb Jung  
District 4  
David Yungmann  
District 5

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: ZRA 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

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See attached Supplemental Statement.

LE L V L - 7 31  
 2022 SEP - 7 31  
 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"]

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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.**

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Demirel Plaza, LLC

\_\_\_\_\_  
Petitioner's/Owner's Names

  
\_\_\_\_\_  
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

  
\_\_\_\_\_  
Counsel for Petitioner's Signature      Date

---

**Fees**

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Poster(s) fee: \$ \_\_\_\_\_

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Receipt No. \_\_\_\_\_

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County Website: [www.howardcountymd.gov](http://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

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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.

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	

Petitioner	ZRA	Applicant	Form	Name	Date Affidavit	Have	Have Not	Recipients of Co	Date of Contribution	Amount	Am	Am Not
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		

1 **DEMIREL PLAZA, LLC** \* **BEFORE THE**  
 2 **PETITIONER** \* **PLANNING BOARD OF**  
 3 **ZRA-203** \* **HOWARD COUNTY, MARYLAND**  
 4

5 \* \* \* \* \*

6 **MOTION: Recommend approval of ZRA-203.**

7 **ACTION: Recommend Approval; Vote 5-0.**

8 \* \* \* \* \*

9 **RECOMMENDATION**

10 On November 3, 2022, the Planning Board of Howard County, Maryland, considered the petition of  
 11 Demirel Plaza, LLC (Petitioner) to amend the Office Transition (OT) zoning district (Section 117.3.C) to  
 12 include Age-Restricted Adult Housing (ARAH) as a permitted use in Use #13 “one square-foot of residential  
 13 space for each square-foot of commercial space located within the same structure” land use category.

14 The Planning Board considered the petition and the Department of Planning and Zoning (DPZ)  
 15 Technical Staff Report.

16 **Testimony**

17 Mr. Tom Coale of Talkin & Oh LLP presented testimony stating that the intent of the amendment is to  
 18 allow Age-Restricted Adult Housing (ARAH) as a use permitted by right and be included in the already  
 19 permitted “one square foot of residential space for each square foot of commercial space located within the  
 20 same structure” use. Mr. Coale asserted that OT is a transitional zoning district and is needed in the Demirel  
 21 Plaza area to separate the adjacent residential uses to the west and south from the commercial areas to the north  
 22 and east. He stated that the addition of the ARAH use would not impact the existing density as there are already  
 23 ten (10) apartment dwellings within the five (5) buildings on the property. Mr. Coale further stated that this  
 24 amendment would currently only apply to the Demirel Plaza parcel as there are no other parcels zoned OT.  
 25 However, since the OT district is a floating zone, it could be applied to other properties through a Preliminary  
 26 Development Plan (PDP) that is subject to the applicable regulations.

27 The Planning Board discussed inclusion of requirements for universal design features and Mr. Coale  
 28 indicated that other floating zones, such as the Community Enhancement Floating district (CEF), allow ARAH  
 29 but do not require universal design features or other requirements associated with ARAH as a Conditional Use.  
 30 Often in these cases the ARAH conditional use yields a multiple of the density otherwise permitted by-right,  
 31 however, in this case the density remains the same and the scale of the site would not allow for some of these  
 32 additional requirements. Board members also asked about the size of units and whether there was a plan for



1 subsidized units. Mr. Coale explained that the units were very small (approximately 625 square feet) and would  
2 be naturally occurring affordable housing but would not be subsidized.

3 No members of the public testified in support or opposition of the proposed ZRA.

4 Board Discussion and Recommendation

5 In work session, Board members spoke favorably of the proposed amendment. They expressed support  
6 for the smaller unit size as an option for residents over the age of 55. The Board discussed whether to include  
7 requirements for universal design features, but ultimately concluded that given the limited size and scope, they  
8 were comfortable proceeding without such requirements in this context.

9 Mr. Engelke motioned to recommend approval of ZRA-203. Mr. McAliley seconded the motion. The  
10 motion passed 5-0.

11  
12 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 23rd day of  
13 November 2022, recommends that ZRA-203, as described above, be **APPROVED**.

14  
15  
16 HOWARD COUNTY PLANNING BOARD

17 DocuSigned by:  
*Edward T. Coleman*

18 F0F8EF3282DC401...  
Ed Coleman, Chair

19 DocuSigned by:  
*Kevin McAliley*

20 17D7DFE9D4214A8...  
Kevin McAliley, Vice-chair

21 DocuSigned by:  
*Phil Engelke*

22 6C3D193985E497...  
Phillips Engelke

23 DocuSigned by:  
*JEC*

24 7DA112351D2D494...  
James Cecil

25 DocuSigned by:  
*B M*

26 E9195FB894E1A2B...  
Barbara Mosier

27  
28 ATTEST:

29 DocuSigned by:  
*Amy Gowan*

30 5B4D5DD9470C4D4...  
Amy Gowan, Executive Secretary

31



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

## TECHNICAL STAFF REPORT

*Planning Board Meeting of November 3, 2022*

**Case No./Petitioner: ZRA-203 – Demirel Plaza, LLC**

**Request:** Amend the Office Transition (OT) zoning district (Section 117.3.C) to include Age-Restricted Adult Housing (ARAH) in Use 13 “one square-foot of residential space for each square-foot of commercial space located within the same structure” land use category.

### **I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS**

#### Office Transition District:

The OT zoning district was added to the Zoning Regulations during the 2004 Comprehensive Zoning Plan and permitted offices, communication towers, government uses, and one dwelling unit per business establishment within the same structure, provided the dwelling unit does not exceed 50 percent of the floor area of the structure.

ZB 1098M, approved February 6, 2013, rezoned the Demirel Plaza Property (Attachment A) from the R-20 (Residential: Single) to OT zoning district.

ZRA 157, approved June 6, 2015, amended Section 117.3.C. of the Zoning Regulations, adding personal service establishments to the list of uses permitted as a matter of right in the OT district.

ZRA 168, approved October 6, 2016, amended Section 117.3.C. of the Zoning Regulations by adding 13 commercial uses permitted as a matter of right and changed the residential use to “one square-foot of residential space for each square-foot of commercial space located within the same structure”

#### Age-Restricted Adult Housing:

ZB 849R, approved June 2, 1988, added the use of “Housing for Elderly or Handicapped persons” as a Special Exception, and added the definition for this use category.

ZRA 30, approved February 15, 2001, added a new definition for ARAH and added a parking standard for ARAH.

CB2-2005, part of the Comprehensive Lite Regulations added several additional requirements for ARAH.

ZRA 88, approved June 2, 2008, added ARAH as a use permitted by right in the Planned Office Research (POR) district and adds additional requirements for ARAH.

ZRA 91, approved June 2, 2008, established the DAP review criteria for all new ARAH developments.

ZRA 187, approved July 5, 2019, added ARAH as a Conditional Use within the Rural Residential (RR) and Rural Conservation (RC) districts.

ZRA 199, approved April 6, 2022, added ARAH as a Conditional Use within the Planned Golf Course Community (PGCC) district.

ZRA 200, approved May 4, 2022, added Age-Restricted Adult Housing as a use permitted as a matter of right within the Business: Local (B-1) district.

## II. DESCRIPTION OF PROPOSAL

This section contains a summary of the Petitioner's proposed amendment. The Petitioner's proposed amendment text is attached as Exhibit A.

The Petitioner contends that allowing ARAH in the OT zoning district would allow additional flexibility for the development of senior housing, which could create more affordable units for the County's aging senior population. ARAH located within a commercial zone would offer senior housing opportunities in proximity to retail and services.

### Section 117.3.C:

This section contains the uses permitted as a matter of right in the OT zoning district. The Petitioner proposes to add ARAH as a permissible housing type under Use 13 "one square-foot of residential space is permitted for each square-foot of commercial space and must be located within the same structure."

## III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning's (DPZ) technical evaluation of ZRA 203 in accordance with Section 16.208.(d) of the Howard County Code.

### 1. The compatibility, including potential adverse impacts and consequences, of the proposed Zoning Regulation Amendment with the existing and potential uses of the surrounding areas and within the same zoning district.

The proposed amendment is unlikely to result in adverse impacts to existing/potential uses, since ARAH only effects who can reside in a dwelling and not the actual housing type (i.e. Use 13), which is currently permitted as a matter of right.

### 2. The properties to which the Zoning Regulation Amendment could apply and, if feasible, a map of the impacted properties

OT is a floating zone and could be applied to properties through Zoning Board approval of a Preliminary Development Plan (PDP) that meets the criteria in Section 117.3.G of the Zoning Regulations. Only one property is currently zoned OT and is shown in Attachment A.

**3. Conflicts in the Howard County Zoning Regulations as a result of the Zoning Regulation Amendment.**

As compared to other zoning districts, Age-Restricted Adult Housing is permitted as a matter of right in the POR (Planned Office Research), CCT (Community Center Transition), PSC (Planned Senior Community), and TNC (Traditional Neighborhood Center) zoning districts subject to requirements for universal design standards, enforcement of age restrictions, moderate income housing units (MIHUs), on-site community centers, and open space. While the proposed amendment does not include these requirements in the approval criteria, OT is a floating zoning and requires the Zoning Board to approve a PDP. The Zoning Board could impose additional conditions through that process.

**4. The compatibility of the proposed Zoning Regulation Amendment with the Policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.**

ZRA 203 is generally in harmony with *PlanHoward 2030* goals and policies. *PlanHoward 2030*, the County's general plan, contains several policy goals and implementing actions that generally support the proposed zoning regulation amendment (ZRA) to permit Age-Restricted Adult Housing in the OT District.

Policy 9.4 on page 131 of *PlanHoward 2030* recommends that the County continue to "expand housing options to accommodate the County's senior population who prefer to age in place and people with special needs." In addition, Policy 9.2 on page 129 of *PlanHoward 2030* recommends that the County continue to "Expand the full spectrum housing for residents at diverse income levels and life stages, and for individual with disabilities, by encouraging high quality, mixed income, multigenerational, well designed, and sustainable communities."

According to *PlanHoward 2030* on page 130, there is a "need to promote diverse senior housing for those that wish to downsize to more easily maintained units as they age." The Plan also states that "nearly 20% of Howard County residents will be over the age of 65 by 2030" (*PlanHoward 2030*, p. 130). The proposed ZRA would create an opportunity to expand the County's senior housing stock in a Zoning District where ARAH is currently is not permitted. It would also contribute to diversifying the senior housing stock in the County as all residential development in this Zoning District must be located in a mixed-use building, or the same building as the commercial development, thus creating opportunities for apartments or rental properties. Additionally, this ZRA could be consistent with Policy 9.4 to the extent that smaller rental units would result in housing units more affordable to low- and moderate-income seniors.

Case No. ZRA-203  
Petitioner: Demirel Plaza, LLC

Page | 4

Environmental Policies and Objectives

The proposed ZRA 203 is not in conflict with the environmental policies and objectives in PlanHoward 2030, the County's general plan. The proposed ZRA 203 would not change any development requirements for sensitive resource protection, stormwater management or forest conservation.

DocuSigned by:

*Amy Gowan*

5B4D5DD0470C4D4...

10/19/2022

Amy Gowan, Director

Date

**Exhibit A**

**Petitioner's Proposed Text**

**Section 117.3.C:**

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.

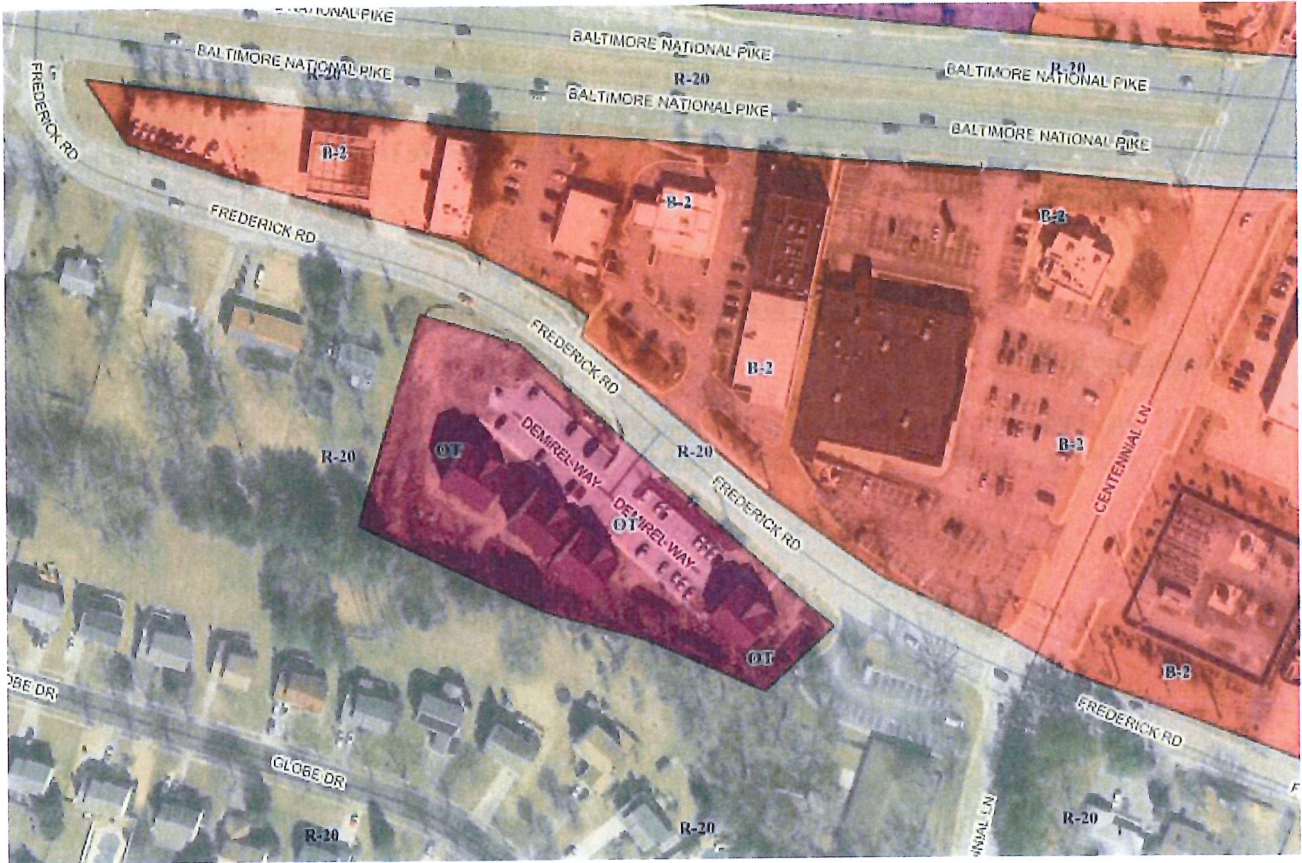
**Example of how the text would appear normally if adopted:**

**Section 117.3.C:**

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.



Attachment A





BY THE COUNCIL

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

Feb 8, 2022. 2023

Michelle Harrod  
Michelle Harrod, 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Michelle Harrod, 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Michelle Harrod, 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Michelle Harrod, 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Michelle Harrod, 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council