



DPZ Office Use only Case No: <u>ZRA208</u> Date Filed: <u>2/6/2024</u>
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**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:

To amend Section 117.3.C to add "School, Commercial" as a permitted use, which would allow a low-intensity primary and secondary educational tutoring business to be located in the OT (Office Transition) zoning district.

[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) (410) 440-1242 **(H)** _____
Email Address: veli_demirel@yahoo.com

3. Counsel for Petitioner: Christopher M. DeCarlo, Whiteford, Taylor and Preston, L.L.P.
Counsel's Address: 1 West Pennsylvania Avenue, Suite 300, Towson, MD 21204
Counsel's Phone: 410-347-9459 **Email Address:** cdecarlo@whitefordlaw.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.

[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 "School, Commercial" 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



Petitioner's/Owner's Signature Date

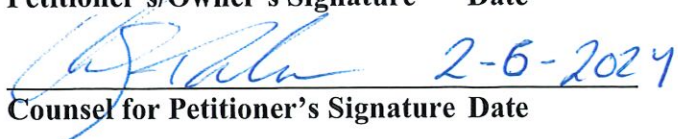
Petitioner's/Owner's Names

Petitioner's/Owner's Signature Date

Petitioner's/Owner's Names

Christopher M. DeCarlo

Counsel for Petitioner's Names



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 

(Print full name)



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

2-6-2024

(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	11-03-2022	\$500.00
The Calvin Ball Team	4-20-2021	\$1,000.00
The Calvin Ball Team	1-13-2021	\$500.00

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

(Print full name)

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

2-6-2024

(Date)

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

Demirel Plaza, LLC, Petitioner

Introduction

The Petitioner requests an amendment to Section 117.3.C of the zoning regulations to add “Schools, Commercial” as a permitted use in the OT Zone. Similar to other office and transitional zoning districts in the County, the OT zone currently permits commercial uses such as day treatment centers, care facilities, child day cares and nursery schools. Unlike many other office and transitional zoning districts, however, the OT zone does not currently permit the “Schools, Commercial” use category, which is a less intense commercial use category than many of the currently permitted uses.

“School, Commercial” is defined in the zoning regulations as “[a] business establishment which principally offers instruction for a fee in the fine or performing arts, or for vocational and professional training purposes, or in special skills improvement such as, but not limited to, driving schools and test preparation centers.” Per the Department of Planning and Zoning (“DPZ”), primary and secondary education tutoring businesses fall under the “School, Commercial” use category. This includes tutoring businesses that specialize in primary and secondary education for Science, Technology, Art, and Math (“STEM”) and college preparedness. This amendment, if approved, would permit such low intense businesses in the OT zone providing a valuable service to County residents.

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

The OT district was established to allow office and other low-intensity commercial uses adjacent to residential zoning providing a transition between residential areas and nearby more intense commercial areas. As indicated above, current commercial uses permitted in the OT zone include child day care centers and nurse schools. Tutoring services and businesses, however, are not currently permitted in the OT zone despite being a less intense commercial use. As a low impact commercial use, a tutoring business is a natural fit for this type of transitional zone. Moreover, tutoring businesses, especially those specializing in STEM, provide a needed service to the community.

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 ZRA is in harmony with HoCo By Design. In particular, the ZRA is in harmony with Chapter 5, Economic Prosperity. Policy Statement EP – 8 calls for the County to “[s]upport an educated and skilled workforce with specific attention and resources devoted to breaking barriers to employment and education while achieving greater racial and social inclusion in the workplace.”

In addition, the ZRA is in harmony with Chapter 9, Supporting Infrastructure. Policy Statement INF-8 calls for the County to “[c]ontinue to support and partner with entities that provide critical services, program, and infrastructure such as higher education and health care facilities.” Implementing action 2 calls for the County to “[c]ontinue to work with the Howard County Economic Development

Authority, the private sector, and other institutions of higher education to meet workforce development and re-training needs, especially in science and technology-related fields.”

6. The Legislative Intent of the Zoning Regulations in Section 100.0.A express 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.

The amendment will preserve and promote the health, safety, and welfare of the community because it will allow a business that caters to the needs of the surrounding community to be permitted as a matter of right in the OT zone. Tutoring businesses, especially those focused on STEAM, provide a valuable service to families and students by augmenting and supplementing the instruction provided through public education. It also provides an additional low-intensity commercial use in the OT zone close to residential areas and the Route 40 corridor reducing the need for auto-oriented travel. Lastly, permitting this additional low-intensity commercial use, which is consistent with the already permitted uses, fosters economic development in the County.

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

The text set forth below in ALL CAPS is proposed to be added to Section 117.3.C:

C. Uses Permitted as a Matter of Right

1. Animal hospitals, completely enclosed.
2. Antique shops, art galleries, craft shops.
3. Athletic facility, commercial, limited to: dance, martial arts, and yoga studios.
4. Bakeries.
5. Bicycle sales and repair.
6. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
7. Child day care centers and nursery schools.
8. Clothing and apparel stores with goods for sale or rent.
9. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4.
10. Day treatment and care facilities.
11. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
12. Government structures, facilities and uses, including public schools and colleges.
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.
14. Offices, professional and business.
15. Pet grooming establishments and day care, completely enclosed.
16. Personal service establishments, provided the floor area of such uses does not exceed 50% of the floor area of all non-residential uses on the approved OT site development plan.

17. Repair and sales of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.

18. Rooftop solar collectors.

19. SCHOOLS, COMMERCIAL

20. [[19.]] Service agencies.

21. [[20.]] Specialty store, limited to: florists, consignment shops, tailor, cobbler, and musical instrument sales.

22. [[21.]] Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.

Example of How the Text Would Appear if Adopted:

C. Uses Permitted as a Matter of Right

1. Animal hospitals, completely enclosed.
2. Antique shops, art galleries, craft shops.
3. Athletic facility, commercial, limited to: dance, martial arts, and yoga studios.
4. Bakeries.
5. Bicycle sales and repair.
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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.
14. Offices, professional and business.
15. Pet grooming establishments and day care, completely enclosed.
16. Personal service establishments, provided the floor area of such uses does not exceed 50% of the floor area of all non-residential uses on the approved OT site development plan.
17. Repair and sales of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
18. Rooftop solar collectors.
19. Schools, Commercial.
20. Service agencies.
21. Specialty store, limited to: florists, consignment shops, tailor, cobbler, and musical instrument sales.
22. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.