



## HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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### TECHNICAL STAFF REPORT

*Planning Board Meeting of May 16, 2024*

**Case No./Petitioner: ZRA-208 – Demirel Plaza, LLC**

**Request:** An amendment to the Office Transition (OT) zoning district (Section 117.3.C) to permit commercial schools as a matter of right.

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

##### Office Transition District:

The 2004 Comprehensive Zoning Plan added the OT (Office Transition) district to the Howard County Zoning Regulations. The Purpose of the district is to allow office and other low-intensity commercial uses adjacent to areas of residential zoning. The OT District is a floating district that can provide a transition along the edges of residential areas impacted by arterial highways carrying high volumes of traffic.

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

ZRA 157, approved June 6, 2015, amended Section 117.3.C. of the Zoning Regulations by adding personal service establishments to the list of uses permitted as a matter of right in the OT (Office Transition) 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 changing the criteria for residential use to “one square-foot of residential space for each square-foot of commercial space located within the same structure.”

ZRA 197, approved May 6, 2021, amended Section 117.3.C of the Zoning Regulations by adding rooftop solar collectors to the list of uses permitted as a matter of right and by adding accessory ground mount solar collectors as an accessory use.

ZRA 203, approved February 8, 2023, amended Section 117.3.C of the Zoning Regulations by adding age-restricted adult housing as a use included in the permitted residential use.

##### Prior Zoning Regulation Amendments – Schools, commercial

The commercial school use was first defined in the 1953 regulations as a permitted use in the Business: Local (B-1) district under the use category of *Art, trade and business schools*.

The 1977 Comprehensive Zoning Plan added Commercial Schools as a permitted use within the Historic Office (HO) and Historic Commercial (HC) districts. During this time, the use was also included within the permitted use category of *Private colleges and universities, trade schools, art schools and commercially-operated schools* in the Business-General (B-2), Planned Office Research (POR), Manufacturing-Light (M-1) and Manufacturing-Heavy (M-2) districts.

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During the 1993 Comprehensive Zoning, *Schools, commercial, including driving schools, business schools, trade schools, art schools and other commercially operated schools* became a permitted use within the B-2, POR, HO and HC districts. Within the Planned Employment Center (PEC) district, *Schools, commercial, limited to business schools and trade schools* became a permitted use.

During the 2005 Comp Lite (CB-02-2005), the use *Schools, commercial, including driving schools, business schools, trade schools, art schools and other commercially operated schools* was added to the Traditional Neighborhood Center (TNC) district.

During the 2013 Comprehensive Zoning, the definition for *School, Commercial* was added. "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."

## II. DESCRIPTION OF PROPOSAL

The Petitioner is proposing this amendment to permit commercial schools as a matter of right within the OT district. The Petitioner's proposed amendment text is attached as Exhibit A.

The Petitioner asserts the commercial schools use would be similar in intensity to child day care centers and nursery schools, and that day treatment and care facilities are permitted as a matter of right and that commercial schools would not impede any existing uses.

### 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 "*Schools, Commercial*" to the list of uses that are permitted as a matter of right.

## III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-208 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 may result in adverse impacts to existing/potential uses regarding parking availability as commercial schools have a higher parking demand than day care centers and nursery schools, and day treatment and care facilities. According to Section 133.0.D.4, commercial schools require 5 parking spaces per 1,000 square feet, day care centers require 3 parking spaces per 1,000 square feet, and day treatment and other care facilities require 1 parking space per 2 beds. The impacts resulting from adding this use could be mitigated through an evaluation of the available parking and applying the shared parking adjustments outlined in Section 133.0.F to ensure adequate parking is provided for all uses on the parcel.

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

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The proposed amendment will apply to properties within the OT Zoning District. As a floating Zoning District, it could potentially be applied to 2,554 parcels that meet the District Requirements and the Standards for Approval for establishing this Zoning District outlined in Sections 117.3.B&G. Currently, there is only one parcel zoned OT, and a map of that parcel is included as Attachment A. In analyzing the potential application of the OT District to other properties, our analysis was limited to residential Zoning Districts such as the Residential – Single (R-20) Zoning District and the Institutional (I) Zoning District as other commercial district such as Business: Local (B-1), Planned Office Research (POR) or Planned Employment Center (PEC) already have a greater number of permitted uses. Prior to the OT Zoning District designation, Demirel Plaza was zoned R-20.

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

The Department of Planning and Zoning does not anticipate that this amendment will conflict with any existing Zoning Regulations.

**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.**

While the General Plan does not make any specific recommendations for amending the OT Zoning District to add commercial school uses, ZRA-208 is generally in harmony with *HoCo By Design* goals and policies. *HoCo By Design*, identifies Demirel Plaza and those properties where the OT floating zone is applicable as a Mixed-Use Activity Center area that is defined as “land offering the opportunity to serve broader economic, entertainment, and housing needs in the community.” The OT Zoning District is a floating district established to allow office and other low-intensity commercial uses adjacent to areas of residential zoning to provide a transition along the edges of residential areas impacted by arterial highways.

Policy EP-8 of *HoCo By Design* recommends that the County “Support 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.” Implementing Action 1. recommends “Increase job training, internships, and job placement to overcome barriers to employment and achieve greater racial and social inclusion in the workforce.”

In addition, Policy INF-8 recommends that the County “Continue to support and partner with entities that provide critical services, programs, and infrastructure such as higher education and health care facilities.” Implementing Action 2. recommends “Continue 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.”

The proposed ZRA will contribute to the revitalization of Route 40 and add to Howard County’s overall economy. Overall, the Comprehensive and Community Planning Division finds that permitting Commercial Schools, within the OT District as a matter of right, is not in direct conflict with the policies and actions in the General Plan.

Environmental Policies and Objectives

The proposed ZRA 208 is not in conflict with the environmental policies and objectives in HoCo By Design.

- 5. If the zoning regulation text amendment would impact eight parcels of land or less: (i) A list of those impacted parcels; (ii) The address of each impacted parcel; (iii) The ownership of each impacted parcel; and (iv) The contact information for the owner, if an individual, or resident agent or owner, if a corporate entity, of each impacted parcel.**

In reviewing the District Requirements and the Standards of Approval outlined in subsections B & G of Section 117.3 of the Zoning Regulations, 2,554 parcels potentially meet the eligibility requirements to apply the OT floating Zoning District designation (See attachment B).

However, currently there is only one (1) parcel zoned OT having the address of: 10105 Frederick Road, Ellicott City, MD 21042. The owner of the parcel is Demirel Plaza, LLC with the following contact information:

Corporate entity: Demirel Plaza, LLC  
Address: 3016 Forum Place, Ellicott City, MD 21042  
Phone number: 410-440-1242  
Email: veli\_demirel@yahoo.com

DocuSigned by:

*Lynda Eisenberg*  
4220B635863942E...

4/30/2024

Lynda Eisenberg, Director

Date

**Exhibit A**

**Petitioner's Proposed Text**

**Section 117.3.C:**

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. 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.

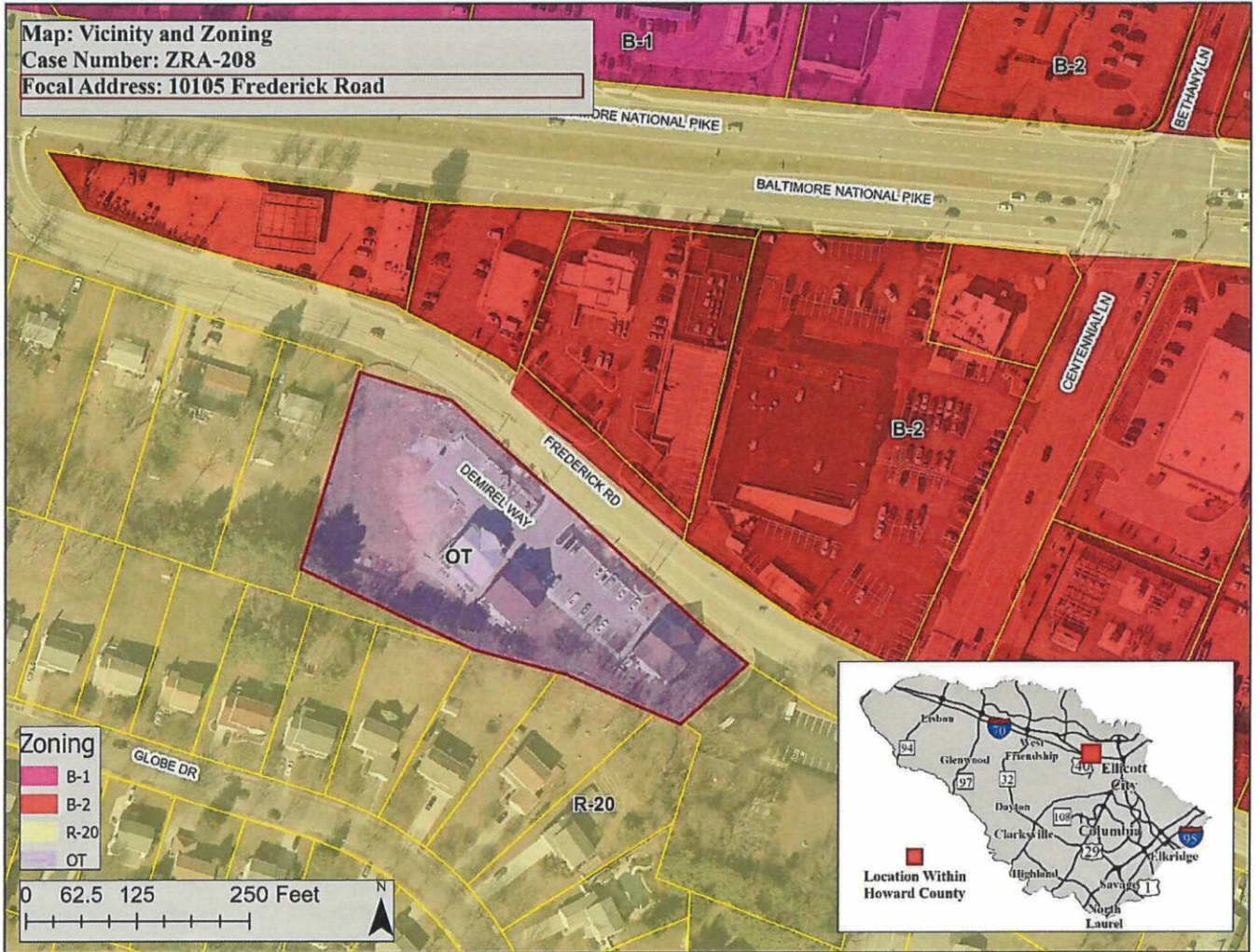
**Example of how the text would appear normally if adopted:**

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Attachment A



**Attachment B:**

