



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

**REVISED**

(410) 313-2350

DPZ Office Use only  
 Case No: ZRA209  
 Date Filed: 3/5/2024

HOWARD COUNTY COUNCIL

**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:

Amend the Corridor Activity Center (CAC) zone under Section 127.5.B. to add "Self-Storage" as a permitted commercial use in the CAC zone; Section 127.5.E.2. to reduce the retail use requirements on the first floor of buildings adjoining the Route 1 right-of-way. The Zoning Regulation Amendment also proposes the deletion of Section 127.5.E.3.b. to allow residential uses for projects with less than 1,000 feet of frontage on the Route 1 right-of-way.

[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:** The Weinman Company  
**Address:** 106 Old Court Road, Suite 300, Baltimore, MD 21208  
**Phone:(W)** 410-653-1080 **(H)** \_\_\_\_\_  
**Email Address:** eddie@weinmancompany.com

3. **Counsel for Petitioner:** Tom Coale - Perry, White, Ross & Jacobson  
**Counsel's Address:** 54 State Circle, Annapolis, MD 21401  
**Counsel's Phone:** 4436300507 **Email Address:** tom@pwrjmaryland.co

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"]

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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).**

The proposed ZRA will allow for the redevelopment of properties along the Route 1 Corridor to provide mixed-use developments that meet the commercial needs of the surrounding community and provide desperately needed multi-family housing.

[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.

The ZRA would effect all CAC zoned properties that front on US Route 1. Upon information and belief, there are greater than 12 parcels that would be effected, but not much more than 12. This ZRA would increase the likelihood that these parcels will be redeveloped for their higher and best uses as opposed to existing uses that are commonly non-conforming with the CAC zone. Moreover, redevelopment of these properties to mixed-use commercial and residential will increase the tax basis for the county.

[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.

Petitioner has a property interest in 7450 Washington Boulevard, Elkridge, MD 21075

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.

See attached Supplemental Statement

[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.

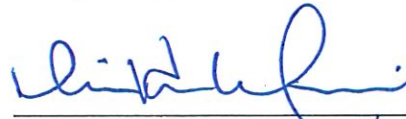
12. The Petitioner certifies that no petition for the same or substantially the same proposal as herein contained for the subject property has been denied in whole or in part by the Zoning Board or has been withdrawn after the taking of evidence at a public hearing of the Zoning Board within twenty-four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

DENNIS H. WEINMAN

Petitioner's/Owner's Names



Petitioner's/Owner's Signature

2/20/24

Date

Petitioner's/Owner's Names

Petitioner's/Owner's Signature

Date

Petitioner's/Owner's Names

TOM COALE

Counsel for Petitioner's Names

Petitioner's/Owner's Signature



Counsel for Petitioner's Signature

2/26/24

Date

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## 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 three (3) 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, Dennis Weinman, 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.

DENNIS H. WEINMAN  
(Print full name)

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

2/20/24  
(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:** \_\_\_\_\_  
(Print Full Name)

**RECIPIENTS OF CONTRIBUTIONS:**

NAME	DATE	AMOUNT
Friends of Opel Jones	2021	\$1,000 <sup>e</sup>

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**.

DENNIS H. WEINMAN  
(Print full name)

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

2/20/24  
(Date)

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

The Weinman Company, Petitioner

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The Petitioner is the owner and operator of the US 1 Flea Market, located at 7540 Washington Blvd, Elkridge, MD. This Property is zoned Corridor Activity Center (CAC), which is a mixed-use zone that has been the subject of numerous prior amendments to diminish, or outright remove, the commercial requirement for CAC developments. These amendments, while suitable for specific projects, have created a disjointed and nonsensical set of regulations that apply in some circumstances, but are waived in others. There is no cohesion or clear land use policy for what was originally intended as a mixed-use zone that paired viable commercial uses with residential development.

Petitioner is considering redevelopment of the US 1 Flea Market site with a mixed-use development that fully satisfies the commercial requirements for the CAC zone. However, the regulations as written do not allow for a financially viable development that will accommodate the co-location of commercial and residential space. As described below, these regulations written in the abstract do not work in the specific. In particular, the current regulations prevent Petitioner from locating any residential uses, including the leasing office, lobby, and amenities areas, along the frontage of US Route 1. Consistent with the rationale of prior amendments to the CAC, there are still significant challenges to marketing retail commercial space and the Council should avoid creating a glut of compulsory retail construction in the Route 1 corridor. Petitioner respectfully requests the broadening of commercial uses allowed in the CAC to include self-storage, which the Petitioner contends will provide important diversification to the local commercial market. In total, these amendments will allow the Petitioner to build a true mixed-use development that provides marketable commercial uses along with multi-family housing.

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 three provisions of the CAC regulations. The first would allow self-storage as a use permitted by right in the zone. The second would remove a prohibition on residential uses on the frontage of US Route 1. The third would reduce the retail frontage requirement from 50% to 20% on properties that abut US Route 1.

The first proposed amendment would add “self-storage” as a permitted commercial use in the CAC zone. Since the creation of the CAC in 2013, the market for retail commercial space has plummeted. Retail centers across the county are pot-marked with vacancies and have difficulty attracting viable commercial tenants. Compulsory retail commercial, such as that required in a mixed-use development like CAC, provide more downward pressure on the market and impose competition on these already struggling commercial landlords. The expected result is a death spiral in commercial viability with low rent commercial filling otherwise empty spaces. In response, the Howard County Council has twice amended the commercial requirement in the CAC zone to allow developers to “buy out” of commercial square footage otherwise required in the zone. While these previous amendments were sound policy decisions, the changes to the CAC zone have made it a decidedly residential zoning district as opposed to mixed use.

Nevertheless, there are still sectors of the commercial real estate market that continue to thrive while other commercial retail uses fall out of favor. One such viable commercial use is self-storage, primarily due to high-demand amongst down-sizing seniors and young couples waiting for entry into the single-family detached housing market. By allowing self-storage to be paired with multi-family housing, Petitioner would be making innovative use of the CAC district while meeting the commercial square footage requirements of the zone and, more importantly from the perspective of policy-makers, commercial tax revenue.

The second requested change is to allow residential uses, including front lobby, leasing offices, and other amenity spaces, along the frontage of the Route 1 right-of-way. The existing regulations arbitrarily

limit the ability to have residential frontage to properties with 1,000 feet or more on the Route 1 right-of-way. The “residential uses” described above would typically be located at the front portion of mixed-use residential buildings. Previous amendments to the CAC zone have removed the outright prohibition on residential uses along the Route 1 frontage, but have unnecessarily constrained the applicability of these changes to properties of a certain size. The proposed amendment would remove this prohibition in its entirety, while retaining subsequent provisions that require a certain percentage of the frontage be retail uses.

The third amendment would reduce the percentage of Route 1 frontage that must be set aside for retail, service or restaurant uses. As described above, the retail commercial real estate market is not what it was when the CAC zone was originally created. Petitioner anticipates leasing some retail space along the Route 1 frontage, but contends the 50% requirement is far in excess of what would be viable for the development. Petitioner is proposing that this requirement be reduced to 20%.

The collective purpose of all three amendments is to allow Petitioner to develop a mixed use project in the CAC zone that does not buy down any of the commercial space required under the Regulations. This would be consistent with the original intention of the CAC 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.**

HoCo By Design deferred most specific policies related to the Route 1 Corridor to the separate Route 1 Master Plan - “Route 1 Corridor: A Plan for Washington Boulevard”. This proposal is in harmony with the policy prescriptions stated therein, particularly the following:

RTE 1-2 - Attract public investment in the Route 1 Corridor.

7. Provide incentives for development that generates economic activity in locations that offer amenities and public transportation access.

RTE 1-3 - Foster revitalization in the Route 1 Corridor.

1. Establish activity centers as identified on the Future Land Use Map that will concentrate future residential, commercial retail, light industrial, and traditional office development.

2. Implement zoning changes to achieve the vision of the Corridor:

- a. Evaluate the efficacy of existing industrial zoning districts.
- b. Consider more flexibility

RTE 1-17 - Catalyze the redevelopment of activity centers in the Route 1 Corridor and ensure they allow a mix of uses.

- 1. Empower and establish one or more entities to catalyze the redevelopment and revitalization of the activity centers and attract, retain, or relocate businesses to appropriate locations.
- 2. Develop a new industrial mixed-use zone (or combination of zones) that allows desired uses, including residential, commercial, and light industrial, in the Industrial Mixed-Use Activity Center character area.
- 3. Attract convenience commercial (including commercial pad sites) and eliminate auto-related uses on properties that front Route 1 in activity centers.
- 4. Ensure that the future zoning of the Mixed-Use Activity Center character area supports commercial uses.
- ...
- 7. Evaluate and revise the Corridor Activity Center (CAC), Corridor Employment (CE), and Continuing Light Industrial (CLI) Overlay Zoning Districts to ensure the zones are appropriately located within activity centers and the districts allow for a mix of uses that support the vision of each character area.

These policies encourage the redevelopment of the Route 1 Corridor and flexibility in zoning to allow a mix of commercial uses. The Route 1 Corridor Master Plan also reflects the need to revisit prior zoning to revitalize the corridor. Petitioner's proposal for new multi-family housing and a variety of new commercial uses meets these policy recommendations and will, therefore, be consistent with HoCo By Design.

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 meet demonstrated commercial demand for self-storage while facilitating the development of multi-family housing. By allowing greater flexibility in commercial development, the proposed ZRA

will allow greater diversity in the commercial real estate market and protect existing retail commercial landlords from forced competition.

**Petitioner's Proposed Text  
Corridor Activity Center ZRA**

**Amend Section 127.5.B. to add:**

40. SELF-STORAGE

Renumber subsequent uses accordingly

**Amend Section 127.5.E.2 as follows:**

2. Requirements for Nonresidential Uses

- a. On a lot adjoining the Route 1 right-of-way, for the buildings closest to Route 1:
- (1) At least 50 20% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses serving the public.
  - (2) The first floor of the building facade facing Route 1 must include storefronts and primary entrances for the first floor retail and service uses.
  - (3) The first floor facade shall be designed to provide pedestrian interest along Route 1 in accordance with the Route 1 Manual.

**Delete Section 127.5.E.3.b.:**

~~The first floor of buildings adjoining the right-of-way of Route 1 shall not include residential uses in the building space closest to the right of way of Route 1, with the exception that if the Director of the Department of Planning and Zoning finds that the building and streetscape design are in compliance with Chapter 5 of the Route 1 Manual concerning building design, particularly the sections concerning mass and articulation and door and window openings, such units may be approved in a development site that has 1,000 feet or greater frontage on the Route 1 right-of-way and is:~~

- ~~(1) 20 acres or greater and residences occupy no more than 50% of the Route 1 frontage, or~~
  - ~~(2) 5 acres or greater and within 2,000 feet of a MARC Station.~~
- ~~Residences may occupy other portions of the first floor space.~~

Reletter subsequent subsections accordingly.

**Example of How Text of Section 127.5.B. Would Appear if Adopted:**

40. Self storage

**Example of How Text of Section 127.5.E.2 Would Appear if Adopted:**



## 2. Requirements for Nonresidential Uses

- a. On a lot adjoining the Route 1 right-of-way, for the buildings closest to Route 1:
  - (1) At least 20% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses serving the public.
  - (2) The first floor of the building facade facing Route 1 must include storefronts and primary entrances for the first floor retail and service uses.
  - (3) The first floor facade shall be designed to provide pedestrian interest along Route 1 in accordance with the Route 1 Manual.