



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

DPZ Office Use Only:

Case No. ZRA- 136

Date Filed: \_\_\_\_\_

**1. Zoning Regulation Amendment Request**

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: \_\_\_\_\_

Amend Section 127.C.6.a of the Zoning Regulations such that if bonus residential density is utilized in the MXD-6 District, the range of percentages of gross area set forth for employment uses under Section 127.C.3.A would be increased from between 9% and 11% to between 7% and 11%.

[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 Liparini Company

Address 7310 Esquire Court, Suite 14, Elkridge, Maryland 21075

Phone No. (W) \_\_\_\_\_ (H) \_\_\_\_\_

Email Address \_\_\_\_\_

**3. Counsel for Petitioner** Sang W. Oh, Esquire, Talkin & Oh, LLP

Counsel's Address 5100 Dorsey Hall Drive, Ellicott City, Maryland 21042

Counsel's Phone No. 410-964-0300

Email Address soh@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

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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.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. \_\_\_\_\_

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 Response to 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? Yes

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.

See attached Supplemental Statement

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

**9.** 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 9. If so, this document shall be titled "Response to Section 9."]


**10.** 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.**

- 11. 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 on the case.
  
- 12. 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.

**The Liparini Company**  
\_\_\_\_\_  
Petitioner’s name (Printed or typed)

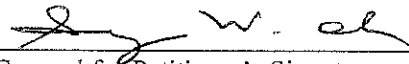
  
\_\_\_\_\_  
Petitioner’s Signature      9/30/11  
Date

\_\_\_\_\_  
Petitioner’s name (Printed or typed)

\_\_\_\_\_  
Petitioner’s Signature      Date

\_\_\_\_\_  
Petitioner’s name (Printed or typed)

\_\_\_\_\_  
Petitioner’s Signature      Date

  
\_\_\_\_\_  
Counsel for Petitioner’s Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

**FEE**

The Petitioner agrees to pay all fees as follows:

Filing fee .....\$695.00. 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\*

**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 (20) copies along with attachments.**

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**For DPZ office use only:**

**Hearing Fee \$ \_\_\_\_\_**

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

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

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

Revised:10/09  
T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

**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.

PETITIONER: The Liparini Company

**AFFIDAVIT AS TO CONTRIBUTION**

**As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850**

I, The Liparini Company, the applicant in the above zoning matter

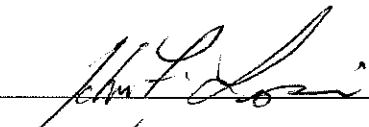
\_\_\_\_\_, HAVE

HAVE NOT

made any 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 application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Name: 

Date: 8/24/11

PETITIONER: The Liparini Company

**DISCLOSURE OF CONTRIBUTION**

**As required by the Annotated Code of Maryland  
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

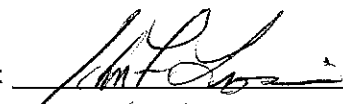
Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR  
PARTY OF RECORD: The Liparini Company

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Name:   
Date: 8/30/11





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

**Supplemental Statement**

**Response to Section 4**

The requested amendment is proposed to allow more flexibility in land use percentages for the MXD-6 District. Currently, the Zoning Regulations for the MXD District (the “MXD Regulations”) require that at least 15% of the gross area of a mixed-use development be dedicated to employment land uses. The total percentage of required employment land use area drops in an MXD-6 development, however, to between 9% and 11% if a bonus residential density is utilized as age restricted adult housing units satisfying the requirements of the POR District. The amendment requested in this Petition (the “Amendment”) seeks to lower the minimum required percentage of employment land use area in MXD-6 developments from 9% to 7% when the development utilizes the density bonus.

This Amendment would allow the option to provide a lower percentage of required employment land area given the ongoing struggles of the national and local economies. In several mixed-use developments within the County, the commercial component has struggled to attract tenants to provide the employment opportunities envisioned by a mixed-use development. For example, the Asbury Courts development suffered from a 75 percent commercial vacancy, which decreased the overall vibrancy and vitality of the development and surrounding area.

The percentage of land use areas in a mixed-use development should ultimately support one another. The commercial component should be large enough to provide job opportunities in close proximity to the residential component, but not so large as to result in abundant vacant commercial space. The residential component, on the other hand, must be large enough to adequately support the commercial component and to attract commercial tenants to the development.

The proposed Amendment does not preclude an MXD-6 development from utilizing the higher percentage of employment land use area if the development can support a larger commercial component. By amending the MXD Regulations to expand the permitted percentage of employment land uses from between 9% and 11% to between 7% and 11%, additional flexibility will exist for providing a more appropriate balance of land uses specifically tailored to the needs of each mixed-use development.

**Response to Section 5**

The proposed amendment will be in harmony with the current General Plan for Howard County. One of the goals of the General Plan is to “have an appropriate balance of land uses.” HOWARD COUNTY GENERAL PLAN 2000, at 67. That goal is particularly important in mixed-use developments, which by their design aim to provide the appropriate mix of residential, employment, and open space land uses. The proposed Amendment is in accord with this goal by

permitting more flexibility in MXD-6 Districts, which flexibility would better ensure that an appropriate balance of land uses is achieved for each development.

Additionally, Policy 4.6 of the General Plan seeks to provide opportunities for creation of small mixed-use centers. HOWARD COUNTY GENERAL PLAN 2000, at 93. The proposed Amendment would help to accomplish this goal by providing potential developers greater options for MXD-6 developments. More incentive to develop mixed-use projects would exist if it were known that the required amount of employment land required could be suitably leased to commercial tenants.

Furthermore, the MXD Regulations require that a retail center be designed to serve the neighborhood or community rather than a regional market. By permitting a lower percentage of employment land use area, the MXD Regulations would better ensure that the provided retail center could be tailored to the needs of the local community.

### **Response to Section 6**

This proposed Amendment will preserve and promote the health, safety and welfare of the community. Permitting a lower percentage of employment land use area in an MXD-6 development would allow developers to better ensure that an appropriate balance of land uses is achieved. The Amendment would also better ensure the vitality of smaller mixed-use developments by not requiring construction of commercial buildings and areas that could sit idle and empty for a significant period of time. This requested Amendment would also allow a more beneficial relationship among the residential, commercial, and public areas of mixed-use developments.

### **Response to Section 8**

This Amendment could potentially impact any MXD-6 development. As mentioned in the Response to Section 4, however, the Amendment would only add to the development options already available. If a mixed-use development could adequately support an employment land use area of between 9% and 11%, the Amendment would continue to allow an employment area of that magnitude. If, however, the development could not reasonably support that large of a commercial area, the Amendment would permit the development to proceed with an arrangement of land use areas more suitable to the particular needs of that mixed-use project.

### **Petitioner's Proposed Text**

In Section **127.C.6.a**, second paragraph (below the residential density box):

In the MXD-6 District, a density bonus of up to 1.25 units per acre shall be allowed for the purpose of providing those additional units as age restricted adult housing units which meet all requirements of the POR district for such units. If this bonus density is utilized, the minimum percentage of gross area set forth for employment uses under Section 127.C.3.A shall be reduced to ~~[[9]]~~ 7% and the maximum shall be no greater than 11%.

### **Example of How Text Would Appear Normally if Adopted:**

In the MXD-6 District, a density bonus of up to 1.25 units per acre shall be allowed for the purpose of providing those additional units as age restricted adult housing units which meet all requirements of the POR district for such units. If this bonus density is utilized, the minimum percentage of gross area set forth for employment uses under Section 127.C.3.A shall be reduced to 7% and the maximum shall be no greater than 11%.