



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

DPZ Office Use Only:

Case No. ZRA- 103

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 127:1: PSC (Planned Senior Community) District to make it an overlay district providing supplemental or alternative regulations to the underlying zoning district. Amend Section 103.A.122: Overlay District to include PSC among the list of enumerated overlay districts.

[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** Horse Farm, LLC & Deep Run Property Management, LLC

Address 9200 Rumsey Rd. Ste. 200, Columbia, MD 191 Miller Hollow Ln, Lake City TN

Phone No. (W) 410-997-7222 x 223 (H) 865-659-4867

Email Address jkochen@lovellamerica.com bob\_cur@msn.com

**3. Counsel for Petitioner** Ronald S. Schimel/William E. Erskine, Miles & Stockbridge P.C.

Counsel's Address 10490 Little Patuxent Pkwy., Ste. 300, Columbia, MD 21044

Counsel's Phone No. 410-312-6700

Email Address rschimel@milesstockbridge.com/werskine@milesstockbridge.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 narrative

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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 narrative

[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 narrative

[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 attached narrative

[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 narrative

[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.

See attached narrative

[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.
9. 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.

HOME FARM, LLC

Petitioner's name (Printed or typed)

by J. Cooper Poo 2/29/08

Petitioner's Signature

Date

Dee Dee Farm Management, LLC

Petitioner's name (Printed or typed)

By [Signature] 8/29/08

Petitioner's Signature

Date

Petitioner's name (Printed or typed)

Petitioner's Signature

Date

William G. Erskine / Ronald S. Schinell (WEE)

Counsel for Petitioner's Signature

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

## **NARRATIVE IN SUPPORT OF ZONING REGULATION AMENDMENT**

Supplemental Response to Section #4. As currently enacted, the PSC (Planned Senior Community) District replaces the existing zoning of the subject parcel at the time that the Zoning Board issues its Decision and Order approving the PSC petition and establishing a Preliminary Development Plan and Preliminary Development Criteria. A significant amount of time can pass between the Zoning board's issuance of an approved PSC Decision and Order and the Planning Board's approval of an Initial Plan and Development Criteria. If the owner/developer intends to subdivide the land within the newly created PSC zoning district, the Initial Plan will be a Comprehensive Sketch Plan. If the owner/developer intends to create condominium or rental units, the Initial Plan may be a Site Development Plan. As a condition of the Planning Board's approval of a Comprehensive Sketch Plan, the Planning Board may also reserve the right to approve subsequent Site Development Plans prior to development of the land. During this extended processing and approval period the market demand for the various housing products mandated in the Zoning Board's approved Preliminary Development Plan and Criteria may have substantially decreased or disappeared altogether. The effect of these amendments is to provide the property owner/developer with the option of developing the property under the zoning regulations applicable to the underlying zoning district until such time as the Initial Plan and Development Criteria have been finally approved by the Planning Board. Permitting the property owner/developer to continue the development of the property under the underlying zoning regulations until the time of such final approval will afford the property owner/developer the needed flexibility to better align project development with market conditions.

Response to Section #5. The proposed zoning regulation amendments are in harmony with the 2000 General Plan for Howard County and specifically advance the goals and objectives of Policy 4.2 and Policy 4.3 as restated below.

***POLICY 4.2: Provide affordable housing for existing low and moderate income residents and for the diverse labor force needed for continuing economic growth. Reaffirm the County's long-standing policies of dispersing affordable housing units and providing housing for people of all income levels throughout the County.***

***POLICY 4.3: Ensure an adequate housing supply for the elderly, disabled and special populations.***

The proposed amendments will enhance opportunities for providing adequate housing for people of all income levels by allowing land that has been granted a PSC overlay designation to develop in a manner consistent with the underlying zoning district until such time as all required Comprehensive Sketch Plans, Site Development Plans, and Development Criteria have been finally approved.

By permitting development consistent with the underlying zoning district until such time as all required approvals of Comprehensive Sketch Plans and/or Site Development Plans

and Development Criteria have been achieved, the supply of housing for the elderly will be enhanced on a long term basis because a greater number of property owners will be encouraged to seek a PSC overlay district for their property without the concern that they will be limited to the restrictive uses permitted in the PSC district in the event that an evolving housing trend should render those uses obsolete within the market. Additionally, owners/developers will have the ability to revert to the applicable development regulations governing the underlying zoning district in the event that the final Development Plan and Development Criteria ultimately approved by the Planning Board is more restrictive or less economically viable than the Preliminary Development Plan and Preliminary Development Criteria originally approved by the Zoning Board.

Response to Section #6 and Section #7. The proposed zoning regulation amendments will promote the health, safety and welfare of the community by enhancing the opportunity for adequate supply of house for people of all income permitting development consistent with the underlying zoning district until such time as all required approvals of Comprehensive Sketch Plans and/or Site Development Plans and Development Criteria have been achieved. As a result of this added flexibility, the supply of housing for the elderly will be enhanced on a long term basis because a greater number of property owners will be encouraged to seek a PSC overlay district for their property without the concern that they will be limited to the restrictive uses permitted in the PSC district in the event that an evolving housing trend should render those uses obsolete within the market.

Response to Section #8. The proposed zoning regulation amendments would affect any existing PSC zoning district that has not received final approval of all required Comprehensive Sketch Plans and/or Site Development Plans and Development Criteria by the Planning Board. In addition, the proposed amendments would affect all future applications for a PSC zoning designation. In general terms the effect of these amendments is to permit the affected properties to develop in an alternative manner consistent with the zoning regulations applicable to the underlying zoning district that was originally in place prior to the creation of the PSC overlay district.

Response to Section #9. The Petitioners feel that it is equitable to permit owners/developers the alternative of developing their property in a manner consistent with the underlying zoning district because at the time the PSC zoning designation is approved by the Zoning Board, it is not then known what additional bulk regulations and Development Criteria might ultimately be imposed by the Planning Board. Once these additional Bulk Requirements are established by the Planning Board, it is possible that the economic viability of the project may be compromised such that development under the final Development Plan and Development Criteria is no longer possible. The process for creating a PSC district and the Development Plan and Development Criteria to it is somewhat unique as compared to other zoning districts. Typically, an owner/developer is in a position to ascertain the Bulk Regulations that will affect the property prior to applying for rezoning. In the case of a PSC district, the Bulk Regulations affecting the property are not fully developed until after the property has been rezoned to the PSC designation. For this reason, it is equitable to permit an owner/developer the flexibility of

developing in an alternative manner consistent with the zoning regulations applicable to the underlying zoning district in place prior to the rezoning to the PSC overlay district.

Response to Section #10

**Petitioners' Proposed Text**

. The Petitioner requests that Howard county Zoning Regulations be amended as follows:

Section 127.1: PSC (Planned Senior Community) District

A. Purpose

The Planned Senior Community District is established to permit the development of housing designed for older adults and elderly persons. This floating **AND OVERLAY** district provides opportunity for housing that meets the diverse needs of Howard County's growing senior population. Each Planned Senior Community District will provide independent living units for seniors within either single-family or multi-family dwellings, and may also include assisted living or nursing care facilities. The communities developed within the PSC District will be characterized by careful site planning that allows them to be compatible with eastern Howard County's residential neighborhoods.

**[[C. Uses Permitted As A Matter Of Right**

1. Age-restricted adult housing
2. Assisted living facilities for residents 55 years of age or older.
3. Nursing homes]]

**C. USES PERMITTED AS A MATTER OF RIGHT PRIOR TO THE FINAL APPROVAL OF ALL REQUIRED COMPREHENSIVE SKETCH PLANS AND/OR SITE DEVELOPMENT PLANS AND DEVELOPMENT CRITERIA BY THE PLANNING BOARD**

**1. USES ALLOWED IN THE UNDERLYING DISTRICT.**

**D. USES PERMITTED AS A MATTER OF RIGHT SUBSEQUENT TO THE FINAL APPROVAL OF ALL REQUIRED COMPREHENSIVE SKETCH PLANS AND/OR SITE DEVELOPMENT PLANS AND DEVELOPMENT CRITERIA BY THE PLANNING BOARD**

- 1. AGE-RESTRICTED ADULT HOUSING**
- 2. ASSISTED LIVING FACILITIES FOR RESIDENTS 55 YEARS OF AGE OR OLDER.**
- 3. NURSING HOMES**

Reletter balance of Section 127.1 as appropriate.

Amend Section 103.A.112 as follows:

Overlay District: A district established to respond to special features or conditions of a land area, such as historic value, physical characteristics, location, or other

circumstances. An overlay district supplements or provides an alternative to the regulations of the underlying zoning district. In these Zoning Regulations, only the DEO, Historic, SW, **PSC** and MXD Districts are overlay districts.