

roduced 7/6/15
Public hearing 7/20/15
Council action 7/31/15
Executive action 8/10/15
Effective date 10/10/15

County Council of Howard County, Maryland

2015 Legislative Session

Legislative day # 8

BILL NO. 38 – 2015 (ZRA – 157)

**Introduced by the Chairperson
at the request of Demirel Plaza, LLC**

AN ACT amending the Howard County Zoning Regulations' OT (Office Transition) District to add Personal Service Establishments as a permitted use, with area limitations; and generally relating to the OT (Office Transition) District.

Introduced and read first time July 6, 2015. Ordered posted and hearing scheduled.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on July 20, 2015.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

This Bill was read the third time July 31, 2015 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this 31st day of July, 2015 at 3 a.m./p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Approved/vetoed by the County Executive on Aug 10, 2015.

Allan H. Kittleman
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. Strikeout indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Zoning Regulations are hereby amended to read as follows:

3
4 By amending:

5 Section 117.3: "OT (Office Transition) District"

6 Subsection A. "Purpose"

7 Subsection C. "Uses Permitted as a Matter of Right"

8

9

10

11

12

Howard County Zoning Regulations

13

14

SECTION 117.3: OT (OFFICE TRANSITION) DISTRICT

15

16

A. Purpose

17

The OT District is established to allow low-impact office AND PERSONAL SERVICE uses adjacent to areas of residential zoning. The OT District is a floating district that will provide a transition along the edges of residential areas impacted by nearby retail/employment areas or arterial highways carrying high volumes of traffic. The standards of this district should result in small-scale office buildings AND PERSONAL SERVICE ESTABLISHMENTS on attractively-designed sites that are compatible with neighboring residential uses.

18

19

20

21

22

23

24

25

C. Uses Permitted as a Matter of Right

26

1. Animal hospitals, completely enclosed.

27

2. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4.

28

29

3. One dwelling unit per business establishment within the same structure, provided the dwelling unit does not exceed 50% of the floor area of the structure.

30

31

32

4. Government structures, facilities and uses, including public schools and colleges.

33

34

5. Offices, professional and business.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

- 6. 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.
- 7. ~~[[6]]~~. 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.

Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.

Amendment / to Council Bill 38-2015

BY: Mary Kay Sigaty

Legislative Day No: 9
Date: July 31, 2015

Amendment No. /

1 (This amendment would limit the floor area for personal services to no more than 50 percent).
2
3
4

5 On the title page, in the second line of the title, after “use” insert “, with area
6 limitations,”.

7
8 On page 1, in line 35, immediately following “ESTABLISHMENTS” insert “, PROVIDED THE
9 FLOOR AREA OF SUCH USES DOES NOT EXCEED 50% OF THE FLOOR AREA OF ALL
10 NON-RESIDENTIAL USES ON THE APPROVED OT SITE DEVELOPMENT PLAN”.

ADOPTED

7/31/15

FAILED

SIGNATURE

Jessica Adden

roduced _____
public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2015 Legislative Session

Legislative day # 8

BILL NO. 38 - 2015 (ZRA - 157)

**Introduced by the Chairperson
at the request of Demirel Plaza, LLC**

AN ACT amending the Howard County Zoning Regulations' OT (Office Transition) District to add Personal Service Establishments as a permitted use; and generally relating to the OT (Office Transition) District.

Introduced and read first time _____, 2015. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2015 and concluded on _____, 2015.

By order _____
Jessica Feldmark, Administrator to the County Council

This Bill was read the third time _____, 2015 and Passed ____, Passed with amendments ____, Failed __.

By order _____
Jessica Feldmark, Administrator to the County Council

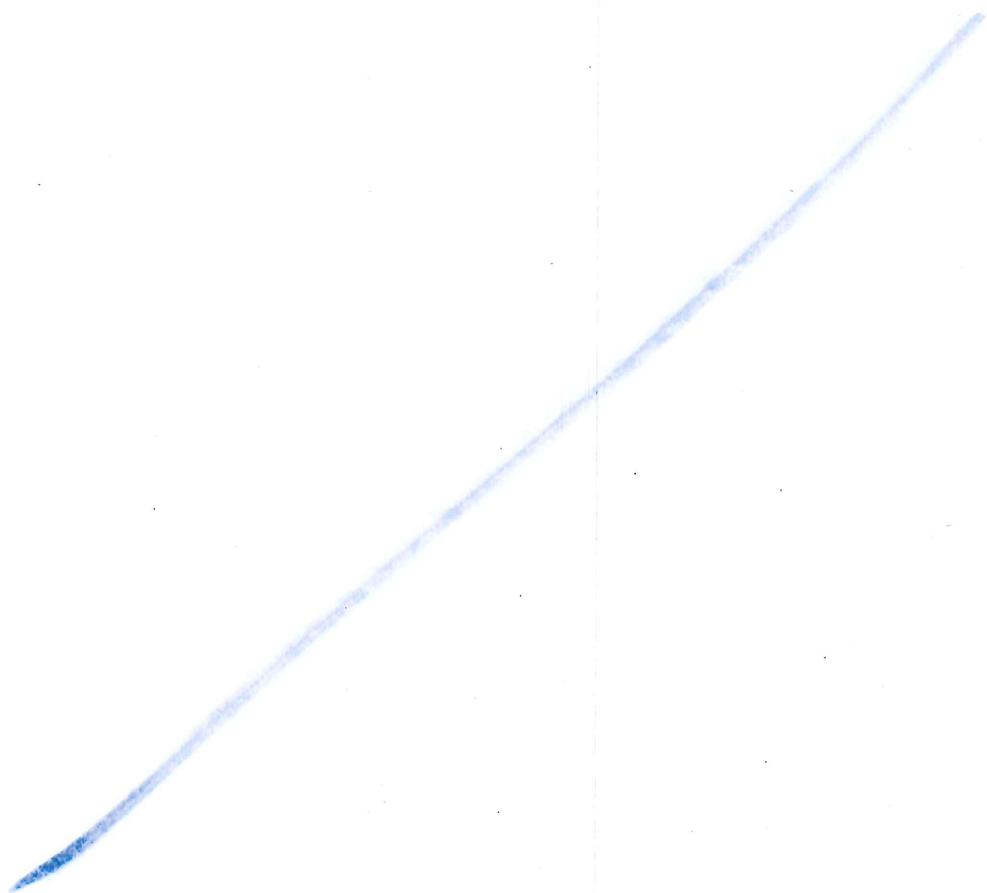
Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2015 at _____ a.m./p.m.

By order _____
Jessica Feldmark, Administrator to the County Council

Approved/vetoed by the County Executive on _____, 2015.

Allan H. Kittleman, County Executive

NOTE; [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. ~~Strikeout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.



1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard*
2 *County Zoning Regulations are hereby amended to read as follows:*

3
4 *By amending:*

5 *Section 117.3: "OT (Office Transition) District"*

6 *Subsection A. "Purpose"*

7 *Subsection C. "Uses Permitted as a Matter of Right"*

8

9

10

11

12

Howard County Zoning Regulations

13

14

SECTION 117.3: OT (OFFICE TRANSITION) DISTRICT

15

16

A. Purpose

17

The OT District is established to allow low-impact office AND PERSONAL SERVICE uses adjacent to areas of residential zoning. The OT District is a floating district that will provide a transition along the edges of residential areas impacted by nearby retail/employment areas or arterial highways carrying high volumes of traffic. The standards of this district should result in small-scale office buildings AND PERSONAL SERVICE ESTABLISHMENTS on attractively-designed sites that are compatible with neighboring residential uses.

18

19

20

21

22

23

24

25

C. Uses Permitted as a Matter of Right

26

1. Animal hospitals, completely enclosed.
2. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4.
3. One dwelling unit per business establishment within the same structure, provided the dwelling unit does not exceed 50% of the floor area of the structure.
4. Government structures, facilities and uses, including public schools and colleges.
5. Offices, professional and business.
6. PERSONAL SERVICE ESTABLISHMENTS.

27

28

29

30

31

32

33

34

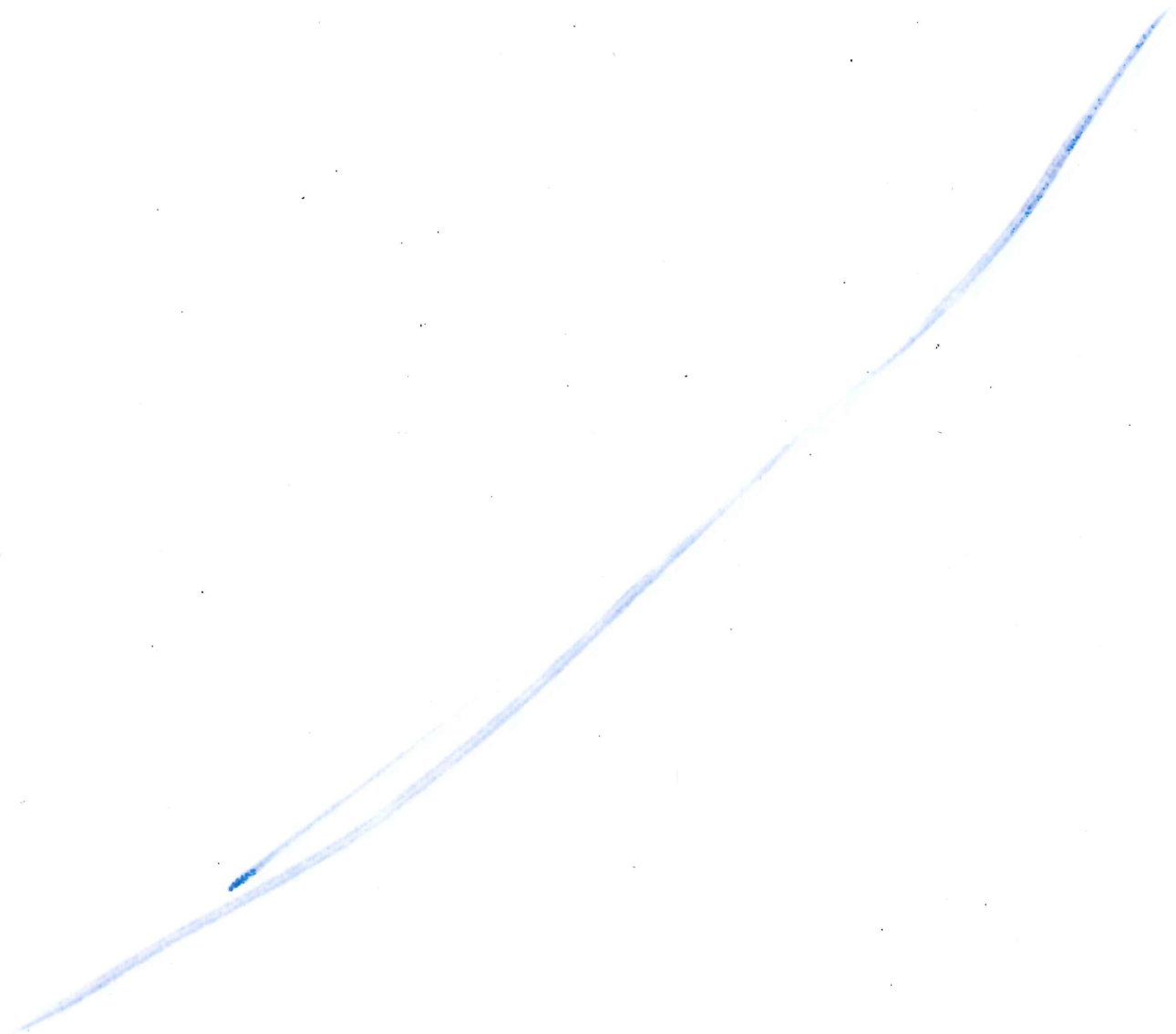
35



1
2
3
4
5
6
7
8
9
10
11
12

7. [[6]].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.

Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.



BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on August 10, 2015.

Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2015.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2015.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2015.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2015.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2015.

Jessica Feldmark, Administrator to the County Council

Amendment / to Council Bill 38-2015

BY: Mary Kay Sigaty

Legislative Day No: 9
Date: July 31, 2015

Amendment No. /

1 (This amendment would limit the floor area for personal services to no more than 50 percent).
2
3
4

5 On the title page, in the second line of the title, after “use” insert “, with area
6 limitations,”.

7
8 On page 1, in line 35, immediately following “ESTABLISHMENTS” insert “, PROVIDED THE
9 FLOOR AREA OF SUCH USES DOES NOT EXCEED 50% OF THE FLOOR AREA OF ALL
10 NON-RESIDENTIAL USES ON THE APPROVED OT SITE DEVELOPMENT PLAN”.



Howard County Council

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

Mary Kay Sigaty, Chairperson
District 4
Jon Weinstein, Vice Chairperson
District 1
Calvin Ball
District 2
Jennifer Terrasa
District 3
Greg Fox
District 5

ZRA= 157

Tech staff Report= ✓

Planning Board = ✓

Legislation = CB38-2015

March 3, 2015

TO: Marsha McLaughlin, Director
Department of Planning & Zoning

RE: ZRA-157, Demirel Plaza, LLC.

Attached is Petition No. ZRA-157, filed by Sang Oh, Esq. on behalf of Demirel Plaza, LLC. to add "Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors" as a use permitted as a matter of right in the Office Transition (OT) District

Please notify our office when you schedule this case before the Planning Board. Should you have any questions, please contact me at 313-2395 or Theodore Wimberly at 313-2001.

Robin Regner
Administrative Assistant

Attachment

cc: Council Members
Paul Johnson, Esq.
Theodore Wimberly
Jessica Feldmark
Jennifer Sager
T. Sieglein
Sang Oh, Esq.

(410) 313-2001

fax: (410) 313-3297

tty: (410) 313-6401

<http://cc.howardcountymd.gov>



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

DPZ Office Use Only:
Case No. ZRA- 157
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: Add "Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors" as a use permitted as a matter of right in the Office Transition (OT) 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 4087 High Point Road, Ellicott City, Maryland 21042

Phone No. (W) _____ (H) (410) 440-1242

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.

2015 FEB 27 P 12:47
RECEIVED
HOWARD COUNTY COUNCIL

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 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? 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.

[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."]

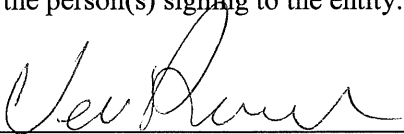
10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and 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.

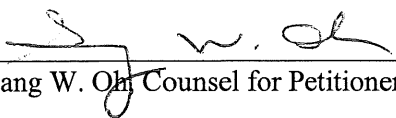
11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.

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.

Demirel Plaza, LLC
Petitioner's name (Printed or typed)


Petitioner's Signature

2/26/15
Date


Sang W. Oh Counsel for Petitioner

2/26/15

[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 four (24) copies along with attachments.

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

Revised:07/12
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.

ZONING MATTER: Demirel Plaza, LLC

AFFIDAVIT AS TO CONTRIBUTION

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

I, Veli Demirel, 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.

Printed Name: Veli Demirel

Signature: [Handwritten Signature]

Date: 2/20/15

ZONING MATTER: Demirel Plaza, LLC

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: _____

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.

Printed Name: _____

Signature: _____

Date: _____

ZONING MATTER: Demirel Plaza, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

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

I, Veli Demirel, the applicant in the above zoning matter

_____, AM

_____, AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

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

Printed Name: Veli Demirel

Signature: Veli Demirel

Date: 2/26/15

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

Demirel Plaza, LLC Petitioner

Petitioner, Demirel Plaza, LLC, by and through its attorneys, Sang W. Oh and Talkin & Oh, LLP, submit this Supplement in support of its Petition to Amend the Zoning Regulations of Howard County.

The Petitioner requests an addition to the uses allowed as a matter of right in the Office Transition (“OT”) District, Section 117.3.C of the Zoning Regulations. The details of this addition are shown on the attached Proposed Text Amendment (the “Amendment”). A brief statement concerning the reason(s) the requested amendment to the Zoning Regulations is being proposed 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 add “Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors” (“Personal Service Facilities”) as uses allowed as a matter of right in the OT District. The addition of Personal Service Facilities would add much needed options for permitted uses in the OT District. Presently, the OT District has a very limited selection of commercial activities which may be developed as a matter of right. The Zoning Regulations state that a purpose of the OT District is to serve as a transitional area between residential areas and nearby commercial zones. As a low impact commercial use, Personal Service Facilities are a natural fit for this type of transitional zone and would help with the viability of a OT development.

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 Amendment will serve to promote the policies of PlanHoward 2030, which recognizes the need for various mixed-use developments, and the redevelopment of older areas of the County with

mixed-use projects. The OT District is a relatively new mixed-use zone with a maximum size of five acres, providing opportunities for small scale mixed-use development. OT Districts allow for residential development, but are limited to animal hospitals, public utilities, and business offices for their complementary commercial uses. With such limited options for commercial development, land owners are less likely to develop property as an OT District. In fact, there is currently only one property designated as OT in the entire County. This property is located on the south side of Frederick Road, on the border of the Route 40 Corridor. PlanHoward 2030 Policy 5.9 encourages enhancement of the Route 40 Corridor through appropriate mixed-use redevelopment. In order to further PlanHoward 2030's desire for mixed-use programs, zones designated as such must have a variety of commercial options in order for property owners to benefit from their development.

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 allow businesses that traditionally cater to their surrounding communities to be developed as a matter of right in the OT District. As a transitional mixed-use area, the OT District is designed to gradually ease the shift between commercial and residential zones. To aid in the transition between zones, it is important that the commercial uses available in the OT District be of a nature that allows them to easily integrate into existing residential communities. Personal Service Facilities are generally low impact small businesses that are frequented by local customers. Currently, the OT District does not allow for any commercial uses as a matter of right that would primarily focus on serving residents of the surrounding community. Permitting Personal Service Facilities as a matter of right would

benefit the community as a whole by affording the ability to develop commercial activities that are well suited to integrate into the surrounding mixed-use community.

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

Add to a Section 117.3.C.:

7. PERSONAL SERVICE ESTABLISHMENTS SUCH AS BARBER SHOPS, BEAUTY SHOPS, OPTICIANS, PHOTOGRAPHERS, TAILORS”

Example of How Text Would Appear if Adopted:

7. Personal Service Establishments such as barber shops, beauty shops, opticians, photographers, tailors

ZONING MATTER: Demirel Plaza, LLC

DISCLOSURE OF CONTRIBUTION

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

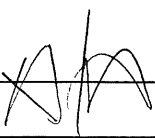
This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a 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.

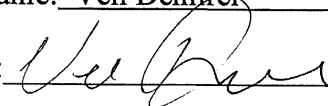
APPLICANT OR
PARTY OF RECORD: Demirel Plaza, LLC

RECIPIENTS OF CONTRIBUTIONS:

NO CONTRIBUTIONS MADE

<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.

Printed Name: Veli Demirel
Signature: 
Date: 2-27-15



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov

FAX 410-313-3467

TDD 410-313-2323

April 9, 2015

TECHNICAL STAFF REPORT

*Petition Accepted on March 17, 2015
Planning Board Meeting of May 7, 2015
County Council Hearing to be scheduled*

Case No./Petitioner: ZRA - 157 – Demirel Plaza, LLC

Request: To amend Section 117.3: OT (Office Transition) of the Zoning Regulations to add personal service establishments as uses permitted as a matter of right in the OT (Office Transition) Zoning District.

Department of Planning and Zoning Recommendation:

APPROVAL

I. DESCRIPTION OF PROPOSAL

- The Petitioner proposes one amendment to the Zoning Regulations. The proposal would amend Section 117.3.C. of the Zoning Regulations, which outlines uses permitted as a matter of right in the OT (Office Transition) Zoning District.
- The amendment would add personal service establishments to the list of uses permitted as a matter of right in Section 117.3.C. of the Zoning Regulations.
- The Petitioner's complete proposed amendment text is attached to this Technical Staff Report as Attachment A (Petitioner's Proposed Text).
- The Department of Planning and Zoning's complete proposed amendment text is attached to this Technical Staff Report as Attachment B (Department of Planning and Zoning's Proposed Text).

II. EXISTING AND PROPOSED REGULATIONS

- The current Howard County Zoning Regulations do not include personal service establishments as a use permitted as a matter of right in Section 117.3.C. of the Zoning Regulations.
- A new subsection, Section 117.3.C.7., would be added in order to address the permissibility of personal service establishments as uses permitted as a matter of right in the OT (Office Transition) Zoning District.

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

The proposed amendment could apply to any property within the County which is zoned OT (Office Transition).

B. Agency Comments

Comments from all applicable agencies have not yet been received. Any substantive comments received from these agencies before the Planning Board Public Hearing will be forwarded to the Planning Board members before the hearing date.

IV. EVALUATIONS AND CONCLUSIONS

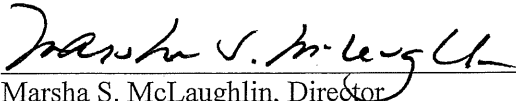
- The amendment would support Plan HOWARD 2030 (General Plan) Policy 5.1, which suggests that we “identify, develop, implement and refine a comprehensive program to foster a diversified economy and encourage innovation and entrepreneurship.” The proposed amendment will afford property owners in the OT zoning district the opportunity to conduct business under an additional commercial use. This expansion of commercial uses permitted as a matter of right in the OT zoning district would encourage entrepreneurship and afford entrepreneurs the opportunity to grow their businesses as suggested by Policy 5.1 of Plan HOWARD 2030 (General Plan).
- The proposed amendment allows personal service establishments, which are generally considered low impact uses, in OT zoning districts. It makes sense to permit personal service establishments as a matter of right in the OT zoning district since personal service establishments are typically small businesses that are patronized by local customers, and can easily integrate into existing nearby residential communities. This ease of integration, coupled with the generally low impact nature of the use, helps to aid in the transition between residentially zoned areas and nearby retail/employment areas.
- The Petitioner’s proposed text for Section 117.3.C.7. gives examples of certain types of personal service establishments that would be permitted as a matter of right in the OT zoning district. However, “Personal Service Use” is already defined in the Zoning Regulations as, “A commercial establishment in which the principal occupation is the repair, care, maintenance, styling, fashioning, or customizing of personal attributes that are a physical component of a person, or personal properties that are worn or carried about the person. Personal service establishment uses include such uses as barber shops, hair salons, nail salons, health spas, self-service laundromats, shoe cleaning or repair shops, and similar uses.” Because personal service establishment uses are already outlined under this definition, the Department of Planning and Zoning is proposing text that permits personal service establishments, and gives no examples. This allows the personal service establishment use to remain consistent throughout the Zoning Regulations.
- The Petitioner’s proposed text fails to address how the amendment would fulfill to the purpose of the OT zoning district as it currently exists. The Department of Planning and Zoning proposes that Section 117.3.A. of the Zoning Regulations also be amended, as shown in Attachment B, to include personal service establishments as part of the purpose of the OT zoning district.

ZRA 157
Demirel Plaza, LLC

V. RECOMMENDATION

APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-157 be **APPROVED**.


Marsha S. McLaughlin, Director


Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

ZRA 151 – Attachment A

Petitioner’s Proposed Text

(CAPITALS indicate text to be added; [[brackets indicate text to be deleted]].)

Section 117.3: - OT (Office Transition) District

C. Uses Permitted as a Matter of Right

7. PERSONAL SERVICE ESTABLISHMENTS SUCH AS BARBER SHOPS, BEAUTY SHOPS, OPTICIAN, PHOTOGRAPHERS, TAILORS

ZRA 151 – Attachment B

Department of Planning and Zoning's Proposed Text

(CAPITALS indicate text to be added; [[brackets indicate text to be deleted]].)

Section 117.3: - OT (Office Transition) District

A. Purpose

The OT District is established to allow low-impact office AND PERSONAL SERVICE uses adjacent to areas of residential zoning. The OT District is a floating district that will provide a transition along the edges of residential areas impacted by nearby retail/employment areas or arterial highways carrying high volumes of traffic. The standards of this district should result in small-scale office buildings AND PERSONAL SERVICE ESTABLISHMENTS on attractively-designed sites that are compatible with neighboring residential uses.

C. Uses Permitted as a Matter of Right

7. PERSONAL SERVICE ESTABLISHMENTS

Free WiFi installed in historic Ellicott City

By AMANDA YEAGER
ayeager@tribune.com

Visitors to historic Ellicott City will now have access to free WiFi as they stroll down Main Street, Howard County Executive Allan Kittleman announced Monday.

The WiFi network, FreeHoCoGov, was installed over the weekend and is accessible from Fels Lane down to the Baltimore County line.

Kittleman said access to free WiFi would make the town "much more inviting" to visitors and locals alike.

"Whether you want to find what's on the menu of a local restaurant or find out if there's space on a ghost tour," visitors can connect to the web to find the answer, he said.

The announcement came as part of a progress report on improvements to Ellicott City. Construction on Parking Lot E, near the intersection of Main Street and Court House Avenue, a new retaining wall behind the lot and a staircase connecting the Circuit Court House to the town below were also completed this weekend, according to county officials.

And a recently formed task force focused on finding ways to reduce flooding in Ellicott City has met several times and will soon turn to considering specific projects, according to Councilman Jon Weinstein, who represents Ellicott City in District 1.

Kittleman said the improvements were "all about sustainability." His budget for fiscal year 2016 included \$2.5 million for Ellicott City projects.

Howard County taxpayers will not incur a cost for the new WiFi network, according to the county's technology director, Chris Merdon. Funding for the project, which is connected through Verizon, comes from a fund that generates revenue by leasing out Howard's Inter-county Broadband Network connection, or ICBN, to local businesses.

Debra Korb, executive director of the Ellicott City Partnership, a group of business owners, preservationists and other stakeholders, said free WiFi would be a plus for Main Street businesses. While the network is not guaranteed to work in shops and restaurants, Merdon said service would likely extend into the buildings.

The new staircase and parking lot will also contribute to the vibrancy of the town, Korb added. Lot E includes 30 new free

spaces — parking is "the biggest concern for our business owners," she said.

The 66-step staircase was a project launched by former County Executive Ken Ulman to address parking concerns in town by connecting Main Street with the court house parking lot. Construction on the stairs, retaining wall and parking lot — which is paved with a pervious concrete — began in June 2014.

Environmental work is underway with funding for a local group, the Restoring the Environment And Developing Youth program, to clear channels in the old town that are blocked by debris, according to Weinstein. Longer term plans to renovate the channels are in the works, he said.

"I'm glad to see so much progress in the first few months," Weinstein said of Kittleman's Ellicott City initiatives.

POLITICAL NOTEBOOK

Council considers four zoning regulation amendments



Amanda Yeager

AYEAGER
@TRIBUNE.COM

Among the legislation that the Howard County Council is considering before it breaks for an August recess are four potential changes to the county's zoning code.

One of the proposals, which would amend regulations for home-based contractors to allow the businesses as a conditional use on land zoned for low-density,

single-family home neighborhoods, attracted a small crowd of proponents at the council's hearing Monday night.

They were there to support Jonathan and Sonya Miller, a North Laurel couple who run a contracting business out of their home on Shady Acres Lane, south of Route 216.

Although their property is not zoned for the use (Jonathan Miller says he mentioned his business plans to a county employee before buying the property in 1990, and the employee told him it was an appropriate use for the land), the two have operated their business for more than two decades without any problems. Recently, however, a county inspector cited them for violating zoning regulations, and they have been faced with the prospect of moving their business if they cannot find a way to meet the rules.

To bring their property into compliance, the Millers are proposing a regulation change that would allow home-based con-

tractors to operate in the R-20 district if they are approved for a conditional use. Currently, contractors are only allowed as a conditional use in rural reservation (RC) and rural residential (RR) zones.

The proposed change would also allow home-based contractors to operate on two acres of land, with a 30-foot setback from lot lines for buildings and a 50-foot setback for outdoor parking or storage areas. The current regulations require three acres and 50- and 100-foot setbacks, respectively, for land zoned RR and RC.

Several neighbors testified that the Millers were conscientious neighbors who paved their gravel lane and plowed the street and shoveled driveways in the winter.

"I can't see a person who would not get along with this guy," said James Hunt, whose mother lives on the same street as the Millers.

"I'm a very light sleeper and I'm up quite often all night long, but never once have I been disturbed by anything that happened next door to us," said Myron Katzoff, who lives next door with his wife, Ellen Katzoff. Their bedroom overlooks the Millers' property.

But David Novak, who lives on Rosemont Lane, which backs up to the Millers' property, told the council he has been disturbed by noise in the backyard and said he has concerns that their business is growing.

Several Rosemont residents have been awakened by construction activity as early as

4:30 a.m., he said.

This isn't the first time Rosemont residents have butted heads with the Millers; in 1999, the neighbors argued over a track the Millers built for their sons to practice dirt biking in their backyard, according to a news report from the time.

But Jonathan Miller said he was not making any noise "outside of the recommended times."

He said most of the business on his property consisted of "paper pushing."

"The only noise I'm making on my property is growing grass," he said.

Council members said they would have to examine the consequences of changing zoning code to accommodate one business.

"Do understand that whatever decisions we make here apply to other parcels," Councilman Greg Fox, a Republican from Fulton, told the Millers.

Changing code to help businesses stay or thrive is a theme of the zoning regulation amendments in front of the council this month, which were all submitted by business owners.

The three others proposals include a change to the office transition district to allow personal service businesses — such as barber shops, nail salons and laundromats — adjacent to residential areas (submitted by Demirel Plaza LLC, which owns an Ellicott City office park); the addition of commercial schools as a matter of right in the B-1 business zone (submitted by C. Godfrey Garvey, who would like to lease space to a driving school);

and the elimination of a maximum building length for apartments in the R-APT zone.

The R-APT zoning amendment was submitted by Michael L. Buch, who has plans to develop apartments on a plot next to Maple Lawn.

Sang Oh, a lawyer for Buch, said the 120-foot length limitation, which could be extended to 300 feet with approval from the Department of Planning and Zoning, was not realistic for a district that allows between 25 and 30 housing units per acre.

The resulting apartments, he said, would need to incorporate structured parking, surrounded by the residences in a donut shape — which would necessitate a much longer building.

"I understand a lot of people are not a fan of high-density housing; that's why we don't have it everywhere," Oh said, but for sites zoned that way, "we would suggest 120 and 300 [feet] are not workable limits."

Four people testified against the R-APT zoning change, including Lisa Markovitz, who suggested the council create a variance that would require a development to go through an approval process before being granted a length extension.

Council Chairwoman Mary Kay Sigaty, a Democrat from west Columbia, said she understood Buch's dilemma: when the council created the R-APT district during the last comprehensive zoning process, "inadvertently, even though we said yes to two areas of higher density apartments, we made it impossible to do that."