



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA-121

Date Filed: 2009 AUG 27 P 12:30

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: To permit a higher and more appropriate density of residential housing on certain CAC zoned parcels that are located within 2000 feet of a MARC station; To provide the Director of the Department of Planning and Zoning with authority to reduce the commercial space requirement to 100 square feet for every dwelling unit under certain conditions.

[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 10071 WBO LLC c/o Patriot Realty

Address 11300 Rockville Pike, Suite 615, Rockville, MD 20852

Phone No. (W) 240-292-7480 (H)

Email Address Jricciardi@patriotrealtyco.com

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

Counsel's Address 5100 Dorsey Hall Drive, Ellicott City, MD 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 SUPPLEMENT

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 SUPPLEMENT

[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 SUPPLEMENT

[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) ADDRESSED ABOVE

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

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.

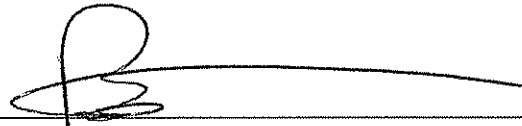
11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. 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.

10071 WBOL, LLC

LEITH WAIN

Petitioner's name (Printed or typed)

By: Leith Wain



Petitioner's Signature

8/25/09

Date

Petitioner's name (Printed or typed)

Petitioner's Signature

Date

Petitioner's name (Printed or typed)

Petitioner's Signature

Date

Sang W. Oh
Counsel for Petitioner's Signature

Sang W. Oh, Esquire
5100 Dorsey Hall Drive, Ellicott City, MD 21042

[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.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised:10/08

T:\Shared\Public Service and Zoning\Applications\County Council\New ZRA Application

PETITIONER'S PROPOSED TEXT

**Petition of 10071 WBO LLC to
Amend the Zoning Regulations of Howard County**

PROPOSED NEW TEXT:

In Section **127.5.D.1.** of the Howard County Zoning Regulations, insert a new subparagraph **a.** which reads as follows:

- a. FOR CAC DEVELOPMENTS OF AT LEAST 5 GROSS ACRES WITHIN
2,000 FEET OF A MARC STATION..... 50 UNITS PER NET ACRE

Subparagraphs a. and b. of this Section should then be renumbered to:

- [[a]] b. for CAC Developments of at least 2 gross acres 25 units per net acre
- [[b]] c. for CAC Developments of less than 2 gross acres15 units per net acre

PROPOSED NEW TEXT:

In Section **127.5.E.3.c.** of the Howard County Zoning Regulations:

For every dwelling unit that is developed, 300 square feet of commercial space must be developed on the site. The Director of the Department of Planning and Zoning may, however, reduce the commercial space requirement to 100 [[200]] square feet per residential unit under the following conditions:

SUPPLEMENT

Response to Section 4:

The Petitioner is the owner of Ashbury Courts, a CAC mixed-use development located in North Laurel. Completed in late 2007, Ashbury Courts contains 140 apartments and 32,000 sq. ft. of retail. The apartment component of the development has been very successful with high demand for the product; however, the leasing of the retail space has been difficult with 75% vacancy. The Landlord has had trouble attracting new tenants even after extensive marketing efforts.

Ashbury Courts is one of the first CAC developments in Howard County and the first to be located in the median area of US Route 1. Capturing traffic to utilize the retail at the subject Property from northbound and southbound Route 1, an intermediate arterial highway, has presented a greater challenge than expected.

The proposed regulation amendments are for the purpose of increasing the vitality of Ashbury Courts and the surrounding area. The increase in density will permit another 140 units to be developed in the Property without requiring the construction of additional commercial space. The increase in the number of residential units should create more activity in this area and allow the retail to become more vibrant. Structural parking will also be constructed contributing to better parking and a more urban feel to this area.

The parking lot of Ashbury Courts is largely empty and underutilized and the proposed amendments will allow the Petitioner to make a more productive use of this area and will further the Route 1 corridor revitalization initiative.

Given its proximity to Route 32, Fort Meade and NSA, the proposed amendments would create viable housing options for people relocating to Howard County as a result of BRAC as well as create residential development with transit-oriented options as discussed below.

Response to Section 5:

The redevelopment of North Laurel as a retail-oriented Mixed Use district began with General Plan 2000 and its encouragement of the redevelopment of the Route 1 Corridor. Policy 4.4 discusses activity near transportation nodes and provides specifically that intensification of economic development ought to occur near transportation nodes and transit services, especially MARC stations, for efficient access.

Ashbury Courts is within 2000 feet or about 0.3 mile of the nearest MARC Station. Between Ashbury Courts and the Laurel Park MARC Station is the Laurel racetrack property, which is zoned as TOD (no maximum density), only about 150 feet from the subject Property.

Intensification of residential in Ashbury Courts would fulfill both the purpose of supporting the existing retail and orienting development to mass transit services.

The Route 1 Corridor Revitalization Study discusses North Laurel as one of three locations offering the greatest potential for CAC area:

“[North Laurel] was illustrated in the concept plan and is the basis for other similar districts. It has strong potential as a retail-oriented mixed use district, related to historic Main Street in Laurel and the MARC station.” P. 12.

The Route 1 Corridor Revitalization Study also discusses the obstacles that confront developers who attempt to create a CAC development.

“Although dense, pedestrian-oriented urban activity centers can be found in many close-in communities in the Washington and Baltimore areas, this type of development would represent a major change from the existing commercial development patterns in the corridor. Developers may need to be convinced that change is possible and economically viable, and that it is time to move away from an approach that saturates the market with gas stations, convenience stores, fast food restaurants, car dealer and other uses that are common for commercial strip developments.” P. 12.

Response to Section 6:

The envisioned redevelopment of the Route 1 corridor was for the purpose of preserving and promoting the health, safety and welfare of the community. As our older, underutilized areas continue to make their transition to newer, more vibrant areas, it is necessary for the County to help guide the future growth and development in accordance with the General Plan in a manner which represents the most beneficial and convenient relationships among the residential, non-residential and public areas.

The proposed changes to the regulations are consistent with this intent.