



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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## TECHNICAL STAFF REPORT

*Planning Board Meeting of November 3, 2022*

**Case No./Petitioner: ZRA-203 – Demirel Plaza, LLC**

**Request:** Amend the Office Transition (OT) zoning district (Section 117.3.C) to include Age-Restricted Adult Housing (ARAH) in Use 13 “one square-foot of residential space for each square-foot of commercial space located within the same structure” land use category.

### I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

#### Office Transition District:

The OT zoning district was added to the Zoning Regulations during the 2004 Comprehensive Zoning Plan and permitted offices, communication towers, government uses, and one dwelling unit per business establishment within the same structure, provided the dwelling unit does not exceed 50 percent of the floor area of the structure.

ZB 1098M, approved February 6, 2013, rezoned the Demirel Plaza Property (Attachment A) from the R-20 (Residential: Single) to OT zoning district.

ZRA 157, approved June 6, 2015, amended Section 117.3.C. of the Zoning Regulations, adding personal service establishments to the list of uses permitted as a matter of right in the OT district.

ZRA 168, approved October 6, 2016, amended Section 117.3.C. of the Zoning Regulations by adding 13 commercial uses permitted as a matter of right and changed the residential use to “one square-foot of residential space for each square-foot of commercial space located within the same structure”

#### Age-Restricted Adult Housing:

ZB 849R, approved June 2, 1988, added the use of “Housing for Elderly or Handicapped persons” as a Special Exception, and added the definition for this use category.

ZRA 30, approved February 15, 2001, added a new definition for ARAH and added a parking standard for ARAH.

CB2-2005, part of the Comprehensive Lite Regulations added several additional requirements for ARAH.

ZRA 88, approved June 2, 2008, added ARAH as a use permitted by right in the Planned Office Research (POR) district and adds additional requirements for ARAH.

ZRA 91, approved June 2, 2008, established the DAP review criteria for all new ARAH developments.

ZRA 187, approved July 5, 2019, added ARAH as a Conditional Use within the Rural Residential (RR) and Rural Conservation (RC) districts.

ZRA 199, approved April 6, 2022, added ARAH as a Conditional Use within the Planned Golf Course Community (PGCC) district.

ZRA 200, approved May 4, 2022, added Age-Restricted Adult Housing as a use permitted as a matter of right within the Business: Local (B-1) district.

## II. DESCRIPTION OF PROPOSAL

This section contains a summary of the Petitioner's proposed amendment. The Petitioner's proposed amendment text is attached as Exhibit A.

The Petitioner contends that allowing ARAH in the OT zoning district would allow additional flexibility for the development of senior housing, which could create more affordable units for the County's aging senior population. ARAH located within a commercial zone would offer senior housing opportunities in proximity to retail and services.

### Section 117.3.C:

This section contains the uses permitted as a matter of right in the OT zoning district. The Petitioner proposes to add ARAH as a permissible housing type under Use 13 "one square-foot of residential space is permitted for each square-foot of commercial space and must be located within the same structure."

## III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning's (DPZ) technical evaluation of ZRA 203 in accordance with Section 16.208.(d) of the Howard County Code.

### 1. The compatibility, including potential adverse impacts and consequences, of the proposed Zoning Regulation Amendment with the existing and potential uses of the surrounding areas and within the same zoning district.

The proposed amendment is unlikely to result in adverse impacts to existing/potential uses, since ARAH only effects who can reside in a dwelling and not the actual housing type (i.e. Use 13), which is currently permitted as a matter of right.

### 2. The properties to which the Zoning Regulation Amendment could apply and, if feasible, a map of the impacted properties

OT is a floating zone and could be applied to properties through Zoning Board approval of a Preliminary Development Plan (PDP) that meets the criteria in Section 117.3.G of the Zoning Regulations. Only one property is currently zoned OT and is shown in Attachment A.

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**3. Conflicts in the Howard County Zoning Regulations as a result of the Zoning Regulation Amendment.**

As compared to other zoning districts, Age-Restricted Adult Housing is permitted as a matter of right in the POR (Planned Office Research), CCT (Community Center Transition), PSC (Planned Senior Community), and TNC (Traditional Neighborhood Center) zoning districts subject to requirements for universal design standards, enforcement of age restrictions, moderate income housing units (MIHUs), on-site community centers, and open space. While the proposed amendment does not include these requirements in the approval criteria, OT is a floating zoning and requires the Zoning Board to approve a PDP. The Zoning Board could impose additional conditions through that process.

**4. The compatibility of the proposed Zoning Regulation Amendment with the Policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.**

ZRA 203 is generally in harmony with *PlanHoward 2030* goals and policies. *PlanHoward 2030*, the County's general plan, contains several policy goals and implementing actions that generally support the proposed zoning regulation amendment (ZRA) to permit Age-Restricted Adult Housing in the OT District.

Policy 9.4 on page 131 of *PlanHoward 2030* recommends that the County continue to "expand housing options to accommodate the County's senior population who prefer to age in place and people with special needs." In addition, Policy 9.2 on page 129 of *PlanHoward 2030* recommends that the County continue to "Expand the full spectrum housing for residents at diverse income levels and life stages, and for individual with disabilities, by encouraging high quality, mixed income, multigenerational, well designed, and sustainable communities."

According to *PlanHoward 2030* on page 130, there is a "need to promote diverse senior housing for those that wish to downsize to more easily maintained units as they age." The Plan also states that "nearly 20% of Howard County residents will be over the age of 65 by 2030" (*PlanHoward 2030*, p. 130). The proposed ZRA would create an opportunity to expand the County's senior housing stock in a Zoning District where ARAH is currently is not permitted. It would also contribute to diversifying the senior housing stock in the County as all residential development in this Zoning District must be located in a mixed-use building, or the same building as the commercial development, thus creating opportunities for apartments or rental properties. Additionally, this ZRA could be consistent with Policy 9.4 to the extent that smaller rental units would result in housing units more affordable to low- and moderate-income seniors.

Environmental Policies and Objectives

The proposed ZRA 203 is not in conflict with the environmental policies and objectives in PlanHoward 2030, the County's general plan. The proposed ZRA 203 would not change any development requirements for sensitive resource protection, stormwater management or forest conservation.

DocuSigned by:

*Amy Gowan*

10/19/2022

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Amy Gowan, Director

Date

**Exhibit A**

**Petitioner's Proposed Text**

**Section 117.3.C:**

13. One square-foot of residential space, INCLUDING AGE-RESTRICTED ADULT HOUSING, is permitted for each square-foot of commercial space and must be located within the same structure.

**Example of how the text would appear normally if adopted:**

**Section 117.3.C:**

13. One square-foot of residential space, including age-restricted adult housing, is permitted for each square-foot of commercial space and must be located within the same structure.

**Attachment A**



