



Amy Gowan, Director

FAX 410-313-3467

April 22, 2021

TECHNICAL STAFF REPORT

Planning Board Meeting of May 6, 2021

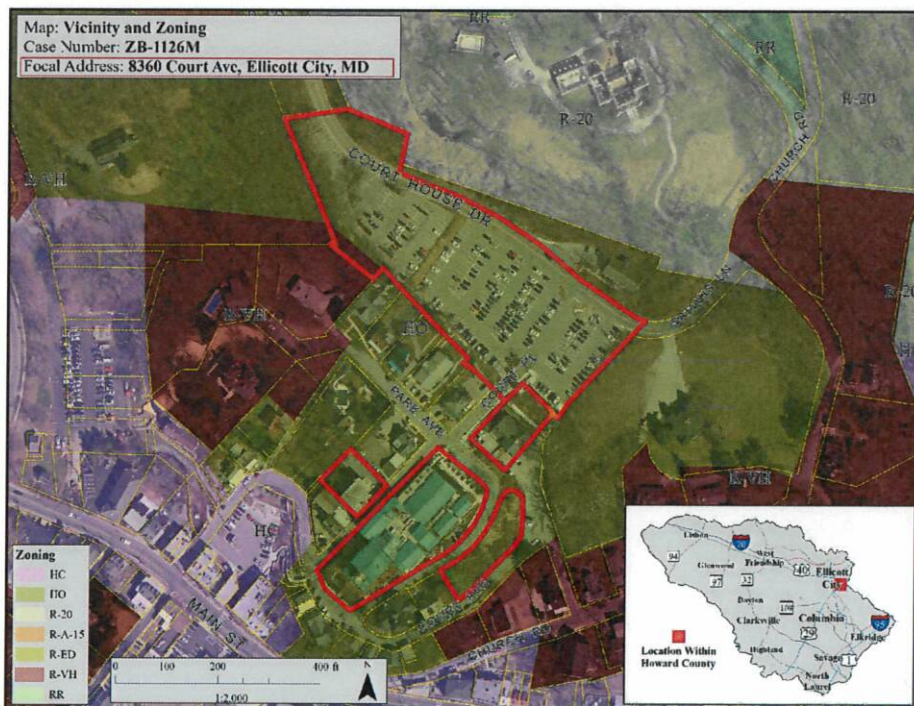
Case No./Petitioner: ZB-1126M – Howard County Department of Public Works

Location: South of Court House Drive and Sarah's Lane, West of Emory Street and Court Avenue, North of Court Avenue and East of Court Place in Ellicott City, MD.
8360 Court Avenue, "Courthouse"
Tax Map 25, Parcel 302
1 Park Avenue, "Former Jailhouse"
Tax Map 25A, Parcel 243
3716 Court Place, "Office Building"
Tax Map 25A, Parcel 230
Rear of Park Avenue "Parking Lot"
Tax Map 25A, Parcel 286
Together, known as the "Properties."

Area of Site: 6.19 acres on four properties

Current Zoning: Historic Office (HO)

Proposed Zoning: Historic Commercial (HC)



I. DESCRIPTION OF PROPOSAL

The Petitioner requests a Zoning Map Amendment to rezone the Properties from HO (Historic-Office) to HC (Historic - Commercial).

The HO (Historic-Office) is established to permit a mix of offices and residences with supporting cultural and commercial uses which will encourage new development and reuse of existing structures consistent with the existing character of the area.

The HC (Historic-Commercial) is established to permit and encourage a diverse but compatible and complementary mix of commercial, office, cultural and residential activities. The district is intended to encourage development of a pedestrian environment consistent with the overall development concept for the Historic District.

The Petitioner asserts that the proposed Zoning Map Amendment is justified based on a mistake in zoning (“Mistake”) made during the 2013 Comprehensive Zoning Plan (the “2013 CZP”) and a change (“Change”) in the neighborhood since the 2013 Comprehensive Zoning Plan (the “2013 CZP”). This assertion is evaluated in the Evaluation and Conclusion section.

II. ZONING HISTORY

A. Subject Property

The Properties were zoned Residential in the original 1951 zoning map. The Properties were zoned R-20 (Residential – One and Two Family Detached) during the 1961 Comprehensive Zoning Plan. The Property was rezoned to the current HO District through ZB762 in 1982.

B. Adjacent Properties

The surrounding properties were also zoned Residential in the original 1951 zoning map and remained so until 1961 when the properties were rezoned to R-20. During the 1985 Comprehensive Zoning Plan, the adjacent areas to the east, north and west of the Property were rezoned to HO. Properties to the south, adjacent to Main Street were rezoned to HC through ZB762 in 1982.

III. BACKGROUND INFORMATION

A. Site Description

The Properties consists of four County owned lots totaling 6.19 acres.

The County Courthouse building is located at 8360 Court Avenue. The building is three stories in height, 89,660 square feet of space and currently houses the related functions of the County courts. Eleven parking spaces, including five handicapped spaces, are on the property.

The former detention center/old jail is located at 1 Park Avenue. The building is two stories in height, with 4,400 square feet of space on 2.23 acres. The building is currently unoccupied.

The office building is located at 3716 Court Place. The building is four stories in height with 6000 square feet of space on 0.19 acres and is currently not occupied. The property includes a small parking area.

The courthouse parking lot is located off Court House Drive on 4.14 acres. The lot includes a total of 269 parking spaces and an electric vehicle charging station.

The Properties are sloping from the northeast to the southwest with higher elevations in the parking lot of 277 feet to lower elevations at the Courthouse of 221 feet.

B. Vicinal Properties

North/northwest of the properties is Courthouse Drive and the Patapsco Female Institute which is zoned R-20 and the Bernard Fort House and Heritage Center which is zoned HO, both owned and operated by Howard County Recreation and Parks.

East/northeast of the Properties is the intersection of Court Place and Sarahs Lane and adjacent property Parcel 285 and Parcel 197, also known as Mt. Ida, which are zoned HO. Farther east are residential properties along Church Road, Parcels 199, 303, 245, 198, 16, 337 and 318, which are zoned R-VH.

South of the Properties are Parcels 188, 186, 290, 187, 248, 189, 190 and 200, all with HO zoning and fronting on Court Avenue. Also immediately to the south of the Courthouse, is Parcel 213 housing the Howard County Historical Society Museum and Parcel 244 owned by the Historical Society and planned for the Ellicott Mills Children's Museum to open in 2022.

West of the properties is portions of Court Avenue, Court Place and Park Avenue which dead ends. To the west are Parcels 181-lots 1, 2, 4 and 5, and Parcel 242 which are zoned HC and front along Main Street in addition to Court Avenue.

C. Roads

The portions of Court Avenue that adjoin the Properties vary in width from 25 to 28 feet of paving, include sidewalks and include angled parking for adjacent properties.

The portions of Park Avenue that adjoin the Properties vary in width from 16-17 feet of paving, include sidewalks and include angled parking for the Courthouse.

The portions of Court Place that adjoin the Properties vary in width from 16 to 21 feet of paving, include sidewalks and a portion passes through the Parking Lot.

The portions of Court House Drive that adjoin the Properties vary in width from 16 to 21 feet of paving, include sidewalks and a portion passes adjacent to the Parking Lot.

The portions of Sarah's Lane that adjoin the Properties have approximately 30 feet of paving and include entrances to the Parking Lot.

There is no traffic volume data for the portions of Court Avenue, Park Avenue, Court Place, Court House Drive and Sarah's lane adjacent to the Properties.

The Properties are adjacent to several designated Scenic Roads including Court Avenue, Park Avenue, Court Place and Emory Street.

D. Water and Sewer Service

The Properties are in the Metropolitan District and the Planned Service Area.

E. General Plan

The Properties are designated as a Growth and Revitalization place type on the *PlanHoward 2030* maps.

Ellicott Mills Drive and Main Street are the closest streets classified as Minor Arterials.

F. Agency Comments

The Historic Preservation Commission reviewed the Petition and provided advisory comments, which are included as Attachment D.

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan and the Zoning Regulations

The Petitioner asserts that the request to rezone the Properties to HC is in harmony with the General Plan for Howard County -- *PlanHoward 2030* and the Ellicott City Watershed Master Plan - and will not adversely affect the surrounding and vicinal properties.

PlanHoward 2030 and the Ellicott City Watershed Master Plan are the two operative planning documents related to the Properties and the surrounding area.

PlanHoward 2030

The Properties are within a Targeted Growth and Revitalization area, defined on page 74 of the General Plan as “areas where current policies, zoning, and other regulations, as well as policies suggested in *PlanHoward 2030*, seek to focus most future County growth.”

The Petitioner correctly identifies *PlanHoward 2030*’s preference for historic preservation by promoting restoration and adaptive reuse of historic properties. (See Policy 4.1(b) on page 41). The proposed zoning amendment would expand the uses available by right on the Properties.

The Department concurs with Petitioner’s assertion that the requested “amendment expands the uses permitted by right, which encourages restoration and adaptive reuse of the historic buildings while maintaining the character of the district.”

Ellicott City Watershed Master Plan

The Ellicott City Watershed Master Plan was adopted by the County Council as a General Plan Amendment in December of 2020. The Plan acknowledges the relocation of the Courthouse function in 2021 and establishes a series of recommendations for adaptive reuse of the Properties.

Policy 4.1 on page 108 of the Master Plan reads:

“Continue to support existing property and business owners. When accommodating new uses, such as those that may be associated with any potential reuse of the courthouse property, emphasize ones that are complementary—rather than competitive—to the retail mix that currently exists along Main Street.”

Policy 12.1 “Courthouse Property Reuse” paragraph C on page 226 of the Watershed Master Plan recommends, in part:

“[T]he RFI or RFP [for the Properties] should encourage creativity, outline key considerations for the reuse of the property, emphasize the importance of a sensitive interface with adjacent properties and require a holistic master-planned approach to the reuse of the property.”

Policy 12.1 “Courthouse Property Reuse” paragraph E further references “mixed-use new construction” and Policy 4.4 “Mixed-Use New Construction and Redevelopment” paragraph D on page 111 reads in part:

“Core and Watershed Redevelopment Opportunities: Plan for the potential long-term redevelopment of key sites within the core and watershed in a sensitive and strategic manner and explore how each could accommodate some of the market demand to provide for a healthy mix of uses. These sites include: » Courthouse Site (adaptively reusing the historic courthouse and jail)”

The Master Plan makes clear a goal to adaptively reuse the Properties as a mixed-use site that enhances the Main Street district and core of historic Ellicott City.

Zoning Regulations

HO and HC are two of three zoning categories exclusive to the Ellicott City historic district – the third being R-VH – Residential Village Housing. The regulations for both HO and HC share the same setbacks, height limits and floor area ratios.

The Department concurs with the Petitioner that the requested zoning change from HO to HC aligns with the General Plan, Ellicott City Watershed Master Plan and zoning regulations.

B. Evaluation of the Petition Concerning the Change Rule

To substantiate a change in character of the neighborhood, the petitioner must establish the “neighborhood” boundary and specify the changes that occurred after the comprehensive zoning that altered the character of the “neighborhood.”

The Petitioner asserts that there has been substantial change in the character of the neighborhood since the 2013 CZP and suggests the “neighborhood” be defined as the state designated “Main Street” area. The Department agrees that the “Main Street Maryland” incentive area, designated by the Maryland Department of Housing and Community Development (DHCD), is a reasonably identifiable, contiguous and compact neighborhood. The area is bounded by environmental and architectural features. Symbiotic land uses and zoning feed the commercial corridor along Main Street, which bisects the neighborhood east to west.

This neighborhood has further been distinguished through state and local efforts. Attachments A and B contain a letter from DHCD designating a subset of the Main Street area as the “Ellicott City Designated Neighborhood” in 2010. This designation was later expanded to include the current Main Street Area when the state designated it a Sustainable Community (see Attachment C). Note also that the County’s 2012 “Sustainable Community” application includes a resolution approved by the County Council (see Attachment E).

Whether applying the “Main Street Maryland,” “Designated Neighborhood,” or “Sustainable Community” defined areas, the neighborhood includes the Properties and the commercial corridor along Main Street at its center. Each of these designations acknowledges that properties within the neighborhood boundary contribute to the economic vitality of the commercial core and clearly depict the Courthouse area as a central component of the neighborhood.

The Petitioner accurately outlines the impacts of the 2016 and 2018 floods, which resulted in devastating loss of life, damage to historic properties and detriment to commercial operations along Main Street.

The Petitioner specifically cites the following passage from page 170 of the Ellicott City Watershed Master Plan:

“Change in Lower Main Character: The character of Lower Main has changed over time as Ellicott City grew as a place of commerce and a place that endured floods and fires. These influences changed how people viewed and interacted with the Tiber. Just as the loss of buildings to fire that led to the development of Tiber Park, the building removals associated with EC Safe

and Sound will significantly alter the character of Lower Main. The four buildings along south Lower Main frame Tiber Alley, creating the narrow space with its unfolding views and charm. Two of the buildings planned for removal give Tiber Park its definition.”

The Master Plan reflects years of community input from hundreds of stakeholders and unanimous approval of the County Council. It clearly documents the loss of these historic buildings as a significant change to the character of the neighborhood. Moreover, but for the 2016 and 2018 floods that caused irreparable damage, and the imperative to mitigate future threats to life and property, these buildings would have remained vibrant commercial spaces.

The Petitioner also argues that the impending relocation of courthouse operations away from the Properties will further change the Main Street neighborhood. While the impacts of this relocation remain to be seen, it is likely that the loss of the courthouse function at this location will also result in a reduction of foot traffic from attorneys, litigants and employees that would otherwise regularly visit the Main Street area. The Master Plan contemplates that neighborhood demand for office space by legal professionals will decline as the courthouse is no longer conveniently located to their practices.

Page 224 of the Master Plan notes:

“Offices supporting courthouse functions are housed within converted residential structures and contemporary office buildings that front onto lower Court Place and Park Avenue, west of Park Place. Most of the uses along Park Avenue are located within converted historic residential structures, with rear yards facing onto the large parking area. Once the courthouse moves to its new location, it is unclear how many of these uses will remain.”

The Department concurs with the Petitioner’s argument that a change occurred subsequent to the 2013 CZP that altered the character of the Main Street Ellicott City neighborhood. The Department further agrees that rezoning the Properties from HO to HC would enhance reuse opportunities that could replace lost Main Street commercial space and support the entire neighborhood.

C. Evaluation of the Petition Concerning the Mistake Rule

To substantiate a mistake in zoning, evidence must show that the Zoning Authority erred when it adopted the comprehensive zoning map. The Petitioner asserts, based on the following, that the proposed Zoning Map Amendment is justified based on a “Mistake” made during the 2013 CZP.

The Petitioner associates the mistake in zoning with the County Council’s approval of a \$30.6 million renovation of the Ellicott City Courthouse in the 2014 Capital Budget (May 2013), which immediately preceded the adoption of the 2013 Comprehensive Zoning legislation (July 2013). As of 2013, the Courthouse had been in continuous operation at this location for more than a century and a half, making it an anchor of the area. The Courthouse itself is just a few years younger than Howard County as a political subdivision and the Properties had been zoned HO since 1985. The legislative record provides no evidence that the County Council discussed the applicability of the HO zone to the Properties’ zoning during the 2013 CZP process.

Given the temporal proximity of these budget and comprehensive zoning actions by the County Council and the Courthouse’s extensive history of operation at this location with its current zoning unchanged for nearly three decades, it is reasonable to believe that the legislative body presumed the investment in the courthouse facility indicated an intent for the building to remain in use for the foreseeable future. Therefore, the Council, acting on inference and incomplete knowledge, could not have considered a zoning change that might have better facilitated a reuse of the Properties.

The Department concurs with the Petitioner’s argument that a mistake occurred in the 2013 CZP.



PETITION TO AMEND THE ZONING MAP OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZB 1126 m Date Filed: 4/20/21

1. Zoning Request

I (we), the undersigned, hereby petition the Zoning Board of Howard County to amend the Zoning Map of Howard County as follows: To change the zoning of the former Howard County Courthouse properties totaling approximately 6.19 acres, from HO (Historic Office) to HC (Historic Commercial).

2. Petitioner's Name Howard County Department of Public Works

Address George Howard Building, 3430 Court House Drive, Ellicott City, MD 21043

Phone No. (W) 410-313-4401 (H)

Email Address mcstromdahl@howardcountymd.gov

3. Owner's Name Same as Above

Address

Phone No. (W) (H)

4. Counsel for Petitioner David Moore

Counsel's Address Carroll Building, 3450 Court House Drive, Ellicott City, MD 21043

Counsel's Phone No. 410-313-3077

Email Address dmoore@howardcountymd.gov

5. Property Identification

Address of Subject Property 8360 Court Avenue, 1 Park Avenue and 3716 Court Place

Location of Subject Property South of Court House Drive, West of Emory Street and North of Court Avenue.

Election District 1st Tax Map # 25 Grid # Parcel # 230, 243, 286, 302 Lot # Total Acreage of Property 6.19

6. Petitioner's Interest in Subject Property Owner

(e.g. owner/joint owner/contract purchaser)

7. Reason for the requested amendment to the Zoning Map See attached supplemental information

8. Statement as to the present use or uses of the subject property See attached supplemental information



9. Statement as to whether or not there is an allegation of mistake in the current zoning, and, if so, the nature of the mistake and the facts to support the allegation _____
_____ See attached supplemental information _____

10. Statement as to whether or not there is an allegation of a substantial change in the character of the neighborhood subsequent to the most recent comprehensive rezoning. If change(s) is alleged, the nature of the change(s) and the facts to support the allegation and a statement as to why the petitioner concludes that the reclassification sought is the proper one _____ See attached supplemental information _____

11. Statement as to whether or not the petitioner can use the subject property in its present zoning classification and, if not, the reasons why _____ See attached supplemental information _____

12. Statement as to whether or not such amendment will be in harmony with the General Plan for Howard County and whether such amendment has to potential to adversely affect the surrounding and vicinal properties _____ See attached supplemental information _____

13. State whether or not the subject property is currently served by public water, sewerage, and public roads The Property is within the Planned Service Area (PSA) and Metropolitan District, and is currently served by public water, sewerage and public roads. _____

14. Any other factors which the petitioner desires the Board to consider including copies of any written reports intended to be introduced at the hearing and a written summary of verbal evidence of any expert which will be proffered at the hearing N/A _____

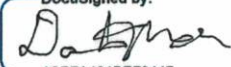
15. PETITION AND DRAWINGS (PLEASE TAKE NOTE)

Original Petition plus **24 copies** (if on a county road), with equal amount of required drawings, folded to approximately 8 ½” x 14” (**27 copies if a state road is involved**). Plats of the subject property, plus other such scale drawings as may be required by the Department of Planning and Zoning must show the following:

- a. Courses and distances of the boundary lines of the subject property and the acreage
- b. North arrow
- c. Existing zoning of subject property and adjoining properties
- d. Location, boundary lines, and area of any proposed reclassification of zoning
- e. Existing structures, uses, natural features and landscaping on the subject and adjacent properties
- f. Location of subject property in relation, by approximate distance, to the nearest intersection of two public roads
- g. Ownership of affected roads and right-of-way width, both current and proposed
- h. Election district in which subject property is located
- i. Tax map/zoning map number on which subject property is shown
- j. Name of local community or neighborhood in which subject property is located or is near
- k. Name, mailing address, and email address of property owner
- l. Name, mailing address, and email address of the petitioner
- m. Name, mailing address, and email address of petitioner’s attorney, if any
- n. Any other information as may be necessary for full and proper consideration of the petition

- 16. If the petition includes site plan documentation, the petition shall include all information as required by Section 100.0.G.2 of the Zoning Regulations.
- 17. The Petitioner agrees to furnish such additional plats, plans or other data as may be required by the Zoning Board and/or the Department of Planning and Zoning.
- 18. The Petitioner further agrees to install and maintain Zoning Hearing Poster(s) as required in the Affidavit of Posting provided by the Department of Planning and Zoning. The Poster(s) must be posted for at least 30 days immediately prior to the Zoning Board hearing and remain posted until 15 days after the final hearing.
- 19. The Petitioner agrees to insert and pay for the newspaper advertising costs as required by the Zoning Board Rules of Procedure. Said advertisement shall be in a format deemed adequate by the Chairperson of the Zoning Board and must be published once in at least two newspapers of general circulation in Howard County at least 30 days prior to the Zoning Board hearing. The Petitioner also agrees to submit certification of the text and publication dates of the approved advertisement prior to the Zoning Board hearing to the Administrative Assistant to the Zoning Board.
- 20. The Petitioner certifies that no petition for the same or substantially the same proposal as herein contained for the subject property has been denied in whole or in part by the Zoning Board or has been withdrawn after the taking of evidence at a public hearing of the Zoning Board within twenty-four (24) months of the Zoning Board hearing unless so stated herein

21. 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.

DocuSigned by:  4/19/2021
4CB7A4018EF0447...
Attorney's Signature Date

DocuSigned by:  4/19/2021
16D09E792E114ED...
Petitioner's/Owner's Signature Date

Petitioner's/Owner's Signature Date

Petitioner's/Owner's Signature Date

22. **FEES**

The Petitioner agrees to pay all fees as follows:

- a. Filing fee including first hearing..... \$695.00*
Each additional hearing night..... \$510.00*
- b. Public Notice Poster(s): \$25.00

* The Zoning Board may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the Zoning Board that the payment of the fee would work an extraordinary hardship on the petitioner. The Zoning Board may refund part of the filing fee for withdrawn petitions. The Zoning Board 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 \$ _____
Poster Fee \$ _____
Total \$ _____

Receipt No. _____

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

County Website: www.howardcountymd.gov

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: _____

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 5-852 - 5-854**

I, _____, 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: _____

Signature: _____

Date: _____

ZONING MATTER: _____

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 5-852 - 5-854**

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 5-852 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 5-852 - 5-854 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: _____

The Presubmission Meeting Electronic Application is on our website at:
https://pdox.howardcountymd.gov/ProjectDox/workflowforms/Anonymous_Form_CZ_Presub.aspx
then select the Pre-submission Community Meeting Application for Conditional Uses and Zoning Map Amendments

Once you complete this form on the website, hit OK and it will be forwarded to us. When the poster is ready, an email will be sent to you to pick it up and make the payment of \$25.00. If you do not have access to the internet, you may use this form.

Pre-submission Community Meeting Procedures

Sec. 16.205. Procedure.

- (a) Any person owning an interest in the property affected may petition the Zoning Board for approval of a development plan, and a person owning an interest in the property affected, the Director of the Department of Planning and Zoning or members of the Zoning Board may petition the Zoning Board for piecemeal map amendment. The form and number of copies of the petition shall be as prescribed by law or by the Zoning Board's rules of procedure.
- (b) Prior to the initial submittal of a petition, the petitioner shall hold a pre-submission community meeting that provides information to the community regarding the petition and allows community residents to ask questions and discuss any issues. The meeting must be held in accordance with the procedures in Section 16.128 of the Subdivision and Land Development Regulations.

Supplemental Information for ZB1126M Petition

7. Reason for the requested amendment to the Zoning Map

Howard County will vacate the historic Circuit Courthouse located at 8360 Court Avenue in Ellicott City, MD, this summer and will relocate to a newly developed state-of-the-art Circuit Courthouse. This relocation will create a unique reuse opportunity of the County-owned historic courthouse and adjacent properties. To encourage a range of possible reuse opportunities for these properties, the County is pursuing a zoning map amendment to change the zoning for the four County-owned properties from Historic Office (HO) to Historic Commercial (HC).

8. Statement as to the present use or uses of the subject property

The Properties are currently being used as follows:

The County Courthouse building at 8360 Court Avenue. The building is three stories in height, 89,660 square feet of space and currently houses the related functions of the County courts. Eleven parking spaces, including five handicapped spaces, are on the property.

The former detention center/old jail at 1 Park Avenue. The building is two stories in height, with 4,400 square feet of space on 2.23 acres. The building is currently unoccupied.

An office building located at 3716 Court Place. The building is four stories in height with 6000 square feet of space on 0.19 acres and is currently not occupied. The property includes a small parking area

The parking lot located off County House Drive on 4.14 acres. The lot includes a total of 269 parking spaces and an electric vehicle charging station.

9. Statement as to whether or not there is an allegation of mistake in the current zoning, and, if so, the nature of the mistake and the facts to support the allegation

A mistake in zoning is justified when there is evidence of events occurring subsequent to the comprehensive zoning that show the County Council's assumptions and premises have been proven invalid with the passage of time.

As shown in Attachment A, the County Council authorized \$30.6 million for renovation of the Ellicott City Courthouse in the 2014 Capital Budget, which was approved on May 23, 2013. This investment in the facility evidences an expectation that the Circuit Court would remain at the current location for a foreseeable period of time. During the 2013 Comprehensive Zoning, which was approved on July 25, 2013, the County Council retained the HO (Historic Office) zoning district on the subject properties because the predominant uses were government, institutional, and office.

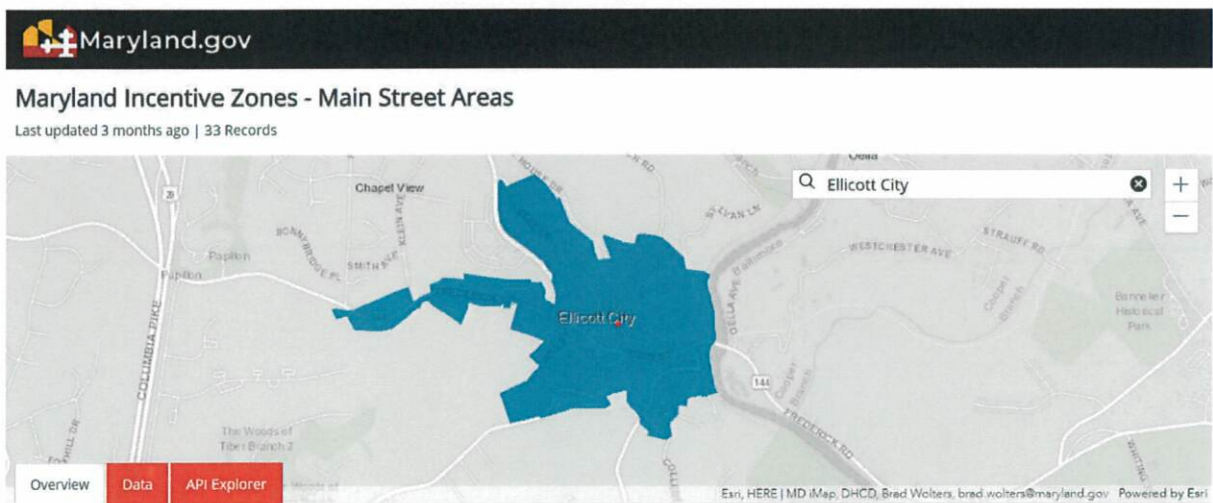
However, Howard County conducted a facility master planning process in 2014 that concluded the properties could not accommodate the needs of a modern courthouse complex. Howard County will vacate the historic Circuit Courthouse on June 30, 2021 and will relocate to a newly developed state-of-the-art Circuit Courthouse. There is no government need for this facility in the foreseeable future, and the cost to rehabilitate the building for a government use – other than a courthouse – would be prohibitive.

Therefore, the County Council's assumption that the Courthouse would remain in its current location has proven invalid with the passage of time. Had the County Council been aware of the courthouse relocation/closure, they would not have retained the HO zoning district, but applied a zoning classification appropriate to encourage adaptive reuse of the properties.

The HC zoning district is the appropriate classification for the following reasons.

- The HO and HC zoning categories are closely associated in the zoning code and have similar purposes, permitted, accessory and conditional uses and bulk regulations.
- Both zoning classifications are exclusive to and designed to fit the character of historic districts.
- The HC classification predominates along Main Street-in close proximity to the properties.
- HC is consistent with *PlanHoward 2030*, as described below.

10. Statement as to whether or not there is an allegation of a substantial change in the character of the neighborhood subsequent to the most recent comprehensive rezoning. If change(s) is alleged, the nature of the change(s) and the facts to support the allegation and a statement as to why the petitioner concludes that the reclassification sought is the proper one



Ellicott City “Main Street Maryland” Incentive Area – Designated by the Maryland Department of Housing and Community Development (DHCD)

For its entire 178-year history, the County Courthouse has been closely tied to and part of the commercial district of downtown historic Ellicott City. Main Street is home to law offices, businesses and restaurants that have long served the legal community. As recently as 2014, the County invested \$1.5 million in the design and construction of the staircase that now connects Courthouse Drive to Main Street, further strengthening the relationship between the Courthouse and the whole of the commercial corridor, as discussed in its [“Main Street Maryland” application](#) submitted for recognition by the Ellicott City Historic District Partnership the same year (see page 13 of 35).

Sadly, two of the last five years have been marked by historic 1,000-year floods that have reshaped the historic downtown Ellicott City commercial district.

On June 30, 2016, over six inches of rain fell in nearly a two-hour period in the vicinity of historic Ellicott City, causing a flash flood along Main Street, which resulted in the deaths of two civilians and extensive damage to many of the district’s buildings

Less than two years later, on May 27, 2018, a second catastrophic flood hit Main Street, which took another life and caused additional structural degradation to several historic properties.

As a result of these two massive flood events, businesses have shuttered or relocated, which has, in turn reduced the concentration of establishments and viable commercial space along the corridor. In response to these storm events, the County announced the Ellicott City Safe and Sound Plan in May of 2019, outlining a strategy to demolish four and significantly modify six buildings along Main Street and abutting the Tiber Branch in order to protect residents, visitors, existing historic architecture and commercial interests from future floods. These efforts will ultimately result in a net loss of approximately 20,000 square feet of once-prime retail and restaurant space in the district. Combined with flood-proofing and streetscape redesign, the removal of these buildings will help ensure a more resilient, formidable Main Street for the future.



Figure 138: Howard County Acquired Ten Buildings on the South Side of Main Street. Under the EC Safe and Sound Plan, the Buildings or Rear Additions Shaded in Green Will Be Demolished (with Historical Building Components Salvaged) While Buildings Shaded Purple/Pink Will Remain. The Blue Line Indicates the Approximate Location of the Tiber Branch.

The [Ellicott City Watershed Master Plan](#) (page 170) describes the demolition of the four historic buildings along Main Street as follows:

“Change in Lower Main Character: The character of Lower Main has changed over time as Ellicott City grew as a place of commerce and a place that endured floods and fires. These influences changed how people viewed and interacted with the Tiber. Just as the loss of buildings to fire that led to the development of Tiber Park, the building removals associated with EC Safe and Sound will significantly alter the character of Lower Main. The four buildings along south Lower Main frame Tiber Alley, creating the narrow space with its unfolding views and charm. Two of the buildings planned for removal give Tiber Park its definition.”

The significance of the change presented by the removal of these four buildings is reiterated on Pages 24, 139, and 167 of the plan.

Furthermore, the loss of the courthouse function, an irreplaceable anchor institution, changes the character of the once office/professional area as law offices and the businesses that support their operations may also look to locations proximate to the new court site.

Taken together, the effects of catastrophic flooding and the termination of courthouse operations have and will result in a significant change in character both in the lower Main Street area and the upper courthouse area resulting in net loss of commercial operations in historic downtown Ellicott City, and the need to replace them in a safe, flood resilient location.

However, the impending vacancy of the County Courthouse property simultaneously presents a unique opportunity to replace lost commercial space in an area less prone to flooding risk and enhance the commercial synergy of historic downtown Ellicott City at this point of inflection.

With this context in mind, the Ellicott City Watershed Master Plan, adopted in December 2020, recognized the importance of the Courthouse properties and their relationship to enhancing economic viability of Main Street. In fact, one of the seven master plan area frameworks was dedicated to the Courthouse area. The Master Plan recognizes that the *courthouse functions would relocate in 2021* and has several recommendations as to the potential for land use change and reuse. Specifically:

- The plan concept calls for a *mixed-use development* at the courthouse site with an emphasis on pedestrian and open space connections.
- The plan recommended that new uses at the courthouse property complement, rather than compete with, the retail mix that currently exists along Main Street. The Plan notes a unique hotel/accommodations use that brings new customers to Main Street.
- An additional recommendation emphasizes the importance of a sensitive interface with adjacent properties and requires a holistic master-planned approach to the reuse of the property.

With the departure of the courthouse function, it is vital to plan for a creative adaptive reuse of the properties. A change in zoning from HO to HC is compatible with surrounding properties as it provides an opportunity for new mixed uses to replace the government function and establish a new anchor for the neighborhood.

11. Statement as to whether or not the petitioner can use the subject property in its present zoning classification and, if not, the reasons why

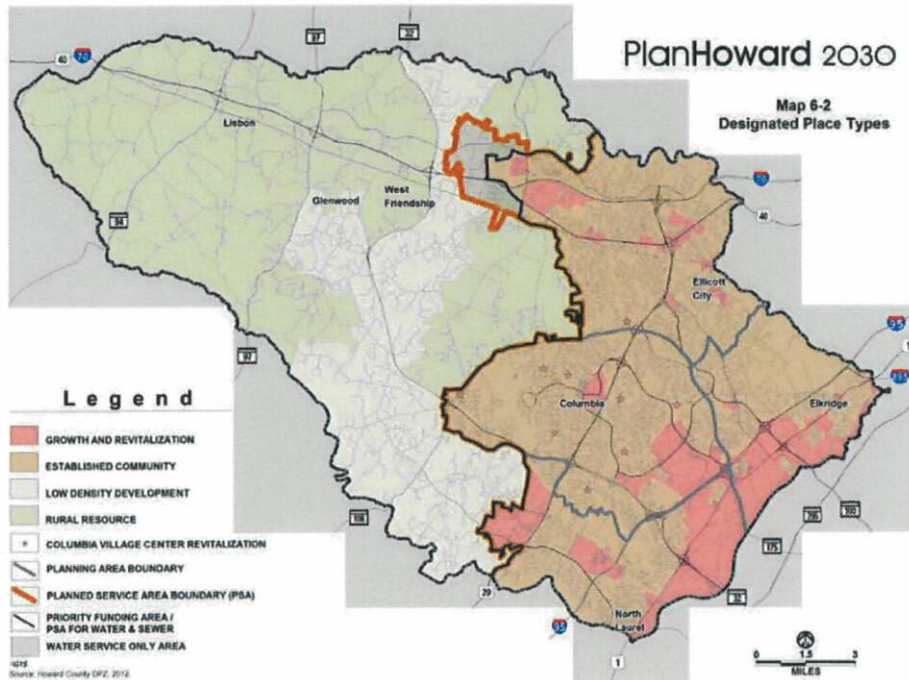
The County Courthouse was built in 1843 and has been located on this property for 178 years. Howard County conducted a facility master planning process in 2014 that concluded the properties could not accommodate the needs of a modern courthouse complex. The County's vacating of its historic Courthouse presents a unique reuse opportunity of the County-owned courthouse and adjacent properties that have supported the Courthouse functions. There is no government need for this facility in the foreseeable future, and the cost to rehabilitate the building for a government use – other than a courthouse – would be prohibitive. The courthouse and the historic jail structures are listed on both the state and local historic inventories. All four properties are located within the national register and local historic districts. It is in the County's interest to see these properties adaptively reused while preserving their historic qualities. The current zoning classification was appropriate when the properties housed government facilities but limits the ability to adaptively reuse the properties while retaining the historic features.

12. Statement as to whether or not such amendment will be in harmony with the General Plan for Howard County and whether such amendment will adversely affect the surrounding and vicinal properties

As outlined below, this amendment is in harmony with the General Plan for Howard County (*PlanHoward 2030*, and specifically the Ellicott City Watershed Master Plan Adopted as a general plan amendment in 2020, which is further included in *PlanHoward 2030* by reference) and will not adversely affect the surrounding and vicinal properties.

Targeted Growth and Revitalization Areas

The properties are within a Targeted Growth and Revitalization area as shown on Map 6-2 on page 69 in *PlanHoward 2030*.



Targeted Growth and Revitalization areas are defined as “areas where current policies, zoning, and other regulations, as well as policies suggested in *PlanHoward 2030*, seek to focus most future County growth.” (p. 74). In addition to the Old Ellicott City area, other Target Growth and Revitalization areas include: Columbia’s Village Centers, Downtown Columbia, parts of the Route 1 Corridor, Maple Lawn, Turf Valley, and areas along Route 40.

Plan Policies

Implementing action b. of Policy 4.1 on page 41 of *PlanHoward 2030* seeks to “strengthen historic preservation programs and laws both to prevent demolition and incentivize restoration and adaptive reuse.” This amendment expands the uses permitted by right, which encourages restoration and adaptive reuse of the historic buildings while maintaining the character of the district. The bulk regulations related to building setbacks, height, and floor area ratio are the same in HO and HC.

Page 121 of *PlanHoward 2030* states: “Additionally, there needs to be an evaluation of the renovation or replacement of the Circuit Courthouse.” This process occurred in 2014, after the 2013 *Comprehensive Zoning Plan* was complete, through a courthouse master planning process, which concluded that due to the existing Courthouse's age and spatial limitations related to its site location, it was impossible to accommodate the renovations and expansion required to meet current and future needs. As a result, a process was initiated that has resulted in the construction of the new courthouse facility at 9250 Judicial Way.

The Ellicott City Watershed Master Plan (adopted by the County Council as a General Plan Amendment in December of 2020) recognized the importance of the Courthouse properties. In fact, one of the seven master plan area frameworks was dedicated to the Courthouse area. The Master Plan recognizes that the *courthouse functions would relocate in 2021* and has several recommendations as to the potential for land use change and reuse. Specifically:

- The plan concept calls for a *mixed-use development* at the courthouse site with an emphasis on pedestrian and open space connections.
- The plan recommended that new uses at the courthouse property complement, rather than compete with, the retail mix that currently exists along Main Street. The Plan notes a unique hotel/accommodations use that brings new customers to Main Street.
- An additional recommendation emphasizes the importance of a sensitive interface with adjacent properties and requires a holistic master-planned approach to the reuse of the property.

With the departure of the courthouse function, it is vital to plan for a creative adaptive reuse of the properties. A change in zoning from HO to HC is compatible with surrounding properties as it provides an opportunity for new mixed uses to replace the government function and establish a new anchor for the area.

15. Petition and Drawings

See attached.

16. If the petition includes site plan documentation, the petition shall include all information as required by Section 100.0.G.2 of the Zoning Regulations.

N/A

Map: Courthouse Zoning Map Amendment Petition
Case Number: ZB-1126M
Subject Properties: 8360 Court Avenue, 1 Park Avenue and 3716 Court Place

