Marsha S. McLaughlin, Director, Department of Planning and Zoning, Petitioner ZRA 104	*	**PLANNING BOARD OF HOWARD COUNTY, MARYLAND**

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MOTION: To recommend approval of the proposal to amend Sections 127.2 (CE: Corridor Employment District); 127.4 (TOD: Transit Oriented Development District); 127.5 (CAC: Corridor Activity Center District); and 103.A. (Definitions) to eliminate the setback from roads for amenity areas in the CE District; increase the setback from public roads for principal structures in the TOD District; increase the setback from Route 1 for principal structures in the CAC District; to create a definition in the Zoning Regulations for amenity areas; and to clarify the definition of setback.

ACTION: ***Recommended approval of Petition; Vote 3 to 0.***

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RECOMMENDATION

On October 16, 2008, the Planning Board of Howard County, Maryland, considered the petition of Marsha S. McLaughlin to amend Sections127.2 (CE: Corridor Employment District); 127.4 (TOD: Transit Oriented Development District); 127.5 (CAC: Corridor Activity Center District); and 103.A. (Definitions) to eliminate the setback from roads for amenity areas in the CE District; increase the setback from public roads for principal structures in the TOD District; increase the setback from Route 1 for principal structures in the CAC District; to create a definition in the Zoning Regulations for amenity areas; and to clarify the definition of setback.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation were presented to the Board for its consideration. The Department of Planning and Zoning recommended that the Petitioner's request be approved.

Richard Talkin, Esq. appeared in opposition to portions of the petition. One resident of the Rt. 1 area appeared in favor of the petition.

Mr. Talkin said he does not agree with the proposal to define the measurement of a setback as being from the ultimate right-of-way due to the indefinite nature of right-of-way widths. Mr. Talkin said that since additional setbacks are being required in the CAC district, the definition as proposed would constitute a hardship in developing properties in the Rt. 1 corridor. He said he represents two projects being developed on Route 1 and that projects in the development review process definitely should not be subject to the extra setback requirement. There is a new 20 percent open space requirement as well for certain projects along Rt. 1, and an

undue burden would be created if the extra setbacks were imposed. He said he would like the extra setback along Rt. 1 to be included in the open space requirement.

Ms. McLaughlin responded that the measurement from the ultimate right-of-way has been a long standing policy and it needs to be clarified in the regulations since State Highway Administration is mandating the changes.

Howard Johnson testified that it is important to differentiate an amenity area from an open space area. He said the Zoning Regulations should be clarified as to whether a right-of-way can be included in open space because open space is internal to a development and should not necessarily be located along road frontage where it would not be a pedestrian amenity.

Motion:

Paul Yelder made a motion to accept the recommendation of the DPZ Technical Staff Report. David Grabowski seconded the motion.

Discussion:

Mr. Grabowski asked if required amenity area amounts would be affected by the amendment, and Ms. McLaughlin responded that there would be no decrease in required amenity areas. She said that open space is defined in the Subdivision Regulations and that some must be open to the public and this is why pedestrian amenity areas should be defined in the Zoning Regulations.

Vote:

The motion for approval of the petition in accordance with the recommendation of the DPZ Technical Staff Report passed by a vote of 3 to 0.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 23rd day of October, 2008, recommends that the Petitioner's request to amend sections127.2 (CE: Corridor Employment District); 127.4 (TOD: Transit Oriented Development District); 127.5 (CAC: Corridor Activity Center District); and 103.A. (Definitions) to eliminate the setback from roads for amenity areas in the CE District; increase the setback from public roads for principal structures in the TOD District; increase the setback from Route 1 for principal structures in the CAC District; to create a definition in the Zoning Regulations for amenity areas; and to clarify the definition of setback, be APPROVED in accordance with the recommendation of the Technical Staff Report.

HOWARD COUNTY PLANNING BOARD

ABSENT/jm
Tammy J. Citara-Manis, Chairperson

ABSENT/jm
Linda A. Dombrowski

David Grabowski/jm
David Grabowski

Gary Rosenbaum/jm
Gary Rosenbaum

Paul Yelder/jm
Paul Yelder

ATTEST:

Marsha S. McLaughlin
Marsha S. McLaughlin
Executive Secretary