Robert and Maxine Walker, Petitioner	*	**PLANNING BOARD OF**
	*	**HOWARD COUNTY, MARYLAND**

ZRA 107

* * * * * * * * * * * * *

MOTION: To recommend approval with modification of the proposal to amend Section 131.N.32 (Conditional Uses/Limited Outdoor Social Assemblies) to remove the requirement that the lot has direct access to and frontage on a collector or arterial road designated in the General Plan.

ACTION: ***Recommended approval with modification of Petition; Vote 4 to 0.***

* * * * * * * * * * * * *

RECOMMENDATION

On October 16, 2008, the Planning Board of Howard County, Maryland, considered the petition of Robert and Maxine Walker to amend Section 131.N.32 of the Zoning Regulations to remove the requirement that the lot has direct access to and frontage on a collector or arterial road designated in the General Plan.

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 in accordance with DPZ's proposed text modification.

The Petitioner was represented by E. Alexander Adams, Esq. No one appeared in opposition to the petition.

Mr. Adams said that although this is a text amendment, the property for which it is intended is unique. He said the site is a large parcel with a historic house, and is rural in character with parks and properties in agricultural preservation in the area. Mr. Adams described the historic house on the site and stated that the hunt club has held its annual opening season event there for years with no impact on traffic or adjacent properties. He said he concurs with the recommended DPZ language modification and agrees that traffic safety impacts need to be addressed in the context of each specific proposal.

Motion:

Ms. CitaraManis made a motion to accept the recommendation of the DPZ Technical Staff Report with the proposed text. Gary Rosenbaum seconded the motion.

Discussion:

The Board reiterated its general reluctance to recommend a zoning regulation text amendment based solely on the needs of one property. However, the Petitioner's request to eliminate the "direct access and frontage on a collector or arterial road" requirement in Section 131.N.32.c is reasonable and an appropriate change to the present regulation. The category, "Limited Outdoor Social Assemblies" was

added several years ago at the request of property owner whose lot happened to have direct/frontage on a collector/arterial road which would certainly serve the purpose of minimizing traffic impact on local roads and/or shared driveways. However, the property did not seek approval of this type of conditional use and as a result, the necessity for this type of access as a qualifying factor to apply for this type of conditional was not tested or evaluated.

The Board believes the proposed text more accurately reflects the unique characteristics of properties likely to seek this type of conditional use by providing the necessary flexibility stated in the General Plan "to promote the economic viability of these [historic] properties." The Board's agrees with the recommendation and language of the Technical Staff Report that the proposed text change provides the necessary checks and balances to ensure traffic safety and impact issues are fully addressed as part of the conditional use approval process.

Vote:

The motion for approval with modification of the petition in accordance with the recommendation of the DPZ Technical Staff Report passed by a vote of 4 -0-1, Ms. Dombrowski abstained.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 23rd day of November, 2008, recommends that the Petitioner's request to amend Section 131.N.32 (Conditional Uses/Limited Outdoor Social Assemblies) of the Zoning Regulations to remove the requirement that the lot has direct access to and frontage on a collector or arterial road designated in the General Plan, be APPROVED WITH MODIFICATION in accordance with the recommendation of the Technical Staff Report.

HOWARD COUNTY PLANNING BOARD

David Grabowski for

Dave Grabowski, Chairperson

Gary Rosenbaum

Gary Rosenbaum, Vice Chair

ABSTAINED

Linda Dombrowski

Tammy Citara Manis

Tammy CitaraManis

Paul Yelder

Paul Yelder

ATTEST:

Marsha S. McLaughlin
Executive Secretary