HOWARD COUNTY INDEPENDENT	*	**BEFORE THE**
BUSINESS ASSOCIATION, INC.	*	**PLANNING BOARD OF**
ZRA 145	*	**HOWARD COUNTY, MARYLAND**

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MOTION: ***To recommend denial of the petition in accordance with the Department of Planning and Zoning recommendation.***

ACTION: ***Recommended denial; Vote 3 to 0.***

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On January 2, 2014 and January 16, 2014, the Planning Board of Howard County, Maryland, considered the petition of Howard County Independent Business Association, Inc. for an amendment to the Zoning Regulations to amend the Section 131.0.N.25 specific criteria for Gasoline Service Stations, to amend Section 131.0.G, Burden of Proof for Conditional Uses, and to amend Section 125.0.A, Definitions, Requirements and Restrictions Applicable to NT Districts.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation, and the comments of reviewing agencies, were presented to the Board for its consideration. The Department of Planning and Zoning recommended denial of the petition based on findings that there is no compelling reason to amend the requirements for gasoline service stations and that the proposed amendments would prevent the establishment of new gasoline service stations as uses in mixed, well designed developments.

The Petitioner was represented by Earl Adams, Jr. Mr. Adams stated that it is reasonable to consider a needs analysis in zoning matters. He explained that one intention of the General Plan was to assess the changes in the market for gasoline service stations, because shuttered gasoline service stations are undesirable, and the proposed amendments should help to prevent this. Mr. Adams also emphasized that the proposed amendments provide needed environmental protections and reasonable buffers. Also speaking for the Petitioner at the January 2, 2014 public meeting was Richard Garretson and Nicole Gavin. Mr. Garretson, a petroleum industry consultant, asserted that it is not good to build new gasoline service stations where the market need for gasoline is insufficient, and that the proposed amendments do allow new stations when there is an unmet demand for gasoline. Ms. Gavin stated that the treatment of gasoline service stations should be the same throughout the County, including in the NT District, because it would be worthwhile to prevent abandoned gasoline service stations in Columbia. At the January 16, 2014 continuation of the public meeting, Larry Silverman also spoke on behalf of the Petitioner. Mr. Silverman, an environmental attorney, stated that gasoline service stations are potentially very harmful from an environmental perspective for several reasons, and that it is therefore necessary to better plan for where these uses should be located. He also emphasized that abandoned stations have a negative effect on the community.

Several people spoke in opposition to the petition. Dr. Daraius Irani stated that he did a study of gasoline prices in the area, and he found that the prices in Howard County are higher than most other jurisdictions except Montgomery County. He noted that the greater the distance a gasoline service station is from other stations, the higher the prices are. Joseph Rutter asserted that the proposed amendments are obviously intended to limit competition, that there is a big demand for gasoline in Howard County due to the amount of through traffic on the major roads, and that the amendments will cause nonconforming use issues for existing gasoline service stations. Jonas Jacobson and Bob Smith also spoke in opposition to the petition. Sang Oh summarized that the current regulations have been working satisfactorily, and that the proposed amendments would create an artificial barrier to new gasoline service stations.

The Planning Board members expressed concern that the proposed amendments would limit business competition, and stated that there are benefits to having newer, improved gasoline service stations. The members acknowledged that the environmental and health perspectives of the proposal do have some merit, but noted that it is debatable what the environmental standards for these uses should be, so further study is recommended, particularly for the increased setback requirements. The Board members also recognized that there may be future issues for the gasoline service stations in the NT District village centers because these relatively small stations have limited visibility and may become abandoned if larger or more accessible stations become more prevalent. This may pose an additional challenge for village center revitalization. However, there may be other revitalization tools better suited to addressing village center issues. However, the Board expressed that having larger new gasoline stations along the interstate highways would be advantageous because they could conveniently service the through traffic.

Mr. Santos made the motion to recommend denial of the petition in accordance with the Department of Planning and Zoning recommendation. Ms. Easley seconded the motion. The motion passed by a vote of 3 to 0.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 20th of February, 2014, recommends that ZRA 145, as described above, be DENIED.

HOWARD COUNTY PLANNING BOARD

Joshua Tzuker, Chairman

Bill Santos

Jacqueline Easley

ABSENT

Phillips Engelke

ATTEST:

Marsha S. McLaughlin, Executive Secretary