

**HOWARD COUNTY CHAIRPERSON AT \* BEFORE THE**  
**THE REQUEST OF THE HOWARD COUNTY \* PLANNING BOARD OF**  
**ZRA 159- FUELING STATION TASK FORCE \* HOWARD COUNTY, MARYLAND**

\* \* \* \* \*

**RECOMMENDATION: Approval with revisions.**

**MOTIONS AND VOTES: See below for each individual amendment proposal**

\* \* \* \* \*

**RECOMMENDATION**

At a public meeting on December 3, 2015 and a work session on December 10, 2015 the Planning Board of Howard County, Maryland considered the petition of the Howard County Chairperson at the Request of the Howard County Fueling Station Task Force (the “Task Force”) to amend the Zoning Regulations as follows: Section 103.0 - delete the current definition for “Gasoline Service Station” and add a new definition for “Vehicle Fueling Station”; delete the current references to “Gasoline Service Station” throughout the Zoning Regulations and replace that term with “Vehicle Fueling Station” (the “Term Replacement Revisions”); amend Section 125.0 NT (New Town) District regulations to establish a new requirement for Planning Board approval for new Vehicle Fueling Stations using the same general standards and specific criteria used in Section 131.0.N. for such uses; and amend Section 131.0.N.24, Gasoline Service Stations, to change the use category title to “Vehicle Fueling Stations” and revise the specific criteria to incorporate a number of Task Force recommendations.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation, and reviewing agency comments were presented to the Board for consideration. The Department of Planning and Zoning (“DPZ”) recommended approval of the petition with revisions, but also that based on findings expressed in the November 19, 2015 Technical Staff Report certain proposed amendments not be included.

The Petitioner, Comm. Sigaty, explained that the County Council created a Task Force knowledgeable about the fueling station industry and other relevant topics. The Task Force was to examine current Zoning Regulations and make recommendations about amendments to the Conditional Use criteria for gasoline service stations and other sections in the Zoning Regulations.

Task Force Chairperson Dick King stated that he has 30 years experience in the gasoline business. He emphasized that blight in the Columbia Village Centers, including the gas stations, is a significant problem. Mr. King commended the Task Force for reaching consensus on all issues, but expressed disappointment with DPZ’s revisions. He urged adoption of ZRA-159 as submitted.

Stephan Cook stated the Task Force worked diligently and he supports its recommendations. Megan Braganza stated she supports the separation requirements because the Maryland Department of the Environment does not monitor underground storage tanks as it should and that Montgomery County recently

1 adopted a 500 foot separation requirement. Kathleen Sheedy pointed out that separation requirements are  
2 related to air pollution and the greater the distance the better. Also speaking in support of the petition were  
3 Rizwan Siddiqi, Brian England, Richard Klein, Rick Levitan, Pam Kasemeyer, and several others. Joan  
4 Lancos stated that she supports the amendments as recommended by DPZ because the “public need”  
5 requirement had previously been applied and did not work. Sang Oh spoke in opposition because the ZRA  
6 attempts to address marketing and economic issues through the Zoning Regulations.

7 In its worksession the Planning Board addressed the components of ZRA-159 individually and voted  
8 on each item.

9 Amendment to Section 103.0: Definitions

10 The Board supported DPZ’s recommendation for the land use category term and definition. Mr.  
11 Engelke motioned to approve and Ms. Easley seconded - the motion passed 5 to 0.

12 Term Replacement Revisions

13 The Board supported the Term Replacement Revisions throughout the Zoning Regulations as  
14 proposed by DPZ. Ms. Roberts motioned to approve and Ms. Easley seconded - the motion passed 5 to 0.

15 Amendment to Section 125.0.A. NT (New Town) District

16 The Planning Board determined that a vehicle fueling station in the NT District should be reviewed  
17 through the Site Development Plan process; however, the County Council should be made aware that it would  
18 add a step to the review process. Mr. Engelke motioned to approve, as recommended by DPZ, with an added  
19 requirement for Site Development Plan approval by the Planning Board. Ms. Roberts seconded - the motion  
20 passed 4 to 0.

21 Amendments to Section 131.0.N.24: Conditional Uses:

22 Substantive Amendment No. 1: Public Need criterion

23 Some Planning Board members were concerned that the Public Need criterion could result in  
24 protecting the market for existing businesses and limit competition. Mr. Engelke motioned to not include  
25 Substantive Amendment No. 1, as recommended by DPZ and Ms. Adler seconded - the motion passed 3 to 2.

26 Substantive Amendment No. 2: Minimum Use Separation criterion

27 Some Planning Board members viewed minimum separation distances between vehicle fueling  
28 facilities as beneficial, but questioned if they would work in all circumstances and if they could be applied to  
29 limit competition. Mr. Engelke motioned to not include Substantive Amendment No. 2, as recommended by  
30 DPZ and Ms. Adler seconded – the motion passed 4 to 1.

31 Substantive Amendment No. 3: Minimum Separation from Environmentally Sensitive Uses criterion

32 After much discussion pertaining to air quality, the Board determined there should be two “levels” of  
33 setback requirements - one for high-volume fueling facilities and a reduced setback for typical low-volume  
34 fueling facilities. Ms. Adler motioned that the minimum setback from Environmentally Sensitive Uses should

1 be 50 feet for low-volume fueling facilities and 300 feet for high-volume fueling facilities as per the  
2 Attachment 4 of the Howard County Fueling Station Task Force Testimony. Mr. Engelke seconded - the  
3 motion passed 3 to 1.

4 Mr. Engelke then motioned for the County Council make a determination on what constitutes a high-  
5 volume and a low-volume fueling facility, since the Planning Board lacked sufficient information to make  
6 that judgment. Ms. Adler seconded - the motion passed 4 to 0.

7 The Board discussed at length relying on the setbacks as per the Attachment 4 of the Howard County  
8 Fueling Station Task Force Testimony and removing the requirement for an air quality environmental study.  
9 Ms. Adler motioned to remove the requirement for an environmental study and Mr. Engelke seconded - the  
10 motion passed 4 to 0.

11 Substantive Amendment No. 4: Minimum Separation from Environmentally Sensitive Areas criterion

12 The Board determined that protecting Environmentally Sensitive Areas is important, but that such  
13 regulations are most appropriate in environmental and not zoning regulations. Ms. Adler motioned to not  
14 include Substantive Amendment No. 4, as recommended by DPZ and Ms. Roberts seconded - the motion  
15 passed 4 to 0.

16 Substantive Amendment No. 5: Minimum Lot Size criterion

17 Without discussion, Mr. Engelke motioned to approve Substantive Amendment No. 5, as  
18 recommended by DPZ and Ms. Roberts seconded - the motion passed 4 to 0.

19 Substantive Amendment No. 6: Minimum Lot Frontage criterion

20 Without discussion, Mr. Engelke motioned to approve Substantive Amendment No. 6, as  
21 recommended by DPZ and Ms. Roberts seconded - the motion passed 4 to 0.

22 Substantive Amendment No. 7: High-volume Gas Station criterion

23 Without discussion, Mr. Engelke motioned to not include of Substantive Amendment No. 7, as  
24 recommended by DPZ and Ms. Adler seconded - the motion passed 4 to 0.

25 Substantive Amendment No. 8: Circulation and Queuing criterion

26 Ms. Roberts motioned to approve Substantive Amendment No. 8, as recommended by DPZ, but with  
27 a revision to the first sentence to state "A proposed site plan shall show that efficient traffic flow on the site  
28 and queuing at the pump islands shall be accommodated." Mr. Engelke seconded - the motion passed 4 to 0.

29 Ms. Easley was unable to attend the worksession held on December 10, 2015, but asked that the  
30 following statement be forwarded to the County Council:

31 "A unanimous and bipartisan County Council saw the importance of creating a Fueling Task Force  
32 and then carefully hand-selected a variety of people each offering different talents, experience, and  
33 perspectives to serve on it. Therefore, I choose to place my full faith in the expertise, findings and  
34 recommendations of the Fueling Task Force and I vote to pass their Amendment without any additional

1 deletions or revisions by DPZ. If these people put their heads together for 6 months researching, discussing,  
2 arguing and compromising to get to these specific recommendations then I am going to trust their  
3 thoughtfulness, their judgments and their final conclusions."

4 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 27<sup>th</sup> day of  
5 January, 2016 recommends that ZRA-159, as described above, be approved as recommended by DPZ, but  
6 with the revisions noted in the individual motions on each amendment proposal.

10 HOWARD COUNTY PLANNING BOARD

11 Bill Santos (HB)  
12 Bill Santos, Chairman

13 Jacqueline Easley (HB)  
14 Jacqueline Easley

15 Phil Engelke (HB)  
16 Phillips Engelke

17 Erica Roberts (HB)  
18 Erica Roberts

19 Delphine Adler (HB)  
20 Tudy Adler

21  
22 ATTEST:

23 Valdis Lazdins  
24 Valdis Lazdins, Executive Secretary