

Council Bill No. 51 - 2021
Introduced: June 7, 2021
LA: Theodore Wimberly

LEGISLATIVE INTENT:

This bill would amend the Zoning Regulations to allow Gas Stations as a Permitted Use in the Planned Golf Course Community (PGCC) zoning district under certain circumstances.

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ANALYSIS

Specifics:

According to the Zoning Regulations, “The Planned Golf Course Community District is established to permit mixed use development combining recreation, residential, commercial and conference center uses while preserving 50% of the district as open space. It is the purpose of the PGCC District to integrate recreational uses, including at least two eighteen-hole golf courses, with residential development and to provide a variety of housing choices.... There shall be two subdistricts in the PGCC District: The PGCC-1 or Residential Subdistrict and the PGCC-2 or Multi-use Subdistrict. Delineation of the subdistrict boundaries shall be determined by the Zoning Board and shall be shown on the zoning map of Howard County.”

According to the petitioner, this Zoning Regulation Amendment (ZRA) is being pursued in order “...to allow a motor vehicle fueling facility in Town Square to serve the residents of Turf Valley and the employees and customers of Turf Valley's commercial establishments.” Currently, the PGCC zoning district does not allow Motor Vehicle Fueling Facilities (MVFF). If this ZRA is approved, MVFFs would be allowed by right in the PGCC-2, Multi-use Subdistrict after the Planning Board conducted a hearing and approved the use.

Specifically, the approval process for MVFFs in the PGCC district that the petitioner is proposing would first require that a MVFF use must be recorded on a property’s Final Development Plan. Next, the petitioner proposes that any petitioner seeking a MVFF use shall prove to the Planning Board that the proposed MVFF use meets the Conditional Use criteria found in Section 131.0 of the Zoning Regulations. The public would be notified of the public hearing in the same manner that notice is given in all Planning Board hearings.

This ZRA petition was submitted in June 2020, reviewed by the Department of Planning and Zoning (DPZ) and recommended approval in DPZ’s Technical Staff Report dated November 5, 2020. The Planning Board heard the petition on November 19, 2020 and recommended approval of the petition.

Policy Implications:

This MVFF proposal is similar to the what is established in the MXD (Mixed Use) zoning district regulations. Any new MVFF proposed in the MXD zoning district also has to be approved by the Planning Board. The main difference between the PGCC approval process and the MXD approval process is that in the MXD district the Planning Board must approve a Site Development Plan for a new MVFF.

Issues/Questions:

- The MVFF use tends to be quite controversial. Is there anything that would prohibit that the MVFF go through the Hearing Examiner/Board of Appeals process?

Special Notes:

- None.