

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

4 * * * * *

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

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

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

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

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

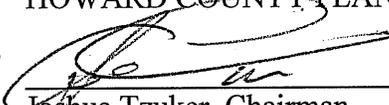
1 Several people spoke in opposition to the petition. Dr. Daraius Irani stated that he did a study of
2 gasoline prices in the area, and he found that the prices in Howard County are higher than most other
3 jurisdictions except Montgomery County. He noted that the greater the distance a gasoline service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

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

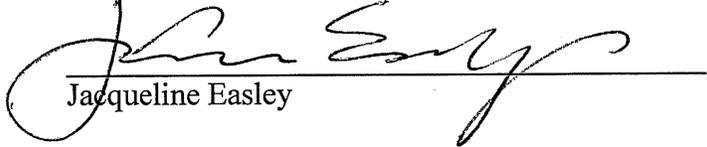
21 Mr. Santos made the motion to recommend denial of the petition in accordance with the Department
22 of Planning and Zoning recommendation. Ms. Easley seconded the motion. The motion passed by a vote of 3
23 to 0.

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

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27 HOWARD COUNTY PLANNING BOARD

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29 _____
30 Joshua Tzucker, Chairman

31 
32 _____
33 Bill Santos

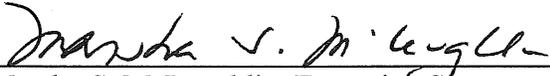


Jacqueline Easley

ABSENT

Phillips Engelke

ATTEST:


Marsha S. McLaughlin, Executive Secretary