

1 SK KING GEORGE, LLC,  
2 PETITIONER  
3 ZRA 109

\* BEFORE THE HOWARD COUNTY COUNCIL  
\* PLANNING BOARD OF RECEIVED  
\* HOWARD COUNTY, MARYLAND 2008 JAN 17

4 \* \* \* \* \*

5 MOTION: *To recommend approval of ZRA 109 in accordance with the Department of*  
6 *Planning and Zoning recommended revisions.*

7 ACTION: *Recommended Approval; Vote 4 to 0, with one abstention.*

8 \* \* \* \* \*

9 On October 30, 2008, the Planning Board of Howard County, Maryland, considered the petition of  
10 SK King George, LLC for an amendment to the Zoning Regulations to amend Section 131.L3. of the Zoning  
11 Regulations concerning the lapse of, and extensions of, approved Conditional Uses to establish a new  
12 provision whereby approved Conditional Uses would not have to obtain extensions for projects for which  
13 plans are being processed with Howard County.

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 approval of the petition with certain slight revisions to the proposed  
17 amendment text.

18 The Petitioner was represented by Richard Talkin. There was no testimony in opposition to the  
19 petition.

20 Mr. Talkin stated that the Department of Planning and Zoning revision clarifies the proper reference  
21 to the Subdivision and Land Development Regulations. He explained that the amendment is necessary  
22 because there are many more conditions and requirements in the plan review process, so that process can take  
23 considerably longer than the two year limit for conditional uses.

24 Tom Meachum testified in support of the petition. Mr. Meachum argued that the current deadlines  
25 may not be realistic considering the complexity of the site development and subdivision approval processes  
26 which may contribute to or cause a delay in petitioner meeting the set deadlines. As a result, by "actively  
27 working within these processes" a petitioner's approved conditional use should not lapse requiring either an  
28 extension or whole new approval process. (See 10/17/08 Letter of Support) Dave Downs also supported the  
29 petition, and said the amendment is good public policy because currently, there are often circumstances  
30 beyond the control of an applicant in terms of the time necessary for plan review and approval.

31 The Board agrees that compliance with all the requirements and approval stages in the SDP and  
32 subdivision processes can be complex, timely, and expensive and include multiple agency review and  
33 approval which may delay meeting the 2 and 3 year deadlines. These deadlines are necessary and in place to

1 encourage the petitioner to start the development process for the approved conditional under the current  
2 zoning regulations. Although whether or not these deadlines should be changed to reflect a more realistic  
3 timeframe of compliance is not before us, the Board believes it is a valid point worth future analysis.

4 However, the Board fully agrees with staff's revision and citizen input that an approved conditional  
5 use will not lapse for failure meet the imposed deadlines if the project is being actively processed at that time.  
6 The Board was initially concerned that the petitioner's proposed amendment was too vague and undermined  
7 the very purpose for including deadlines in the regulations: to encourage timely processing of the conditional  
8 use under the regulations. The revised language to include reference to the subdivision and land development  
9 regulations appropriately provides a standard by which it can be determined whether a project is being  
10 actively processed. The Board believes this amendment fairly and equitably allows those petitioners, who  
11 diligently and timely make a concerted effort, to bring their approved conditional use plans to fruition without  
12 the threat their approval will lapse.

13 Mr. Rosenbaum made the motion to recommend approval of the petition in accordance with the  
14 Department of Planning and Zoning recommendation and recommended revisions. Ms. CitaraManis seconded  
15 the motion. The motion passed by a vote of 4 to 0, with Ms. Dombrowski abstaining.

16 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 26<sup>th</sup> day of  
17 January, 2009, recommends that ZRA 109, as described above, be **APPROVED WITH REVISIONS**.

19 HOWARD COUNTY PLANNING BOARD

20 David Grabowski Jm  
21 David Grabowski, Chairman

22 Gary Rosenbaum Jm  
23 Gary Rosenbaum, Vice-Chair

24 ABSTAIN

25 Linda A. Dombrowski

26 Tammy J. CitaraManis Jm  
27 Tammy J. CitaraManis

28 Paul Yelder Jm  
29 Paul Yelder

30  
31 ATTEST: Marsha S. McLaughlin

32 Marsha S. McLaughlin, Executive Secretary  
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