

1 **HIGH'S OF BALTIMORE, INC. * BEFORE THE**
2 **AND LDG, INC., PETITIONERS * PLANNING BOARD OF**
3 **ZONING BOARD CASE ZB 1080M * HOWARD COUNTY, MARYLAND**

4 * * * * * * * * * * * * * * *

5 **MOTION:** *To recommend approval of the petition requesting to rezone 2.51 acres from*
6 *the RC-DEO District to the BR District.*

7 **ACTION:** *Recommended Approval; Vote 4 to 0.*

8 * * * * * * * * * * * * * * *

9 On July 8, 2009 and December 3, 2009, the Planning Board of Howard County, Maryland,
10 considered the petition of High's of Baltimore, Inc. and LDG, Inc. for an amendment to the Zoning
11 Map to rezone 2.51 acres from the RC-DEO District to the BR District.

12 The Petitioners were represented by William Erskine. Also present and representing the
13 Petitioner was Brianna Darnell. There was no testimony in opposition to the petition.

14 The petition, the Department of Planning and Zoning Technical Staff Report and
15 Recommendation, and the comments of reviewing agencies, were presented to the Board for its
16 consideration. Originally, The Department of Planning and Zoning (DPZ) recommended denial of
17 the petition in its June 24, 2009 Technical Staff Report due to vehicular safety concerns at the
18 intersection of Livestock Road intersection with MD 32. However, DPZ announced that it was
19 supporting approval of the petition during the Planning Board meeting after concluding that the
20 petitioner's efforts with the State Highway Administration ("SHA") to resolve the issues of
21 necessary improvements had been achieved and could now support the proposed BR District. (See
22 Attached DPZ statement and SHA letter.)

23 Mr. Erskine stated that the SHA plans to construct improvements south of I-70 at the MD 32
24 intersection with MD 144 that will eliminate the existing High's store at that intersection. The
25 petition requests BR on a site just to the north of I-70 to relocate the business to. He noted that the
26 petition complies with the purposes for a BR District, and that the General Plan acknowledges that
27 rural commercial development could be acceptable near the I-70 interchanges. Mr. Erskine explained
28 that unlike further north on MD 32, the Livestock Road intersection is reasonably safe because there
29 is a median in MD 32, and that the Petitioners will make all improvements required by the SHA.
30 Mr. Erskine concluded by stating that the original reservations and concerns had been resolved and
31 that the petition should be approved.

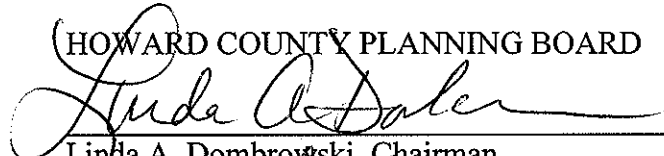
1 Based on the information presented by the petitioner, the newly stated revisions to DPZ's
2 recommendation and the SHA letter, the Planning Board determined that the original questions and
3 concerns about the access to MD 32 had been answered. The Board further noted in support of the
4 petition are the site's adjacency to B-2 property, the lack of suitability of the site for residential uses
5 and the improvements to the plan. Overall, the Board expressed that the proposal is well planned and
6 enables a service to continue which has served and benefited the rural west community for many
7 years.


8 As an aside, the Board also noted the usefulness of the BR District but raised concerns for its
9 ability to successfully implement its purpose given recently identified shortcomings from other BR
10 cases. The Board supports the review of the Rural West's commercial zoning in the near future as
11 part of the next General Plan. The Board required a formal statement from the Department of
12 Planning and Zoning documenting the change in recommendation from the original denial to
13 approval to be attached to its recommendation.

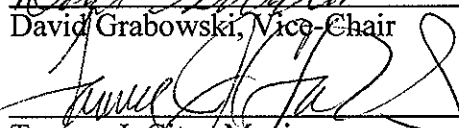
14 Mr. Grabowski made the motion to recommend approval of the petition with all the updated
15 information. Ms. CitaraManis seconded the motion. The motion passed by a vote of 4 to 0.

16 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 21st day
17 of January, 2010, recommends that Zoning Board Case ZB 1080M, as described above, be
18 APPROVED.

19 HOWARD COUNTY PLANNING BOARD


20 
21 Linda A. Dombrowski, Chairman

22 
23 David Grabowski, Vice-Chair

24 
25 Tammy J. CitaraManis

26 
27 Paul Yelder

28 ATTEST:

29 
30 Marsha S. McLaughlin, Executive Secretary



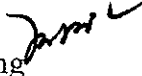
Howard County

Internal Memorandum

Subject: ZB 1080M - High's of Baltimore and LDG, Inc.
Revised Department of Planning and Zoning Recommendation

Date: January 11, 2010

Memo To: Howard County Planning Board

From: Marsha McLaughlin, Director
Department of Planning and Zoning 

As requested by the Board, this memorandum is to document the revised Department of Planning and Zoning recommendation for this request to rezone a 2.51 acre site on Livestock Road from RC-DEO to the BR District. In the original June 24, 2009 Technical Staff Report, the recommendation for denial was largely based upon concerns associated with the issue of traffic safety at the existing Livestock Road intersection with MD 32. Over the extended time from the originally scheduled Planning Board meeting in July, 2009 to the meeting held on December 3, 2009, there have been new evaluations of this traffic safety issue at this intersection, and the State Highway Administration ("SHA") submitted comments dated October 19, 2009 concerning certain improvements needed at the intersection. Copies of these SHA comments were previously distributed to the Board, but are attached to this document also.

In addition to the issue noted above, the Department of Planning and Zoning also reconsidered its recommendation based upon the understanding that the need for the Petitioner to relocate the store is not voluntary, and the acknowledgement that this business has served the rural community for many years. The Department now concurs with the Petitioners that the one goal of Preservation of the Rural West Policy 3.10 concerning commercial expansion and redevelopment which states "Discourage economic development unless immediately adjacent to an [I-70] interchange..." does imply conversely that such a development that would be adjacent to an I-70 interchange, such as the ZB 1080M proposal, may be appropriate even though it is not at a true commercial crossroads. This appears to be reinforced for this particular case because of the existing B-2 zoning to the west of the site.

Based upon the points noted above, the Department of Planning and Zoning therefore revises its original recommendation in this case and documents its new recommendation of approval, as was previously stated to the Board at its December 3, 2009 public meeting.



State Highway Administration

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

October 19, 2009

Mr. George Beisser, Chief
Zoning Administration and Public Service
3430 Courthouse Drive
Ellicott City, Maryland 21043

RE: Howard County
MD 32 (Sykesville Road)
@ Livestock Road
High's Convenience Store
Terrapin Creek Center
Petition No. ZB 1080M

09 OCT 20 PM 4: 28

Dear Mr. Beisser,

Thank you for the opportunity to review and comment on the above referenced Zoning Board Petition. The State Highway Administration, (SHA) has the following comments regarding this proposal:

- We concur that a bicycle compatible acceleration lane along MD 32 southbound between Livestock Road and the I-70 West ramp may be difficult to achieve. In lieu of the previously recommended acceleration lane, we suggest that the developer be conditioned to modify the shoulder edge line pavement marking and provide a 100 foot direct taper extending from the SW corner of Livestock Road along SB MD 32.
- There are operational disadvantages associated with closing and or allowing full movement use of the cross-over. If we restrict the movement to right in right out from Livestock Rd, the current users of the cross-over would be forced to use the signalized intersection south of the I-70 interchange to make the U-turn. If we allow the cross-over to remain full movement, we may encounter operational problems with vehicles stacking up in the cross-over waiting for gaps in traffic along NB MD 32.
- SHA is willing to allow the full movement cross-over to remain operational with the understanding that the developer may be required to modify the cross-over to a right in -- right out only if operational problems arise from the full movement design. It will be a condition of the required access permit that if within one-year from the opening of the facility SHA determines operational problems exist, the developer will be responsible for the cross-over modifications.
- SHA will require the extension of the left turn lane along MD 32 northbound to 300 feet.
- Some minor widening of the crossover may also be necessary because of the sharp radius within the median and to properly accommodate turning vehicles. This would require the existing drainage pipe in this area to be extended to the north and south. These improvements will require an access permit to be issued by this office.

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

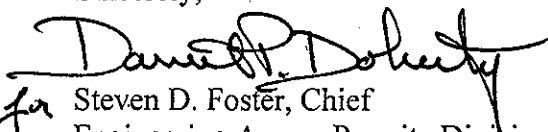
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com

Mr. George Beisser
ZB 1080M
October 19, 2009
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In light of the above comments, **SHA has no objections to approval** of the referenced zoning change. It will be necessary to reflect the mentioned road improvements and pavement marking changes on the forth coming Site Development Plan. SHA recommends the road improvements and changes within SHA right of way be shown on an additional SDP sheet.

If you have any questions or comments, please contact Dan Doherty at 410-545-5584 or our toll free number in Maryland only, 1-800-876-4742. You may also email him at (ddoherty@sha.state.md.us).

Sincerely,


for Steven D. Foster, Chief
Engineering Access Permits Division

Mr. Dave Coyne
Mr. John Concannon
Mr. Mark Crampton