

1 **DAVID MOXLEY,**
2 **PETITIONER**
3 **ZRA-182**

* **BEFORE THE**
* **PLANNING BOARD OF**
* **HOWARD COUNTY, MARYLAND**

4 * * * * *
5 **MOTION:** *Amend Section 119.0.B.61 to eliminate the requirement that nursing homes and*
6 *residential care facilities be limited to sites located in the Non-Planned Service*
7 *Area for Water and Sewerage.*

8 **ACTION:** *Recommended approval; Vote 3-1.*

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10

11 **RECOMMENDATION**

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13 On January 25, 2018, the Planning Board of Howard County, Maryland, considered the petition of
14 David Moxley, to amend Section 119.0.B.61 to eliminate the requirement that nursing homes and residential
15 care facilities be limited to sites located in the Non-Planned Service Area for Water and Sewerage.

16 The Planning Board considered the petition, the Department of Planning and Zoning (DPZ) Technical
17 Staff Report and Recommendation, and comments of reviewing agencies. DPZ recommended approval, citing
18 that the petition is consistent with the Zoning Regulation's intent to "provide adequate housing choices in a
19 suitable living environment within the economic reach of all citizens", the B-2 zoning district's purpose to
20 "provide services to the general public", similar commercial/service zoning districts found in the PSA, and
21 applicable General Plan policies.

22 Bill Erskine represented the Petitioner and testified in support stating that nursing homes and
23 residential care facilities should be allowed as a matter of right in the B-2 zoning district within the Planned
24 Service Area because similar uses, like convents, are currently allowed. He also stated that more intensive
25 uses like funeral homes are allowed as a matter of right without the need for a Conditional Use. He further
26 asserted that the restriction to the Non-Planned Service must have been an error, considering the compatibility
27 of nursing homes and residential care facilities to other uses in the B-2 zoning district. Ms. Lisa Markovitz
28 testified in opposition, stating that nursing homes and residential care facilities should only be allowed in the
29 B-2 zoning district in the PSA as a Conditional Use to control their location.

30 **Board Discussion and Recommendation**

31 In work session, one Board member opposed the amendment stating that the County needs to keep
32 some zoning districts for retail/commercial sales only rather than allowing residential buildings in business

1 districts. Three members unanimously supported the amendment, stating that they see no reason to prohibit
2 nursing homes and residential care facilities in the Planned Service Area.

3 Mr. McAliley made the motion to recommend approval of the petition. Tudy Aldler seconded the
4 motion. The motion passed by a vote 3 to 1. Mr. Coleman cast the dissenting vote.

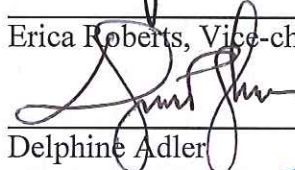
5 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this ~~15th~~^{13th} day of
6 ~~February~~^{March} 2018, recommends that ZRA-182, as described above, be **APPROVED**.

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8
9 HOWARD COUNTY PLANNING BOARD

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11 
Phillips Engelke, Chair

12 Absent

13 Erica Roberts, Vice-chair

14
15 
Delphine Adler

16
17  - OPPOSED
Ed Coleman

18
19 
Kevin McAliley

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23 ATTEST:

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25 Valdis Lazdins, Executive Secretary
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