



**TECHNICAL STAFF REPORT**  
**Columbia E.G.U. Subdivision**  
**Planning Board Public Meeting of September 28, 2017**

Case No./Original Petitioner: **FDP-55-A E.G.U. Subdivision, Section 2, Area 2**  
The Howard Research and Development Corporation

Applicant/Owner: British American Building, LLC, Brian England, Managing Partner

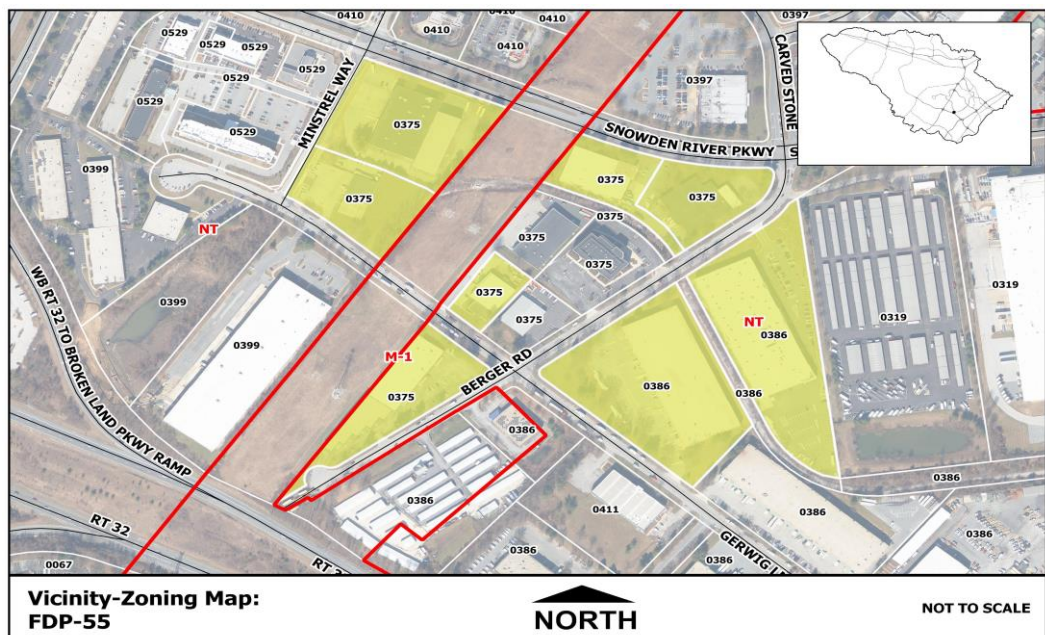
DPZ Planner: Derrick Jones, (410) 313-4330, [djones@howardcountymd.gov](mailto:djones@howardcountymd.gov)

Subject: E.G.U. Subdivision, Section 2, Area 2

Request: To approve FDP-55-A, an amendment to the previously approved and recorded Final Development Plan. According to the applicant, the purpose of the amendment is to amend Criteria Item 7.d. of this FDP to read *“Gasoline service stations or motor fueling facilities are permitted that are integral to the primary industrial use intended for the exclusive use in user’s primary business. Retail sale of gasoline to the general public is prohibited”*.

Recommendation: The Department of Planning and Zoning (DPZ) recommends that the Planning Board deny this FDP amendment request based on justifications provided in this staff report.

Location: FDP-55-A applies to all 41.51 acres of land zoned New Town (NT) - Employment Center Industrial located within the E.G.U. Subdivision. The entire FDP area is located directly south of Snowden River Parkway, north of MD Route 32 and west of Oakland Mills Road; on Tax Map 42 in the 6<sup>th</sup> Election District.



Vicinal Properties:

This FDP is in the E.G.U. Subdivision and surrounded by the following:

- To the north is Snowden River Parkway.
- To the west is the Minstrel Crossing commercial center, zoned NT.
- To the east is the Baltimore Gas and Electric Co. utility right-of-way, zoned M-1.
- To the south is MD Route 32 right-of-way.

Site History:

- E.G.U. Subdivision Sect 2, Area 1, recorded on April 18, 1968, as Plat Book 13, Folio 97
- FDP-55 recorded on June 2, 1969, as Plat Book 16, Folio 118 - 121
- E.G.U. Subdivision, Sect. 2, Area 2, recorded on June 2, 1969, as Plat Book 17, Folio 35-37 – a resubdivision of Section 2, Area 1

Purpose:

The proposed amendment to this FDP is to clarify that retail gasoline service stations or motor fuel facilities are not permitted uses, unless they are integral to a primary industrial use. Please see item “D” under Criteria Item 7 “Permitted Uses” on sheet 2 of 4 of the FDP for the following proposed land use text, “Gasoline service stations or motor fueling facilities are permitted that are integral to the primary industrial use intended for the exclusive use in user’s primary business. Retail sale of gasoline to the general public is prohibited”.

SRC Action:

By letter dated July 10, 2017, the Department of Planning and Zoning determined that the review of this requested amendment is complete. DPZ and the SRC had no comments concerning this FDP Amendment.

Recommendation:

The Department of Planning and Zoning recommends that the Planning Board deny this FDP amendment based upon the following reasons:

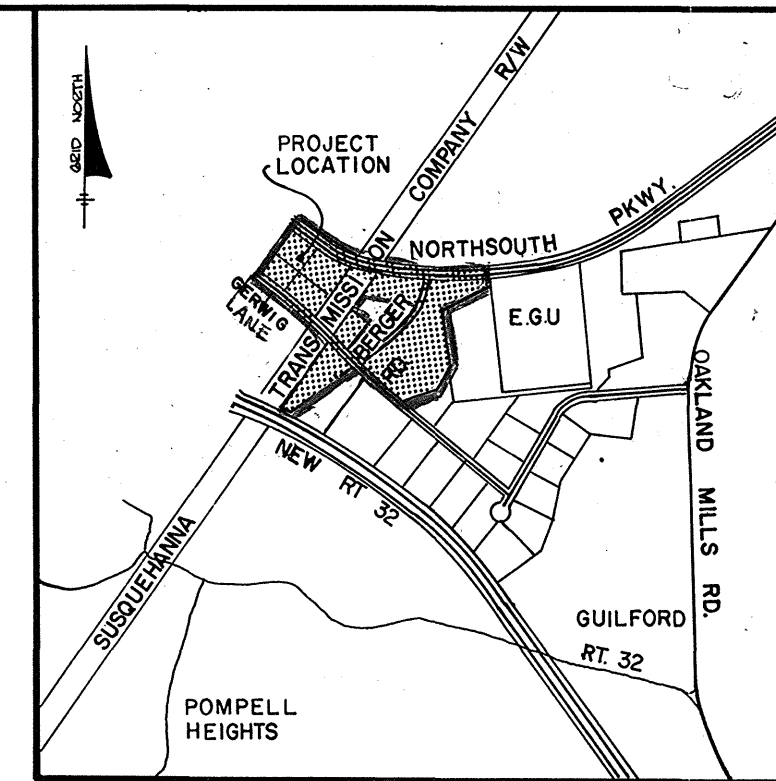
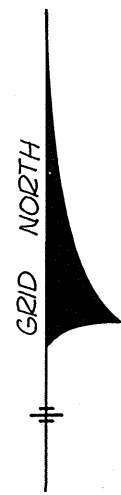
1. Four NT Employment Center-Industrial FDPs, (FDP-117-A-3, FDP-55-A, FDP-36-A-2, FDP-182-A-4), currently permit a gasoline service station, which until recently was defined as: “A facility offering retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aids, and minor automobile accessories. A gasoline service station may also provide motor vehicle service, repairs and maintenance, including painting and body work.” Given that these four Employment Center-Industrial FDPs currently list a gasoline service station as a permitted use, the applicant has not justified why this use should be exclusively prohibited in just one of those Employment Center-Industrial FDP areas.
2. The applicant has not justified why this FDP amendment should be approved and DPZ can find no compelling reason or justification to prohibit retail gasoline sales in the area controlled by FDP-55-A. Typically, the addition or subtraction of permitted land uses would be guided by a compelling argument that conditions have changed to warrant such an alteration in the list of permitted uses. In this case, there is no description about what is different or what has changed since the use was originally included in the list of FDP-55-A permitted uses.

3. In certain situations, prohibited uses are enumerated in a zoning code, but it is not considered a good practice, since it can result in unintended consequences. Howard County Zoning Regulations currently treat uses that are not listed as prohibited. By relying on listed prohibited uses, some prohibited uses could be overlooked, or new, but undesirable uses could emerge that should be prohibited, but if not listed as prohibited, could result in being allowed. For these reasons, zoning codes typically include only allowed uses and do not list those that are prohibited.

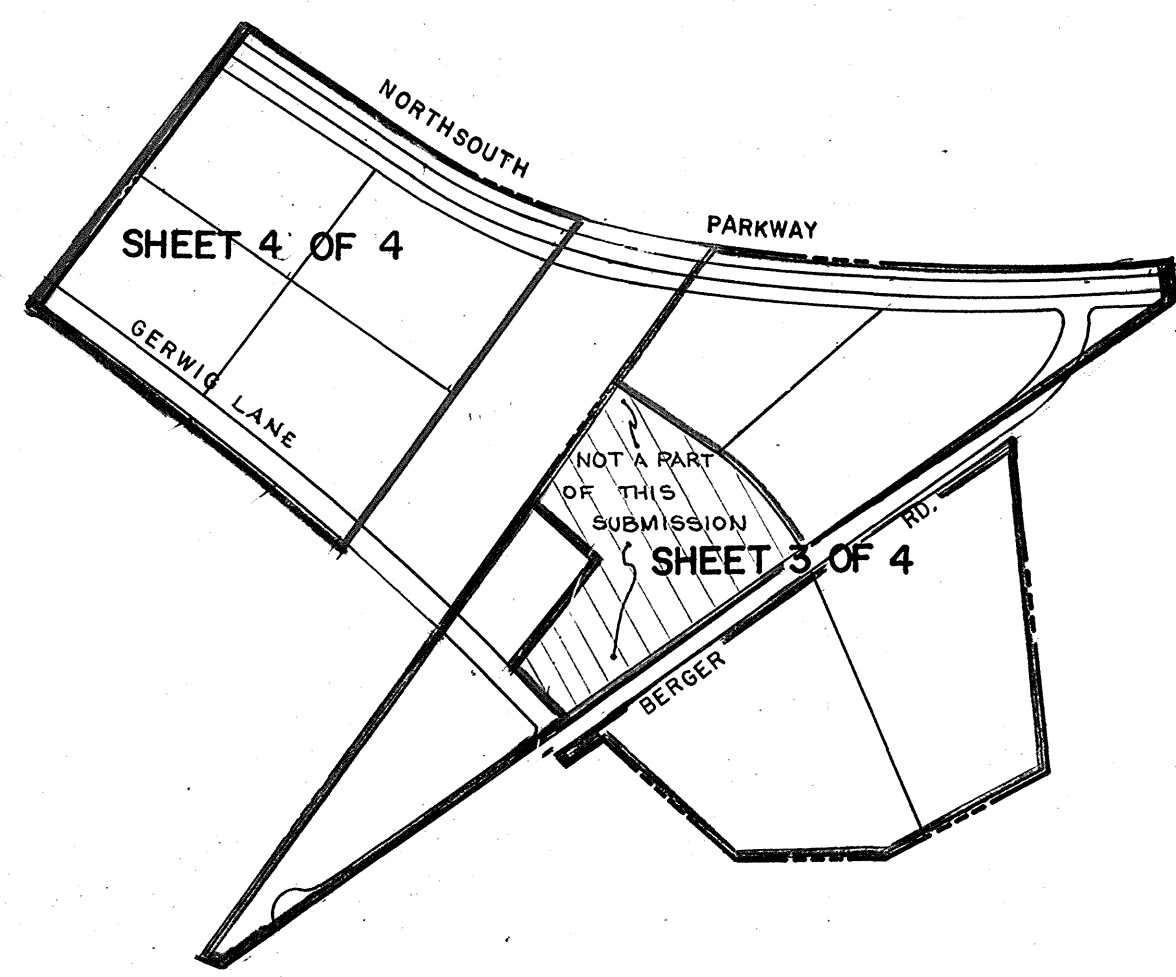
  
Valdis Lazdins, Director  
Department of Planning and Zoning

9/12/17  
Date

**Please note that this file is available for public review by appointment at the Department of Planning and Zoning's public service counter, Monday through Thursday, 8:00 a.m. to 5:00 p.m. and Friday, 8:00 am to 3 p.m.**



VICINITY MAP  
SCALE: 1" = 2000'



RECORDED PLAT BOOK 16 FOLIO 118  
ON 6-2-69 AMONG THE LAND RECORDS OF  
HOWARD COUNTY, MD.

E.G.U.  
SECTION 2 AREA 2  
PETITIONER AND OWNER  
THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION  
THE VILLAGE OF CROSS KEYS  
BALTIMORE, MARYLAND 21210

# COLUMBIA

FINAL DEVELOPMENT PLAN PHASE FIFTY-FIVE  
6<sup>TH</sup> ELECTION DISTRICT HOWARD COUNTY, MD.  
SCALE 1" = 400' FEBRUARY, 1969 SHEET 1 OF 4

PREPARED AS TO SHEETS 1 TO 4  
IN ACCORDANCE WITH THE ZONING REGULATIONS  
OF HOWARD COUNTY  
ADOPTED MAY 16, 1961 AND AS  
AMENDED MAY 27, 1965

*Barrett Rodgers*  
LAND SURVEYOR'S SIGNATURE

BOARD OF COUNTY COMM. B. C. C. CASE 412  
RESOLUTION APPROVED AUGUST 10, 1965

HOWARD COUNTY PLANNING BOARD

*William H. Harris* 5-21-69  
H.C.P.B. EXECUTIVE SEC. DATE H.C.P.B. CHAIRMAN DATE

FINAL DEVELOPMENT PLAN CRITERIA - PHASE 55

The Area included within this Final Development Plan Phase is Applicable to Section 2, Area 2, of the E.G.U. Subdivision.

1. PUBLIC STREETS AND ROADS - Section 17.031 A (1):  
To be shown on subdivision plats, if required by the Howard County Planning Board.
2. PUBLIC RIGHTS-OF-WAY - Section 17.031 A (2):  
To be shown on subdivision plats, if required by the Howard County Planning Board.  
Vehicular ingress and egress to proposed Northcreek Parkway will be permitted only at points of access approved by the Howard County Planning Board. Vehicular ingress and egress to proposed Route 72 is permitted.
3. MAJOR UTILITY RIGHTS-OF-WAY - Section 17.031 A (3):  
To be shown on subdivision plats, if required by the Howard County Planning Board.
4. DRAINAGE FACILITIES - Section 17.031 A (4):  
To be shown on subdivision plats, if required by the Howard County Planning Board.
5. RECREATIONAL, SCHOOL, PARK AND OTHER COMMUNITY USES - Section 17.031 B:  
To be shown on the Final Development Plan, if required by the Howard County Planning Board.
6. PERMITTED GENERAL LOCATION OF ALL BUILDINGS AND STRUCTURES - Section 17.031 D:  
The term "structure", as used in this Final Development Plan Phase does not include walks, shrubbery, trees, ornamental landscaping, excavations or fill, fencing not exceeding 6' in height, or other similar minor structures upon which no restriction as to location is imposed. Determination of the specific character of "similar minor structures" and setbacks applicable thereto will be made by the Howard County Planning Board. Fences constructed on any lot within this Final Development Plan, if located within setback areas adjacent to public streets, roads, or highways upon which construction of structures is prohibited, shall not exceed three (3) feet in height if solid or closed nor five (5) feet in height if open, except in accordance with a site development plan approved by the Howard County Planning Board.

EMPLOYMENT CENTER LAND USE AREAS - INDUSTRIAL  
No structure shall be located within twenty-five (25) feet of the right-of-way of any public street, road, or highway. Any building or structure exceeding twenty (20) feet in height measured from the highest adjoining ground elevation along the front of the structure, shall be set back an additional one foot for each additional foot of building height in excess of twenty (20) feet. No parking lot shall be located within twenty-five (25) feet of the right-of-way of any public street, road, or highway. No structure shall be erected within one hundred (100) feet of any boundary line of any residential district. Except as restricted by this Paragraph, buildings and other structures may be located at any location within industrial land use areas. All structures must be developed in accordance with a site development plan approved by the Howard County Planning Board.

7. PERMITTED USES - SECTION 17.031 D:

EMPLOYMENT CENTER LAND USE-INDUSTRIAL LAND USE AREAS  
All uses permitted in industrial districts or industrial land use zones are permitted including, but not limited to, all uses permitted in M-1 and M-R districts except, however, that uses only permitted in M-2 and T-2 Districts are prohibited. Commercial uses ancillary to, or compatible with, permitted industrial uses are permitted including, but not limited to, all of the following:

- a. Restaurants and lunchrooms, and similar establishments serving food and/or beverages.
- b. Personal service shops and retail stores which primarily sell or service merchandise manufactured on the premises.
- c. Banks
- d. Gasoline Service Stations. SEE BELOW FOR REVISED NOTE (d)
- e. Wholesale Distributors.
- f. Savings and Loan Association.
- g. Business and professional Offices.
- h. Parking Lots or Garages.
- i. Building Supplies and Lumberyards.
- j. Storage of prepared dairy products and other food products to be distributed on truck vending routes.
- k. Such other ancillary uses as may be approved by the Howard County Planning Board.
- d. GASOLINE SERVICE STATIONS OR MOTOR FUELING FACILITIES ARE PERMITTED THAT ARE INTEGRAL TO THE PRIMARY INDUSTRIAL USE INTENDED FOR THE EXCLUSIVE USE IN USER'S PRIMARY BUSINESS. RETAIL SALE OF GASOLINE TO THE GENERAL PUBLIC IS PROHIBITED.

8. HEIGHT LIMITATIONS - SECTION 17.031 E:

INDUSTRIAL LAND USE AREAS

No structure shall be constructed within the area encompassed by this Final Development Plan Phase exceeding 50 feet in height from the highest adjoining ground elevation along the front of the structure, except, however, that structures may be constructed to any height provided such construction is in accordance with a site development plan approved by the Howard County Planning Board.

9. PARKING REQUIREMENTS - SECTION 17.031 E:

INDUSTRIAL LAND USE AREAS

One parking space for each 2 employees shall be provided for all sites devoted to industrial uses. Parking requirements for uses permitted under Section 7-a through 7-k inclusive of this Final Development Plan Criteria shall be as follows:

- a. Five (5) parking spaces shall be provided for each 1,000 square feet of net leasable area devoted to commercial retail sales uses including restaurants.
- b. Two (2) parking spaces shall be provided for each 1,000 square feet of net leasable area contained within any building or buildings constructed upon land encompassed by this Final Development Plan Phase which are devoted to office uses.

10. SETBACK PROVISIONS - SECTION 17.031 E:

GENERALLY

- a. Setbacks shall conform to the requirements of Section 6 above.
- b. No other setback restrictions are imposed upon land within this Final Development Plan Phase.

11. MINIMUM LOT SIZES - SECTION 17.031 E:

As shown on subdivision plat.

12. COVERAGE REQUIREMENTS - SECTION 17.031 E:

INDUSTRIAL LAND USE AREAS

In no event shall more than 50 percent of the land included within any lot within this Final Development Plan Phase be covered by buildings or other major structures, except in accordance with a site development plan approved by the Howard County Planning Board. No coverage limitation is imposed upon areas used for shrubbery, sidewalks, paved parking areas, etc.

TABLE OF LAND USE

Land Use	Acres
Employment Center	
Industrial	30.83
Roadway	10.68
Total	41.51

E.G.U.

SECTION 2 AREA 2

PETITIONER AND OWNER

THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION  
THE VILLAGE OF CROSS KEYS  
BALTIMORE, MARYLAND 21210

**COLUMBIA**

FINAL DEVELOPMENT PLAN PHASE FIFTY-FIVE  
6<sup>TH</sup> ELECTION DISTRICT HOWARD COUNTY, MD.  
FEBRUARY, 1969 SHEET 2 OF 4

FILED JUN 2 1969

THE HOWARD RESEARCH & DEVELOPMENT CORP. 463/196

N 488924.69 E 845615.46  
N 488847.19 E 845625.40  
N 488816.20 E 845577.61

NORTH SOUTH PARKWAY  
R=1150.00' L=593.11'  
N 82°42'20"E 268.35'  
S 07°17'40"E 75.33'

VEHICULAR INGRESS AND EGRESS TO PROPOSED NORTH SOUTH PARKWAY WILL BE PERMITTED ONLY AT POINTS OF ACCESS APPROVED BY THE HOWARD COUNTY PLANNING BOARD.

EMPLOYMENT CENTER INDUSTRIAL

N 488604.03 E 844709.13  
N 488397.47 E 844925.69

NOT A PART OF THIS FINAL DEVELOPMENT PLAN

E.G.U. SECTION 2 AREA 1 13/97

EMPLOYMENT CENTER INDUSTRIAL 26.37 AC. TOTAL ACREAGE THIS SHEET

EASTERN PRODUCTS CORP. LIBER 471/227

THE HOWARD RESEARCH & DEVELOPMENT CORP. LIBER 463/198

GRID NORTH

SUSQUEHANNA LIBER 144/261 & LIBER 149/18

BERGER

EXISTING R-20 ZONING H.G. PENNY 107/234

EXISTING R-20 ZONING FRANK VOLMERHAUSEN 410/575

EXISTING R-20 ZONING ROLAND MCDANIEL 376/437

EXISTING R-20 ZONING ARTHUR E. KERSTEN 258/539

RECORDED PLAT BOOK 16 FOLIO 120 ON 6-2-69 AMONG THE LAND RECORDS OF HOWARD COUNTY, MD.

THE HOWARD RESEARCH & DEVELOPMENT CORP. 463/196

SECTION 2 AREA 2

PETITIONER AND OWNER

THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION THE VILLAGE OF CROSS KEYS BALTIMORE, MARYLAND 21210

COLUMBIA

FINAL DEVELOPMENT PLAN PHASE FIFTY-FIVE 6<sup>TH</sup> ELECTION DISTRICT HOWARD COUNTY, MD.

SCALE 1"=100' FEBRUARY, 1969 SHEET 3 OF 4

VEHICULAR INGRESS AND EGRESS TO PROPOSED ROUTE 32 IS RESTRICTED.

E 843500  
N 489500

THE HOWARD RESEARCH & DEVELOPMENT CORP.  
463/196



N 489443.46  
E 843596.96

N 22° 15' 20" E  
750.00'

N 67° 44' 40" E  
1191.25'  
NORTHSOUTH PARKWAY  
100' R/W

VEHICULAR INGRESS AND EGRESS TO PROPOSED NORTHSOUTH PARKWAY  
WILL BE PERMITTED ONLY AT POINTS OF ACCESS APPROVED BY THE  
HOWARD COUNTY PLANNING BOARD

N 489089.62  
E 844461.63

N 488992.28  
E 844699.47

EMPLOYMENT CENTER  
INDUSTRIAL  
15.14 AC.  
TOTAL ACREAGE  
THIS SHEET

N 488749.33  
E 843912.90

THE HOWARD RESEARCH & DEVELOPMENT CORP.  
LIBER 463/196

N 488674.44  
E 843495.91

N 67° 44' 40" W  
197.74'  
80' R/W

GERWIG LANE  
R=1000.00'  
L=310.72'

N 488514.32  
E 843760.74

N 488500  
E 843500

N 488363.09  
E 843940.61

N 49° 56' 30" W  
228.82'

SUSQUEHANNA TRANSMISSION CO.  
LIBER 144/261 & LIBER 145/8  
NOT A PART OF THIS FINAL  
DEVELOPMENT PLAN

N 488481.28  
E 844333.01

E.G.U. SEC. 2 AREA 1  
13/97

N 488695.13  
E 844486.40

N 488500  
E 844500

E.G.U.  
SECTION 2 AREA 2  
PETITIONER AND OWNER

THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION  
THE VILLAGE OF CROSS KEYS  
BALTIMORE, MARYLAND 21210

**COLUMBIA**

FINAL DEVELOPMENT PLAN PHASE FIFTY-FIVE  
6<sup>TH</sup> ELECTION DISTRICT HOWARD COUNTY, MD.  
SCALE 1" = 100' FEBRUARY, 1969 SHEET 4 OF 4

RECORDED PLAT BOOK 16 FOLIO 121  
ON 6-2-1969 AMONG THE LAND RECORDS OF  
HOWARD COUNTY, MD.

N 488201.72  
E 844132.52