

Date: 3 Dec 2015

Subject: HCCA Planning Board Testimony Regarding ZRA-159

Dear Planning Board Members,

The Howard County Citizens Association (HCCA) commends the Fueling Station Task Force who met for 5 months and after reading their final recommendations we conclude that it is a very viable plan and should in no way be amended by the Department of Planning and Zoning (DPZ). The question is why DPZ is tampering with some of the Task Force recommendations as they are crucial to having a solid plan to aide in a better designed area whenever possible. No matter how anyone designs a development containing a fueling station it will not achieve a beautiful area, but is obviously a need for all of us. It is the obligation of this Board to ensure we have the best design as possible, to ensure a safe place for the community and produce an environment which will not be harmful. When you look at the Task Force recommendations and the DPZ Technical Staff Report one can't help but find a number of concerns. It seems DPZ in some instances chooses not to take responsibility regarding common sense as laid out by the Task Force. The major question is what was DPZ's compelling need to override the Fueling Task Force recommendations which requires an answer from you? To this end, HCCA cannot support this ZRA as revised in the DPZ Technical Staff Report (TSR): The following are our observations.

Refer to Page 7 – Amendment 1: Public Need – Disagree as stated by the Task Force Recommendation – Does this mean with DPZ's rationale that Market Studies are irrelevant and therefore can the public assume that DPZ will never conduct anymore Market studies? The analogy that DPZ provides regarding that "general neighborhood" needs to be defined is nothing but an excuse to not pursue the Task Force recommendation in an attempt to prevent blight. The term "general neighborhood" is similar to the generic zoning term "compatible with the surrounding neighborhood" as stated in many of the zoning districts. Does this mean that there will not be anymore "MXD" developments because one of the criteria is that the MXD Districts purpose is to provide for well-designed communities which are compatible with surrounding neighborhoods and protective of the natural elements of the landscape? What DPZ needs to do is simply go back to the drawing board and develop some parameters for these terms not simply dismiss the Task Force recommendation because it is easier for DPZ.

Refer to Page 7 – Amendment 2: Minimum Use Separation – It is mandatory that a specified separation is required between stations. The 2500 feet recommended by the Task Force is liberal. DPZ stating that there are no market studies is contradictory especially as they state in Amendment 1 in their rationale that such studies could be irrelevant. Does the Planning Board want to be the responsible party for creating more Route One, Route 40's or perhaps Snowden River Parkway where yet another Task Force would be established to ponder why DPZ is allowing no separation between fueling stations because of bad decisions?

Refer to Page 7/8 – Amendment 3 and 4: Minimum Separation from Environmentally

Sensitive Uses – Does this mean that just because the current M2 criteria is considered the right balance that the lesser distance between 150 and 300 feet should be recommended? If DPZ really cares about the environment than why are they going against the Task Force recommendation of an additional 200 feet? DPZ has not provided a compelling need to just keep things as status quo.

How does the Task Force recommendation of 500 feet separation distance differ from Section 16.116 of the Subdivision and Land Development Regulations as stated by DPZ as their rationale for disapproving Amendment 4? The Task Force recommended a minimum distance of 500' that a gas station should be from an environmentally sensitive area, including, creeks, streams, rivers, flood plains, etc. DPZ eliminated this completely, which is hard to believe. What is their rationale especially since they seem to care about the Environment by creating the position of an Environmental Specialist? In Yesterday's Washington Post Montgomery County had enough common sense to require new gas stations be at least 500 feet from homes, schools, parks or day-care centers. Thank goodness for common sense. This Board needs to do the same to at least show us that you care about our environment and safety.

Refer to Page 8/9 – Amendment 7: High Volume Gas Stations – On page 9 DPZ discusses that the words “adjoin and adjacent to” lack clarity they are right so therefore DPZ needs to establish clear definitions and incorporate to amend the zoning codes just as they should do with the word, “compatible” and the clause, “the surrounding area.” This should be DPZ's priority to amend the zoning codes.

Your decision in this ZRA is hopefully to vote in favor of correcting DPZ's recommended amendments by simply saying, “No.” The Fueling Station Task Force I'm sure thought long and hard on their recommendations and when you view DPZ's you have to ask yourselves why would they not agree with them? The Task Force did not work and deliberate for months only to have their recommendations turned down. They did not work in a vacuum. Use your best judgement as you recently did regarding the Royal Farms case by telling DPZ their recommendations are simply wrong and need to be expunged.

Thank You,

Stu Kohn
HCCA, President