



**DEPARTMENT OF PLANNING AND ZONING**  
**VALDIS LAZDINS, DIRECTOR**

**TECHNICAL STAFF REPORT**

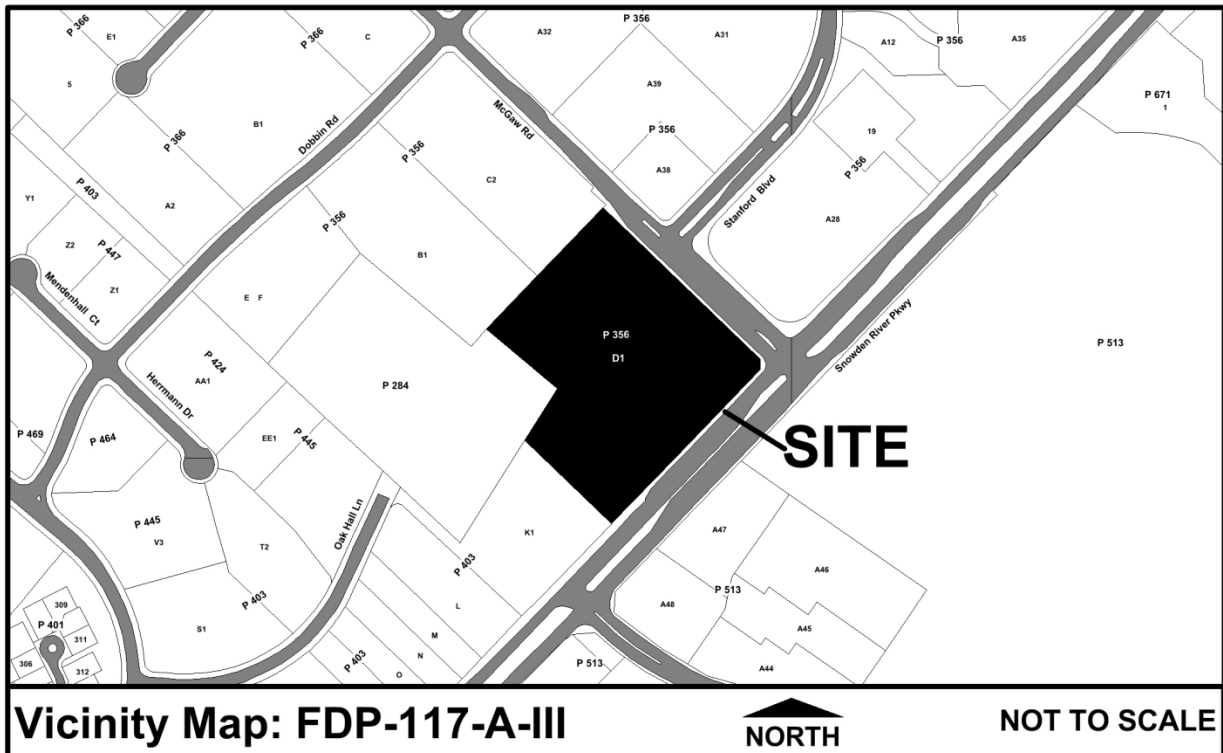
**Planning Board Meeting of August 4, 2016**

**Case No./Petitioner: FDP-117-A-III - The Howard Research & Development Corporation, Petitioner  
Science Fiction, LLC, Owner**

**Subject:** Sieling Industrial Center, Section 1, Area 1, Parcel "D-2", Liquor Store  
8855 McGaw Road, Columbia, MD 21045

**Request:** For Planning Board approval of FDP-117-A-III which is an amendment to the previously approved and recorded Final Development Plan. According to the applicant, the purpose of the amendment is to clarify that a liquor store does not have to be contained within the full service food and grocery store to be a permitted use under Criteria Item 7D, "Employment Center-Industrial Land Use Areas" in accordance with Section 125.0.F of the Howard County Zoning Regulations

**Location:** FDP-117-A-III applies to 181.422 acres of New Town zoned land within the Sieling Industrial Center. The entire FDP area is located west of Snowden River Parkway, east of Dobbin Road, south of Little Patuxent Parkway, Maryland Route 175 and north of Oakland Mills Road on Tax Map 36, Grid No. 24, in the Sixth Election District of Howard County, Maryland.



Vicinal Properties: This FDP phase is located in the Sieling Industrial Center (a portion of the site is also known and recorded as the "Columbia Corporate Park") and is surrounded by the following land uses:

**North Side** – To the north is Little Patuxent Parkway, Maryland Route 175 and further north is the Columbia Crossing Shopping Center, zoned "NT-Employment Center Commercial".

**East Side** – To the east is Snowden River Parkway and further east is the Gateway Commerce Center, Zoned "M-1" (Manufacturing-Light) and Snowden Square Shopping Center, zoned "B-2" (Business-General).

**South Side** – To the south is Oakland Mills Road and further south are residential properties, zoned "R-12" (Residential-Single) and "NT-Single Family Medium Density".

**West Side** – To the west is Dobbin Road and further west is the Columbia Business Center, zoned "NT-Employment Center-Industrial".

Site History:

- **FDP-117:** The Final Development Plan and Criteria for the subject property was recorded on May 4, 1972 to establish the "Employment Center-Industrial" and "Open Space-Non-Credited" land uses for this phase of the Sieling Industrial Center.
- **FDP-117-A:** An amended FDP was recorded on May 18, 1973 to add 26.75 acres of additional industrial land use and 2.123 acres of additional open space land use.
- **FDP-117-A-I:** An amended FDP was recorded on January 25, 1994 to include a communication facility on Open Space Lot 19.
- **FDP-117-A-II:** An amended FDP was recorded on September 27, 2007 to clarify the full service food and grocery store use in the "Employment Center-Industrial" land use area. The FDP was recorded on September 27, 2007.
- **F-72-090:** A Final Plan to establish Parcel D was recorded on May 31, 1972, Plat Book 23, Folio 15.
- **F-05-124:** A Final Plan to establish Parcel "D-1" was recorded on June 10, 2005, Plat #17484.
- **F-07-208:** A Final Plan to establish Parcel D-2 was recorded on June 27, 2008, Plat #20012.
- **SDP-89-005:** A Site Development Plan for the existing site improvements located on Parcel "D" received signature approval on December 27, 1989.
- **SDP-07-131:** A Site Development Plan to construct the Wegmans Food Market located on Parcel "D-2" was approved by the Planning Board on January 31, 2008 (except for the clock tower height adjustment). On April 24, 2008 the Planning Board approved a requested height adjustment from 50 feet to 82.07 feet for the clock tower. It serves as an architectural feature for the store. The SDP received signature approval on September 3, 2008. On April 7, 2011 the Planning Board approved the relocation of the clock tower to the northeast corner of the parking garage.

Purpose:

The current Final Development Plan Phase (FDP-117-A-II) permits "Full service food and grocery store, and related uses of 100,000 square feet or more." DPZ has opined that "related uses," such as a liquor store are permitted provided that the liquor store is wholly contained within the grocery store (see attached memo dated November 12, 2015). Under Article 2B, Section 9-102(a-1) of the Maryland Annotated Code, a liquor store cannot exist

within a grocery store. The applicant states that the purpose of this application (FDP-117-A-III) is to clarify that a liquor store does not have to be contained within the grocery store to be a permitted use (see attached revised Sheets 1 & 2 of 7).

Planning  
Board Criteria:

There are no standard Planning Board Criteria for Final Development Plan Amendments. However, Section 125.0.F.1 of the Zoning Regulations, which governs Amendments to a Comprehensive Sketch Plan or Final Development Plan, states that a proposed Final Development Plan Amendment shall be reviewed in accordance with Section 125.0.D. Within that section, paragraphs 1 and 2 are applicable to Planning Board Approval and are evaluated below.

1. If a Comprehensive Sketch Plan or Comprehensive Sketch Plan Amendment is required, upon its approval, the petitioner may submit a Final Development Plan or Final Development Plan Amendment to the Department of Planning and Zoning for approval by the Planning Board. The petition may cover all or a portion of the land covered by the Comprehensive Sketch Plan. **The drawings shall delineate the various land use areas by courses and distances. The text (criteria) shall be that which was approved by the Planning Board as part of the Comprehensive Sketch Plan.**

*DPZ could only locate a Comprehensive Sketch Plan map for this area, which identifies the subject property as Employment Center-Industrial. Comprehensive Sketch Plan text criteria could not be located. However, the text criteria approved by the Planning Board in 1972 on the original FDP for this phase is the same as that approved by the Planning Board previous to that as part of the Comprehensive Sketch Plan. Therefore, the text criteria for FDP 117 can serve as the "guide" for the Planning Board pursuant to Section 125.0.D.2. below Planning Board approves criteria with the Final Development Plan.*

*This Final Development Plan Amendment seeks to adjust the criteria to add an additional use, specific to a previously approved grocery store use, by allowing a liquor store to be located on the same property as a grocery store in a manner that complies with State regulations. The Department of Planning and Zoning recognizes a long and on-going transition of land uses within the FDP area; from an initially industrially focused to a more mixed employment/commercial area. Given these facts, DPZ concurs with this FDP amendment. However, DPZ has determined that the request is more than just a clarification. Rather, it should be viewed as a request to amend the current FDP and clearly state that a liquor store is a use that is supportive of a full service food and grocery store, but for State regulations, it cannot be contained within a grocery store. Therefore, the FDP should be amended to include a liquor store as a separate use. In addition, DPZ believes the description of a full service food and grocery store should add missing punctuation so that its intent is clear. The following changes are recommended:*

*L. Full service food and grocery store, and related uses, of 100,000 square feet or more.*

*M. Liquor store - located on the same property as a full service food and grocery store, but separate and not directly accessible to that store.*

2. The Final Development Plan shall be considered by the Planning Board at a public meeting. **In acting upon the Final Development Plan, the Planning Board shall be guided by the approved Comprehensive Sketch Plan, and comments received from the various public agencies which reviewed the Final Development Plan, and shall not unreasonably disapprove or change the Final Development Plan.** The provisions of this Section 125.0.D.2 do not apply to Downtown Revitalization.

*DPZ could only locate a Comprehensive Sketch Plan map for this area, which identifies the subject property as Employment Center-Industrial. Comprehensive Sketch Plan text criteria could not be located. The text criteria approved by the Planning Board in 1972 on the original FDP for this phase is the same as that approved by the Planning Board previous to that as part of the Comprehensive Sketch Plan. Therefore, the text criteria for FDP 117 can serve as the "guide" for the Planning Board in evaluating this amendment. Planning Board approves criteria with the Final Development Plan. This proposed amendment builds upon the previously approved amendment to the FDP, which allowed the grocery store as a compatible use within the Employment Center-Industrial land use. Therefore, this amendment does not unreasonably disapprove or change the Final Development Plan.*

SRC Action:

By letter dated April 27, 2016, the Department of Planning and Zoning determined that this FDP is technically complete. SRC agencies had no comments concerning this FDP amendment.

**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 Friday, 8:00 a.m. to 5:00 p.m.**

Recommendation:

Over time a significant portion of FDP-117-A-III has been through a transition of land uses. Consequently, the FDP area now contains significant amounts of commercial and retail development, including such uses directly adjacent to and across from the subject property. In addition, existing stores currently sell alcoholic beverages within approximately one mile of the subject site.

The Department of Planning and Zoning recognizes this long and on-going transition of land uses within the FDP area; from an initially industrially focused to a more mixed employment/commercial area. Given these facts, DPZ concurs with this FDP amendment. However, DPZ has determined that the request is more than just a clarification. Rather, it should be viewed as a request to amend the current FDP and clearly state that a liquor store is a use that is supportive of a full service food and grocery store, but for State regulations it cannot be contained within a grocery store. Therefore, the FDP should be amended to include a liquor store as a separate use. In addition, the description of a full service food and grocery store should add missing punctuation so that its intent is clear. The following changes are recommended:

- L. Full service food and grocery store, and related uses, of 100,000 square feet or more.
- M. Liquor store - located on the same property as a full service food and grocery store, but separate and not directly accessible to that store.

7/21/16  
Date

  
Valdis Lazdins, Director  
Department of Planning and Zoning