

## A SHORT HISTORY OF THE PROPOSED HOME DEPOT “BIG BOX” STORE

- December 1999 Home Depot proposes construction of 135,000 sq. ft. home improvement store on Glebe Road in Talbot County, next to Black & Decker in a “Limited Industrial” (“LI”) zoning district. The project is opposed by TPA and the Talbot River Protection Association because of traffic impact and effect on Glebe Creek.
- April 2000 Talbot County Planning Commission denies Home Depot application on ground that Home Depot would create dangerous traffic situation on rural Glebe Road. Home Depot appeals to Talbot County Board of Appeals.
- August 2000 TPA opposes Home Depot project before Board of Appeals. Board of Appeals rules that (1) Planning Commission correctly determined the project would create hazardous traffic conditions; and (2) a home improvement store is not a “permitted use” in the Limited Industrial (LI) zone.
- January 2001 Home Depot appeals Talbot County Board of Appeals decision to the Talbot County Circuit Court, and TPA files opposition. Talbot County Circuit Court later affirms that (1) the project would create hazardous traffic conditions, and that (2) a home improvement store is not a “permitted use” in the LI zone under the Talbot County zoning ordinance. Home Depot files appeal in the Maryland Court of Special Appeals.
- April 2001 Lawyers for Home Depot and Lowe’s rewrite sections of Talbot County zoning ordinance to provide that home improvement stores are permitted uses in LI zone, in order to nullify the ruling of the Talbot County Board of Appeals. Three members of the Talbot County Council (Higgins, Harrison and Dyott) introduce and adopt, by a three to two vote, Bill 808 which makes the legislation drafted by the Home Depot/Lowe’s lawyers part of the Talbot County zoning ordinance.
- May 2001 Talbot Preservation Alliance sponsors successful petition drive making Bill 808 a referendum question, to be voted on by the public in November 2002. The effect of the successful petition effort is to make Bill 808 legally ineffective until the 2002 vote occurs.
- August 2002 In the Home Depot appeal (see entry for January 2001) the Court of Special Appeals rules that (1) a home improvement store is a permitted use in the LI zone under Talbot County’s zoning ordinance; and (2) the Talbot County Board of Appeals should have recited the facts on which it based its opinion that the Home Depot project would create unacceptable traffic hazards. The case is remanded back to the County Board of Appeals with the direction that the Board recite the facts on which it based

its decision.

- November 2002 Bill 808 is rejected by Talbot County voters by a wide margin.
- December 2002 Talbot County Board of Appeals, on remand of the Home Depot application, reaffirms its decision that the traffic generated by the project would create hazardous conditions, and recites the basis for its decision in the record. Home Depot again appeals the Board of Appeals decision to the Talbot County Circuit Court.
- March 2003 New Talbot County Council adopts 65,000 square foot size limitation for indoor retail space in the LI zone.
- May 2003 Talbot County Circuit Court remands Home Depot's appeal of the December 2002 Board of Appeals decision, back to the Board of Appeals to determine whether the Home Depot project can comply with the new 65,000 square foot cap on indoor space in the LI zone.
- November 2003 Talbot County Planning Commission reviews revised Home Depot site plan attempting to demonstrate compliance with 65,000 sq. ft. indoor retail space size cap. Planning Commission determines plan as submitted does not satisfy the zoning ordinance, and recites additional revisions that would be necessary to show compliance.
- December 2003 Home Depot submits second revised site plan to Talbot County Planning Officer, reducing indoor retail space to less than 65,000 sq. ft. (and increasing outdoor lumber and garden space).
- March 2004 Talbot County Planning Officer determines that Home Depot's revised submission appears to comply with size limitation, but that additional information including detailed floor plan is necessary to make a determination.

This matter remains pending. If and when Home Depot is determined to have complied with the new size limitation, that decision will go back to the Talbot County Circuit Court which has held in abeyance, pending resolution of the size limitation issue, the question of whether the Talbot County Board of Appeals recited sufficient evidence to justify its denial of the application on the separate ground of hazardous conditions resulting from traffic (see entry for December 2002).