

News

Firm Wins Appeal on Transportation Impact Fee Credits

On December 17, 2014, Linowes and Blocher LLP scored a decisive victory before the Anne Arundel County Board of Appeals (the “Board”) for Walmart. At issue was \$219,948.75 in Transportation Impact Fee Credits from Anne Arundel County (the “County”). As a condition of the Access Permit for the new Pasadena, Maryland store, the Maryland State Highway Administration required Walmart to complete \$447,059.00 in transportation improvements to Maryland Route 2 (the “Route 2 Improvement”). The County denied Walmart’s request for Transportation Impact Fee Credits for the Route 2 Improvements because they would not be deeded to the County and were not required under the County’s Adequate Public Facilities Ordinance (“APFO”). The Board, in a unanimous decision, disagreed with the County’s reasoning and concluded that under the plain language of the County Code, the County was required to grant Transportation Impact Fee Credits to Walmart because the Route 2 Improvements provided transportation capacity “over and above” what was required by the APFO.