



Amy Gowan, Director

FAX 410-313-3467

April 1, 2021

TECHNICAL STAFF REPORT

Hearing Examiner Hearing of April 15, 2021

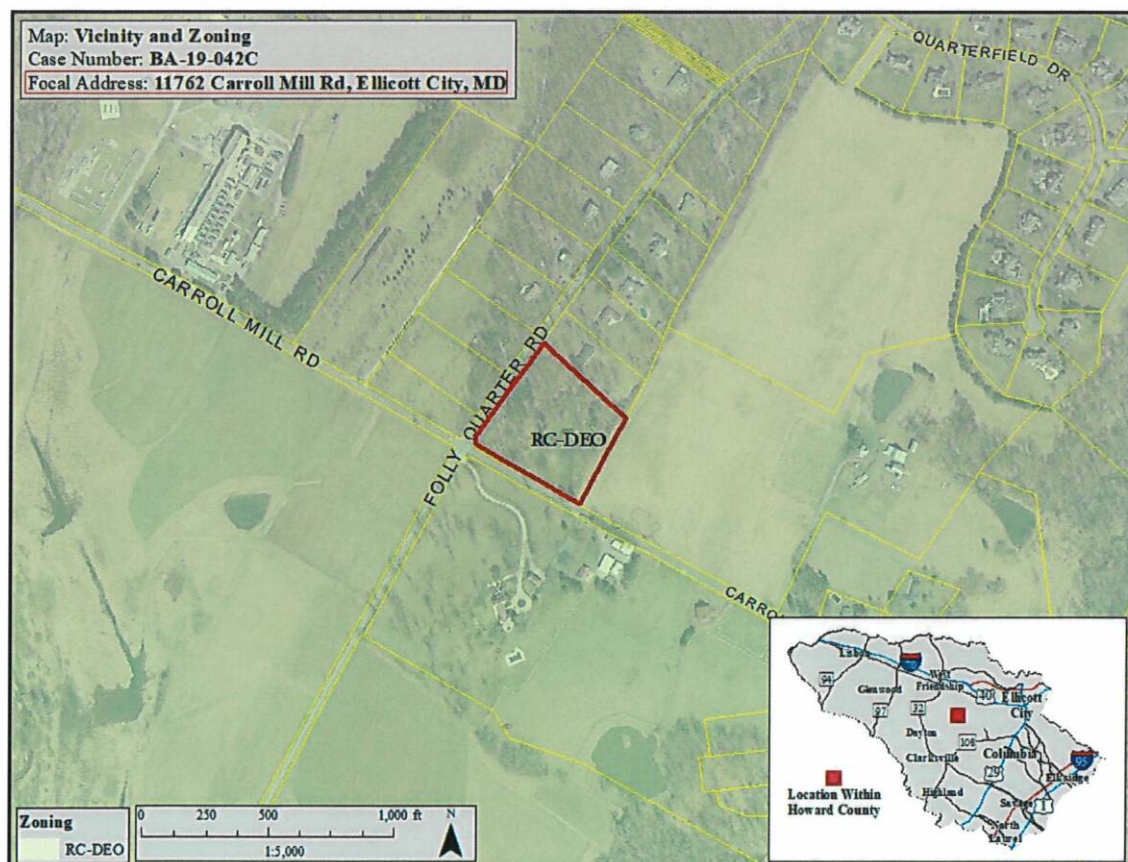
Case No./Petitioner: BA-19-042C – Sean Witt

Request: Conditional Use for a Pet Day Care Facility (Section 131.0.N.39)

Location: 11762 Carroll Mill Road
Tax Map 23, Grid 14, Parcel 146
(the "Property")

Conditional Use Area: 5.036 acres

Zoning: RC-DEO (Rural Conservation – Density Exchange Overlay)



I. CONDITIONAL USE PROPOSAL

The Petitioner proposes a pet day care facility for up to 40 dogs consisting of a 1,500-square foot building and an outdoor exercise area. The facility will be staffed at a ratio of one employee per ten dogs. The hours of operation will be 6:00 a.m. to 8:00 p.m. Monday through Friday and 6:00 a.m. to 6:00 p.m. on Saturday. The facility will be closed on Sunday.

II. BACKGROUND INFORMATION

A. Site Description

The irregular-shaped Property contains a single-family dwelling. The site rises from an elevation of 402 feet along the south property line to 446 feet along the north property line. Dense vegetation exists on the west and north portions of the Property.

B. Vicinal Properties

Direction	Zoning	Land Use
North	RC-DEO	Single Family Residence
South	RC-DEO	Single Family Residence / Agricultural
East	RC-DEO	Single Family Residence / Agricultural
West	RC-DEO	Agricultural

C. Roads

Carroll Mill Road has two travel lanes within a 50-foot right-of-way. Based on county records, the speed limit is 25 miles per hour.

Traffic count data is not available for this portion of Carroll Mill Road

D. Water and Sewer Service

The Property is not within the Planned Service Area for Water and Sewer. The property is served by private well and septic.

E. General Plan

The Property is designated Rural Resource on the Designated Place Types Map of PlanHoward 2030.

Carroll Mill Road is a local road.

F. Agency Comments

Agency comments are attached.

III. ZONING HISTORY

There is no record of a Board of Appeals, Zoning Board, or Department of Planning and Zoning case for the Property.

IV. EVALUATION AND CONCLUSIONS

A. Evaluation of petition according to Section 131.0.B of the Zoning Regulations (general criteria for Conditional Uses):

1. *The proposed Conditional Use plan will be in harmony with the land uses and policies in the Howard County General Plan which can be related to the proposed use.*

While Howard County General Plan policies are not directly related to Conditional Use requests for pet day care facilities, properly sited pet daycare facilities can be considered compatible with residential and agricultural land uses.

2. *The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the overall intensity and scale of the use(s) are appropriate for the site.*

The pet day care facility will occur primarily inside the proposed building except for an outdoor exercise area behind the building. The 5.06-acre property exceeds the 1-acre minimum lot size requirement for pet daycare facilities. The building and uses comply with the required bulk regulations and conditional use criteria.

The Functional Road Classification Map of Plan Howard 2030 depicts Carroll Mill Road as a Local Road, which is an appropriate classification for the types and number of vehicles associated with the proposed use.

The nature and intensity of the use, the size of the Property in relation to the use, and the location of the site, with respect to streets that provide access, are such that the overall intensity and scale of the use are appropriate.

3. *The impact of adverse effects such as, but not limited to, noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions will be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning district.*

The pet day care facility will be conducted primarily inside the building except for an outdoor exercise area where noise associated with barking dogs is likely to occur. The Petitioner indicates that a maximum of 20 dogs will be allowed in the exercise area at one time and use of this area will be limited to 4 hours per day. The exercise area exceeds the required setbacks from lot lines and is located across public rights-of-way from agricultural uses. Existing dense woods and vegetation around the outdoor exercise area will be retained. The closest residence is approximately 250 feet northwest of the play area and is separated by dense vegetation.

Waste will be picked up every day and will be taken to a landfill at least two times per

week. There is no evidence of adverse effects such as dust, fumes, vibrations, increased lighting, hazards or other physical conditions that would be greater at the subject site than generally elsewhere in the RC zoning district.

4. *The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.*

The 1,500 square foot proposed building is 20 feet tall, which is below the 40-foot maximum allowed in the RC zoning district. The building will be over 250 feet from the closest dwelling. A six-foot tall chain link fence, which is exempt from required setbacks, is proposed along Carroll Mill Road. The building and fence will be screened from the properties to the north, south, and west by existing dense vegetation. The properties to the west and south are used for agriculture and contain similar sized buildings also located in the front yard.

The proposed landscaping around the parking spaces is intended to screen the parking area from Carroll Mill Road and the adjacent property to the east.

Therefore, the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the RC zoning district.

5. *The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.*

The Zoning Regulations do not contain a parking requirement for pet day care facilities; however, the closest parking use category is Animal Hospital which requires four spaces per 1,000 square feet of floor area. Based on this requirement, six spaces are required for the 1,500 square foot building and six are provided.

The parking spaces are screened from the public roads and adjacent properties by proposed landscaping. Waste will be collected in residential trash receptacles, which will not be visible from the public right-of-way or adjacent properties if located behind the proposed building.

6. *The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate. For proposed Conditional Use sites which have driveway access that is shared with other residential properties, the proposed Conditional Use will not adversely impact the convenience or safety of shared use of the driveway.*

Precise sight distance measurements can only be determined by a detailed sight distance analysis, which is typically conducted during Site Development Plan review. The estimated site distance from the original ingress/egress location was over 450 feet to the

west and approximately 110 feet to the east where the elevation of Carroll Mill Road descends. According to the American Association of State Highway and Transportation Official (AASHTO) guidelines, based on an estimated stopping sight distance of 155 feet for a car going 25 miles per hour, the original access point on Carroll Mill Road did not appear to provide safe access with adequate stopping sight distance.

The Development Engineering Division reviewed the original ingress/egress location and commented that “the vertical geometry of Carroll Mill Road is very steep and shoulders do not exist. Because of these two requirements, adequate sight distance may not currently exist. The location of the existing driveway is most likely in the best place to achieve maximum sight distance; however, a speed study and stopping sight distance analysis would be required to confirm adequacy. During the creation of this study, an inadequate number of vehicles will not allow a full count to be taken. Due to the lack of traffic, this submission may assume the posted speed plus 5 mph.”

The Petitioner moved the access/driveway to the west, as depicted on the amended Conditional Use Plan, and submitted a Site Distance Analysis that was reviewed by the Development Engineering Division, which provided the following comments “revise the sight distance exhibit to comply with the distance required in Design Manual III; Table 2.01 using 35 mph on a 4% downgrade. This computation should provide an approximate stopping sight distance of 260 feet instead of the current 200 feet. To meet this requirement, please extend the sight line the additional 60 feet. If necessary, investigate relocating the driveway entrance such that the on-coming vehicle is at the top of the crest and still meets the 2-foot object height.

7. *The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere*

The closest environmentally sensitive area is a stream located over 1,000 feet to the southwest. Therefore, the proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.

8. *The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.*

The closest historic site is over 4,500 feet to the southwest. Therefore, the proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

B. Evaluation of petition according to Section 131.0.N.39 (Specific Criteria for Pet Daycare Facilities):

1. *The minimum lot size shall be one acre.*

The Property is 5.036 acres.

2. *All day care business functions must be completely enclosed within a building. Indoor noise must not be perceptible at lot lines.*

The pet daycare facility will be conducted primarily inside the building except for an outdoor exercise area allowed in accordance with Sec. 131.0.N.39.7. The Petitioner asserts that all noise will not be perceptible at lot lines. The proposed exercise area will generate some additional noise; however, it is surrounded by dense vegetation on the west and north sides and is over 250 feet from the closest residence.

3. *The Hearing Authority may set hours of operation and limitations on the number and type of pets cared for.*

The Petitioner proposes the following hours of operation: Monday through Friday 6:00 a.m. to 8:00 p.m.; Saturday 6:00 a.m. to 6:00 p.m. The facility will be closed on Sunday. The stated capacity of the facility is 40 dogs.

4. *The facility shall not be located on a shared driveway.*

The facility is not located on a shared driveway.

5. *Parking areas shall be located and landscaped to minimize visibility from roads and adjacent residential properties.*

The parking area is setback 50 feet from Carrol Mill Road. Existing dense vegetation screens the parking area from Folly Quarter Road and adjacent residential properties to the west and north. The Petitioner proposes landscaping around the parking area to minimize visibility from Carroll Mill Road and the adjacent properties to the south and east.

6. *There shall be no overnight boarding of pets.*

The Petitioner does not propose to board pets overnight.

7. *Outdoor areas for walking or exercising pets may be permitted provided that pets shall not be left unattended in such an area. The Hearing Authority may set a limit on the number of pets permitted simultaneously in the outdoor area. The perimeter of this outdoor area shall be fenced and landscaped to ensure that animals are confined to the property and to minimize the visibility of the enclosure. All fencing shall comply with all requirements for fences as noted elsewhere in Section 128.0. The petitioner must clearly delineate the outdoor area on the Conditional Use plan.*

The Petitioner proposes an outdoor exercise area surrounded by a six-foot tall chain link fence. The Petitioner indicates that a maximum of 20 dogs will be allowed in the exercise area at one time and use of this area will be limited to 4 hours per day. The exercise area location exceeds the required setbacks from lot lines and will be across public rights-of-way from agricultural properties. Existing dense woods and vegetation around the outdoor exercise will be retained. The closest residence is approximately 250 feet northwest of the play area and is separated by dense vegetation. Pets will be supervised at

all times. Additionally, the fence will include a mesh underground deterrent barrier to prevent pets from digging underneath and further confining the pets inside the fencing.

8. *Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines.*

Waste will be picked up every day and will be taken to a landfill at least two times per week. DPZ recommends that the waste be collected in bags and stored in a receptacle located on the west side of the proposed building, which is over 250 feet from the closest residence.

9. *On an ALPP purchased or dedicated easement property, the following additional criteria are required:*

*(1) The use shall not interfere with farming operations or limit future farming production.
(2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.*

This criterion does not apply as the use is not proposed on an ALPP easement property.

Approved by:



Amy Gowan, Director

4/1/21

Date



Howard County

Department of Planning and Zoning

Subject: Board of Appeals Case No: BA-19-042C
Applicant: Sean Witt
Petition: A conditional use for a pet day care facility.

To: Division of Public Service and Zoning Administration
Department of Planning and Zoning

From: Development Engineering Division
Department of Planning and Zoning


Date: March 11, 2020

The Development Engineering Division has reviewed the above referenced petition and has no objection.

Based on an examination of the petition, we offer the following comments:

1. The request appears to have no adverse engineering impact on the adjacent properties.
2. All improvements must comply with current Howard County design criteria including APFO requirements and stormwater management.
3. This portion of Carroll Mill Road is an unimproved road that does not meet typical cross sections of today's standards. The vertical geometry is very steep, and shoulders do not exist. Because of these two requirements, adequate sight distance may not currently exist. The location of the existing driveway is most likely in the best place to achieve maximum sight distance; however, a speed study and stopping sight distance analysis would be required to confirm adequacy. During the creation of the study, an inadequate number of vehicles may not allow a full count to be taken. Due to the lack of traffic, the submission may assume the posted speed plus 5 mph.

If you have any questions concerning this matter please contact me at extension 2350.



Chad Edmondson, P.E.
Chief

CE/pmt

cc: James M. Irvin, Director, Department of Public Works
Philip M. Thompson, Engineer, Development Engineering Division
Tom Butler, Chief, Bureau of Engineering, Department of Public Works
Reading File

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DEPARTMENT OF PLANNING AND ZONING
DIVISION OF LAND DEVELOPMENT
November 20, 2019

TO: Jeff Goines, Chief
Public Service and Zoning Administration

FROM: Kent Sheubrooks, Chief
Division of Land Development

RE: BA-19- Furry friends Farm Pet Day Care Facility

PLANNER: Jennifer Wellen

After review of the residential district variance submission, the Division of Land Development recommends **approval** based on the following conditions:

1. Per Section 16.155 of the Subdivision Regulations a site development plan will be required for the new use on the property.
2. Per Section 16.1202 Forest Conservation will be required with the construction of the new building.
3. An Alternative compliance will be required if removal of any specimen tree shown on the plan.



Howard County

Department of Planning and Zoning

Subject: Board of Appeals Case No: BA-19-042C
Applicant: Sean Witt
Petition: A conditional use for a pet day care facility.

To: Division of Public Service and Zoning Administration
Department of Planning and Zoning

From: Development Engineering Division
Department of Planning and Zoning


Date: November 1, 2019

The Development Engineering Division has reviewed the above referenced petition and has no objection.

Based on an examination of the petition, we offer the following comments:

1. The request appears to have no adverse engineering impact on the adjacent properties.
2. All improvements must comply with current Howard County design criteria including APFO requirements and stormwater management.

If you have any questions concerning this matter please contact me at extension 2350.

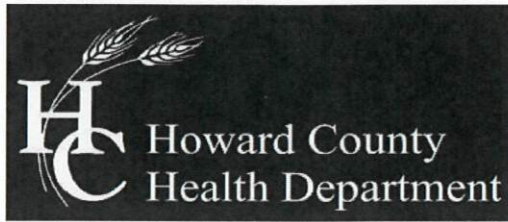


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Reading File

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Bureau of Environmental Health

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Maura J. Rossman, M.D., Health Officer

MEMORANDUM

TO: Geoff Goins
Division of Zoning Administration and Public Service

FROM: Jeff Williams
Program Supervisor, Well & Septic Program
Bureau of Environmental Health

RE: **BA-19-042C**

DATE: January 23, 2020

The Health Department has reviewed the above referenced petition and has the following comments:

- A sewage disposal area established via an approved perc certification plan does not exist for this property. The Health Department may require that to be established prior to building permit approval.
- The Health Department will review employee count and any plumbing connections during building permit review. The onsite sewage disposal system may need to be upgraded or replaced to accommodate the change in use.