

REVISED



The Kennard Warfield Jr. Family LLLP, Petitioner

Narrative Supplement in Support of
Conditional Use Petition to the
Howard County Hearing Authority
(15475 Old Frederick Road, Woodbine – a/k/a Tax Map 8, Parcel 249)

8. Summary of Request

Section 8.b. Details of the proposed use, including, where applicable: types of indoor and outdoor activities; hours of operation; number of employees, occupants, and/or customers; quality and types of vehicles or equipment used; outdoor lighting to be used; quantities and capacities of materials stored; etc.

Response: The Petitioner is seeking a Conditional Use approval for Limited Social Assemblies. Activities related to the Limited Social Assemblies will take place within a 0.89 acre area as delineated on the attached Conditional Use Plan. Such activities will be held outdoors or outdoors within a tent. With the exception of restroom facilities if required by the Health Department, no permanent structures, including catering or restaurant facilities shall be constructed on site. The limited social assemblies will be limited to the following private functions: Picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events. Limited social assembly events shall have the following limitations: (1) Maximum capacity is not to exceed 150 attendees; (2) No more than 25 of these events shall be held within a one-year period; (3) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Monday thru Thursday; between 12:00 p.m. and 12:00 a.m., Friday and Saturday; and between 12:00 p.m. and 10:00 p.m., Sunday. A total of sixty-nine (69) off-street parking spaces, including three (3) handicapped parking spaces, will be provided. No new permanent outdoor lighting is proposed. Temporary lighting fixtures will be fully shielded in compliance with the Howard County Zoning Regulations (“HCZR”) §134.0. Trash and refuse will be collected in residential-sized trash receptacles and will be removed from the site by a private contractor at the conclusion of each assembly event.

Section 8.c. Any additional information which will be useful in the evaluation of whether the Conditional Use complies with the specific criteria for the Conditional Use category within Section 131.0.N.33.

Response: As demonstrated on the Conditional Use Plan and elsewhere in this Petition, the proposed use fully complies with the specific criteria for approval set forth in HCZR Section.

EVALUAION OF THE PETITION UNDER HCZR SEC. 131.0.B – GENERAL CRITERIA:

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.*

Response: As proposed, the Conditional Use Plan is in harmony with and fulfills stated land use policies indicated in the Howard County General Plan - PlanHoward 2030. In particular, the proposed Conditional Use advances *Policy 4.10 – Expand on existing programs to enhance historic preservation and create an historic preservation plan.* The proposed Conditional Use activities (limited social assemblies) advances this policy by providing additional sources of income to the owners of historic sites, thereby preventing the demolition of historic structures. The proposed use will incentivize the restoration and adaptive reuse of the historic structures on the property.

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.*

Response: The nature and intensity of the use, the size of the site in relation to the use, and the location of the Subject Property with respect to streets giving access to the Subject Property are such that the overall intensity and scale of the use are appropriate for the Subject Property. The proposed Conditional Use entails limited social assemblies as described above. The nature and intensity of this use at this location is appropriate given the size of the property which consists of 78.351 acres. The area of the Subject Property utilized for limited social assemblies (the “Conditional Use Area”) will be 0.89 acres as shown on the attached Conditional Use Plan. The proposed Conditional Use will utilize an existing driveway with direct access onto Old Frederick Road, a county owned major collector roadway with an 80’ right-of-way. This road classification is appropriate for the proposed use. Safe and adequate sight distance is available in both directions at the existing driveway location which will be utilized to provide access to the proposed Conditional Use Area. Acceleration and deceleration lanes are not warranted for the proposed use at this location. All Conditional Use related activities will be located a minimum of 176.4 feet from the public street right-of-way and approximately 400 ft. from the nearest adjacent residential dwelling.

3. *The proposed use at the proposed location will not have adverse effects on vicinal properties above and beyond those ordinarily associated with such uses. In evaluating the proposed use under this standard, the Hearing Authority shall consider whether or not:*

a. *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 districts.*

Response: The proposed Conditional Use at the proposed location will not have adverse effects on vicinal properties above and beyond those ordinarily associated with such uses. The

proposed use will not have any atypical adverse impacts on vicinal properties due to noise, dust, fumes, odors, lighting, vibrations, hazards, or other physical conditions. Notwithstanding, to the extent such impacts may exist those impacts certainly will not be greater at the Subject Property than they would generally be elsewhere in the RC-DEO zoning district or applicable other zones due to the large size of the Subject Property (78.351 Ac.); the very limited size of the proposed Conditional Use Area (1.0 Ac. or less); and the Conditional Use Area's considerable setback from the public road right-of-way (176.4 ft.); and residential dwellings in the vicinity (minimum of 400 ft. +/-).

b. *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.*

Response: With the exception of restroom facilities if required by the Health Department, no permanent structures, including catering or restaurant facilities will be constructed on site. Temporary tents may, however, be erected for use during the limited social assembly events. The location of the tent will be on an existing coated concrete tennis court. The height of the tent and the height of the potential restroom facility will not exceed 25 ft. The Conditional Use Area will be well buffered and screened from the public road right-of-way and from adjacent residential properties by existing and proposed landscaping as well as by separation and distance as shown on the Conditional Use Plan. As such, the proposed Conditional Use will not hinder or discourage the development and use of adjacent land and structures more at the Subject Property than it would generally in the RC-DEO zone or applicable other zones as a result of the location, nature and height of the structures, walls, or fences, and the nature and extent of the existing and proposed landscaping on the Subject Property.

c. *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.*

Response: The proposed Conditional Use plan satisfies the parking requirement under the regulations. HCZR Section 133.0.D.6.i requires 10 parking spaces per 1,000 sq. ft. of assembly area. The assembly area for the proposed Conditional Use consists of 6,600 sq. ft. Accordingly, the regulations require a total of 66 spaces to accommodate the proposed use. The Conditional Use plan proposes a total of 69 parking spaces, inclusive of 3 handicap parking spaces. As shown on the Conditional Use plan, the Conditional Use parking area is well setback from the public road. This parking area is also well buffered and screened from the public road and vicinal residential uses by existing and proposed landscaping. Regarding refuse areas, the proposed Conditional Use will not utilize dumpster style refuse containers. Rather, refuse will be placed in residential sized trash containers and will be removed from the site after each event.

d. *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.

Response: The Conditional Use Plan demonstrates that the Subject Property has an existing ingress and egress drive that will provide safe access with adequate sight distances, based on actual conditions. The available sight distance at the existing access location exceeds the minimum sight distance required for safe ingress and egress under the Howard County Design Manual, Volume III – Roads and Bridges. Based upon an 85th percentile speed of 39.5 mph, the required intersection sight distance to the west is 440 feet and a minimum of 441 feet is provided. Based upon an 85th percentile speed of 40.7 mph, the required intersection sight distance to the east is likewise 440 feet and a minimum of 441 feet is provided. With respect to stopping sight distance and based upon an 85th percentile speed of 39.5 mph, the required stopping sight distance to the west is 320 feet and a minimum of 320 feet is provided. Based upon an 85th percentile speed of 40.7 mph, the required stopping sight distance to the east is 305 feet and a minimum of 305 feet is provided. A sight distance analysis has been prepared and is attached as **Exhibit A**. The proposed driveway access is not shared with other residential properties.

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

Response: The Conditional Use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere. The Subject Property contains a farm pond and 2 streams. These environmentally sensitive features are located more than 1,000 feet away from the proposed Conditional Use Area and they will not be impacted in any way by the proposed use. The closest off-site sensitive environmental feature (a stream) is similarly located approximately 1,000 feet from the Conditional Use Area and will not be impacted by the proposed use.

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

Response: The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere. The only historic site in the vicinity is the Knock-Franklin Farm. This historic site is located approximately 0.4 miles from the proposed Conditional Use Area on the east side of Morgan Station Road. This historic site is well buffered from the proposed Conditional Use Area by distance; therefore, it will not be impacted by the proposed use.

EVALUATION OF PETITION UNDER HCZR SEC. 131.0.N.1 – SPECIFIC CRITERIA:

33. *Limited Social Assemblies*

A Conditional Use may be granted for limited social assemblies in the RC District, proposed that:

a. *The lot is the site of a historic structure as defined in these Regulations.*

Response: The proposed Conditional Use is located on parcel containing a historic structure as defined by the HCZR's. The site contains the Linden Lawn-Maplehurst-Blarney Farm. This historic structure was added to the Howard County Historic Sites Inventory by the passage of CR187-2022.

b. *The minimum lot size is 5 acres or greater.*

Response: The site of the proposed Conditional Use is located on a parcel consisting of 78.35 acres, well in excess of the required 5 acre minimum.

c. *If the driveway providing access to the proposed site is shared with other properties or has direct access to and frontage on a local road, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway or local road. The Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Conditional Use operator's responsibility for repair of any damage or deterioration of the shared driveway caused by the Conditional Use, including requirements for surfacing of access driveways.*

Response: The driveway providing access to the site is not shared with other properties. The site has direct access to Old Frederick Road, a county owned major collector roadway.

d. *The petitioner shall provide a traffic management plan and sight distance analysis.*

Response: The Petitioner will manage traffic by providing parking attendants to direct traffic in order to facilitate the safe and efficient ingress and egress of vehicles from the site, as well as safe and efficient parking on-site.

e. *The limited social assemblies are the following private functions: Picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.*

Response: The Petition will restrict its limited social assemblies to private functions including picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.

f. *With the exception of restroom facilities if required by the Health Department, no permanent structures, including catering or restaurant facilities shall be constructed on site.*

Response: With the exception of restroom facilities if required by the Health Department, the Petitioner will not construct any permanent structures, including catering or restaurant facilities on the site.

g. *The outdoor assembly area is located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.*

Response: As shown on the Conditional Use plan, the outdoor assembly area is located and designed to shield residential property from noise or nuisance; and it is screened from adjacent residential properties. The Conditional Use Area is buffered and screened from the public road right-of-way and from adjacent residential properties by existing and proposed landscaping as well as by separation and distance as shown on the Conditional Use plan.

h. *Limited social assembly events shall have the following limitations:*
(1) *Maximum capacity is not to exceed 150 attendees.*
(2) *No more than 25 of these events shall be held within a one-year period.*
(3) *Operation hours shall be restricted to 9:00 a.m. and 10:00 p.m., Monday thru Thursday; between 12:00 p.m. and 12:00 a.m., Friday and Saturday; and between 12:00 p.m. and 10:00 p.m., Sunday.*

Response: The Petitioner will restrict all limited social assembly events as follows: (1) The maximum capacity will not exceed 150 attendees; (2) limited social assembly events shall be limited to no more than 25 events within a one year period; (3) the hours of operation for the limited social events will be restricted to between 9:00 a.m. and 10:00 p.m., Monday thru Thursday; between 12:00 p.m. and 12:00 a.m., Friday and Saturday; and between 12:00 p.m. and 10:00 p.m., Sunday.

i. *All event activities shall occur outdoors except that interior spaces in existing structures over 50 years old, limited to barns or other similar farm structures which are existing at the time of the Conditional Use application, may be utilized. Event activities within enclosed tents are permitted, however.*

Response: All event activities will occur outdoors. Existing structures will not be utilized in association with the proposed limited social assembly events.

j. *Special events with catered food or food prepared on-site are subject to review by the food protection program of the Howard County Department of Health and may require a special events permit. The Conditional Use may not commence until the applicant has obtained approval of all necessary permits for its operation.*

Response: The Petitioner will restrict all limited social events to outdoor areas as shown on the Conditional Use plan. Event activities will also take place within enclosed tents to be located on the existing tennis court. Special events with catered food or food prepared on-site will be subject to review by the food protection program of the Howard County Department of Health and may require a special events permit. Limited outdoor social assemblies will not commence until the petitioner has obtained approval of all necessary permits for its operation.

k. *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 shall count towards the cumulative use cap of 2% of the easement.*

Response: The parcel containing the proposed Conditional Use is subject to an ALPP dedicated easement. In compliance with the regulations, the proposed Conditional Use will not interfere with farming operations, nor will it limit future farming production or operations. In addition, any new building or building addition associated with the use, including any outdoor storage and parking shall count towards the cumulative use cap of 2% of the easement and will not exceed a total Conditional Use Area in excess of 0.89 acres.

Section 8.d Will the Conditional Use generate any physical conditions such as noise, dust, fumes, odors, lighting, or vibrations which would be discernible from abutting and vicinal properties?

Response: Like all human activities, the proposed Conditional Use will generate physical conditions such as noise, dust, fumes, odors, lighting, or vibrations which would be discernible from abutting and vicinal properties. Notwithstanding, such physical conditions will be very minimal and will not constitute a nuisance to abutting or vicinal properties.