

IN RE:	*	BEFORE THE
BFEA-CURTIS FARM, LLC	*	HOWARD COUNTY
REQUEST FOR	*	HEARING EXAMINER
CONDITIONAL USE	*	Case No.:

NARRATIVE SUPPLEMENT TO CONDITIONAL USE PETITION

BACKGROUND

Petitioner, BFEA-Curtis Farm, LLC, is requesting approval of an Historic Building Conditional Use for professional offices (the “Use”) under Section 131.0.N.27 of the Howard County Zoning Regulations (the “Regulations”). The Use will be located in the existing building on the site, which is registered with the Howard County Historic Sites Inventory as HO-439, the “Curtis-Shipley House.” No dwelling units are proposed, and no extensions, enlargements, or alterations of the historic structure are proposed.

The Hearing Examiner previously approved the Use on February 19, 2020 in BA-17-032C (the “Prior Approval”). The Department of Planning and Zoning (“DPZ”) also previously recommended approval of the Use in its January 20, 2020 Technical Staff Report (“TSR”). The Decision & Order and TSR for the Prior Approval are attached hereto for reference. Because the Prior Approval has since expired, Petitioner is submitting the instant Petition. However, there have been no substantial or material changes since the Prior Approval and the underlying justification for the Prior Approval remains valid as it relates to this matter.

CONDITIONAL USE GENERAL CRITERIA SECTION 131.0.B:

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 polices are not directly related to Conditional Use requests for Historic Building Uses, the Use is in harmony with the following HoCo by Design policies and implementing actions that encourage public access and awareness of historic buildings and incentivize restoration and adaptive reuse:

QBD-6 Policy Statement. “Strengthen existing historic preservation programs and initiatives in Howard County.” HoCo By Design, Chapter 7, QBD-51.

Implementing Action 3. “Evaluate ways to strengthen preservation and maintenance of historic properties outside of historic districts.” HoCo By Design, Chapter 7, QBD-51.

Implementing Action 4. “Strengthen historic preservation programs to both prevent demolition and demolition by neglect, and to better incentivize restoration and adaptive reuse.” HoCo By Design, Chapter 7, QBD-51.

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 Use is of a relatively low intensity and size and will be located within the historic building. The historic building is approximately 2,855 square feet. The Historic Building is currently being used as office space for a real estate brokerage firm – Maryland Land Advisors, LLC (“MLA”). MLA currently has three employees. MLA anticipates expanding the number of employees to fourteen within the next five years. The current and proposed hours of operation are from 7:00 a.m. to 9:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturdays and Sundays. MLA does not customarily have clients visit the site and does not anticipate having client visitors in conjunction with the Use. The vehicles and equipment on site will be limited to passenger vehicles of the staff or guests.

Outdoor lighting will be limited to the lighting currently existing on site and all lighting will be directed down and away from neighboring properties and otherwise comply with any and all applicable Howard County lighting regulations.

As shown on the accompanying Conditional Use Plan, the subject property is approximately 7.46 acres. The area of the existing historic building and proposed parking will only occupy 5,000 square feet or 1.5% of the overall site. In addition, Petitioner is not seeking any variances from the bulk regulations to accommodate the Use.

The site has direct access to and frontage on Waterloo Road. Waterloo Road is a designated Minor Arterial Road, which is an appropriate classification for the number and types of vehicles associated with the Use.

Accordingly, 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 are appropriate for the site.

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.***

As indicated above, the Use is of a relative low intensity. All activity will occur indoors. The Use will not generate any physical conditions that will be discernable from abutting or vicinal properties.

- 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.***

The Use will be located within the existing historic building. There are no expansions, additions or exterior alterations proposed. Petitioner is proposing a 7' high entrance feature as shown on the accompanying Conditional Use Plan. Pursuant Section 128.0.A.1.f of the Regulations, setback requirements do not apply to an entrance feature that is no more than 8' high and does not interfere with sight distance along public roads.

The parking area is located away from all property lines and the public road and will be screened by existing and proposed landscaping and vegetation as shown on the accompanying Conditional Use Plan.

Accordingly, 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.

- 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.***

As shown on the accompanying Conditional Use Plan, Petitioner is proposing 19 paved parking spaces, which exceeds the parking requirement of 17 spaces. The parking area is located and situated to the rear of the historic building and setback from adjoining properties. In addition, the parking area will be screened by existing and proposed landscaping and vegetation as depicted on the accompanying Conditional Use Plan.

No refuse or loading areas are proposed. Although Petitioner will not generate trash in excess of what may be customarily associated with a residential use, it will continue to use a private contractor to transport its trash to the Howard County landfill.

- 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.***

The ingress and egress drives will provide safe access with adequate sight distance. As indicated in the Decision & Order for the Prior Approval, the estimated stopping sight distance is over 500 feet in both directions on Waterloo Road, which appears to provide adequate stopping sight distance. (See, BA-17-032C Decision & Order at 8). If approved, sight distance will be formally evaluated at the site development plan stage.

In addition, because the Use will generate very few cars traveling onto and off of the site, acceleration and deceleration lanes are not necessary.

- e. ***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 the terminus of an intermittent stream on the site. As shown on the accompanying

Conditional Use Plan, the Use, including the parking area, is located outside of the stream buffer. As such, the Use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.

- f. ***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 off-site historic site is the “Peter Harmon House” HO-438, which is located approximately 400 feet to the west of the site. HO-438 is separated from the Use by Waterloo Road and residential homes which obstruct the view of the Use from the historic site. As such, Petitioner satisfies this criterion.

CONDITIONAL USE SPECIFIC CRITERIA SECTION 131.0.N27 (HISTORIC BUILDING USES):

A Conditional Use may be granted for the conversion of a historic building in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, POR, B-1, B-2, M-1, and M-2 Districts to apartments and in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-APT and R-MH Districts to business and professional offices, specialty stores, standard restaurants, arts and crafts classes, antiques shops, art galleries, craft shops; bakeries (provided all goods baked on the premises shall be sold at retail from the premises); furniture upholstery, and similar services; personal service establishments; seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.4; service agencies; or community meeting halls, provided that:

- a. ***The building is a historic structure as defined in these Regulations.***

As indicated above the Use is located within the historic building on the site, which is registered with the Howard County Historic Sites Inventory as HO-439, the “Curtis-Shipley House.”

- b. ***The maximum number of dwelling units permitted shall be one dwelling unit for every 800 square feet of building area.***

This criterion is not applicable. Petitioner is not proposing any dwelling units.

- c. ***Extension or enlargement of the principal historical structure and all accessory structures may not exceed 50% of the gross floor area of each individual building above that which existed on August 1,***

1989, when ZB 882R was adopted adding the historic building use category to these Regulations.

This criterion is not applicable. No extension or enlargement of the historic structure is proposed.

d. Exterior alterations to the historic structure shall be architecturally compatible with the historic structure as determined by the Historic District Commission, prior to the approval of the Conditional Use.

There are no exterior alterations proposed. As indicated in the Prior Decision & Order and TSR, the proposed parking area was previously reviewed by the Historic Preservation Commission and the Resource Conservation Division. Both determined that Petitioner's revised parking layout, which is substantially similar to the parking shown on the accompanying Conditional Use Plan, is compatible with the historic structure. (See, BA 17-032C Decision & Order at 10; TSR at 8).

e. A historic building converted into a community meeting hall or offices shall be subject to the following standards:

(1) No material or equipment shall be stored outside of structures.

No outdoor storage is proposed.

(2) Parking areas shall be set back a minimum of 30 feet from all property lines or public street rights-of-way and screened from the roadway and adjacent properties.

As shown on the accompanying Conditional Use Plan, the parking area is setback over 30 feet from all property lines and Waterloo Road. As indicated above it will be screened from adjacent properties and the roadway by existing and proposed landscaping and vegetation.

(3) The site shall have frontage on and direct access onto a collector or arterial road designated in the General Plan.

As indicated above, the site has frontage on and direct access onto Waterloo Road, which is designated as a Minor Arterial Road.

f. A historic building that is converted for historic venue uses shall be subject to the following standards

This criterion does not apply. Petitioner is not proposing to convert the historic building into an historic venue use as part of this Petition.

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

This criterion does not apply. The property is not subjected to an ALPP purchased on dedicated easement.