

IN RE:	*	BEFORE THE
	*	
FRIENDSHIP BAPTIST CHURCH	*	HOWARD COUNTY
	*	
REQUEST FOR	*	HEARING EXAMINER
CONDITIONAL USE	*	
FOR EXPANSION OF CHILD	*	
DAYCARE FACILITY FOR	*	
RELIGIOUS INSTITUTION	*	Case No: BA-25-023C
	*	

***** ** ***** ** *****

**REVISED NARRATIVE SUPPLEMENT TO
CONDITIONAL USE PETITION**

Petitioner, Friendship Baptist Church, is a religious institution located at 1391 Sykesville Road, Sykesville, MD 21784 (the “Property”). Established in 1988, Petitioner was approved in BA 02-052C to add a child daycare for 39 children per morning and 39 children in the afternoon. The tenant who originally was approved for the special exception in 2002 subsequently ceased operations. Petitioner recently reinitiated the use with a new tenant, Little Oak Nursery School, only to be informed that the approval in BA 02-052C has lapsed. Petitioner is, therefore, required to file a new conditional use application.

Petitioner is proposing a daycare use that would occur Monday through Friday, 9:00 a.m. through 3:00 p.m., with an increase in the allowable capacity to 110 students. Specific criteria and details about the current proposal are provided herewith and in the accompanying Conditional Use Plan (the “Plan”).

Conditional Use Petition General Criteria (Section 131.0.B.)

B. General Standards Required for Approval

The Hearing Authority shall have the power to permit Conditional Uses, provided the following general standards are met:

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.*

The Howard County General Plan (the “General Plan”) policies do not directly address Conditional Use requirements for Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities on RR-zoned property. The General Plan and its land use policies were, however, the guiding principles for the last Comprehensive Zoning Plan in 2013. That Comprehensive Zoning Plan permitted Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities on RR-zoned properties subject to the satisfaction of certain general and specific criteria. Any proposal, including this proposal,

that satisfies criteria as set forth in the Howard County Zoning Regulations is presumed to be in harmony with land uses and policies in the General Plan.

The General Plan designates the area where the Property is located as “Rural West.” The current use is institutional in nature and of moderate intensity. No new improvements are proposed, as the use will be confined to the existing building and play area. Outdoor activities will be limited to only a small portion of the 5.06 acre site. The proposed use is primarily indoors.

The Property has safe, direct access to MD 32, an intermediate arterial road via an existing ingress/egress as approved on SDP 89-161, 95-022, and 98-128.

Given the nature and intensity of the operation, the size of the Property relative to the proposed use, and its location with respect to surrounding streets, the use is consistent with the land uses and policies outlined in the General Plan for this district.

The daycare is integrated within the religious facility on the site, which is a common adjunct to church use. These two functions generally operate on different days and times allowing both uses without conflict or placing strain on the Property. The building and parking areas are well set back from neighboring properties and are effectively screened by landscaping. Therefore, the overall intensity and scale of the Property’s uses are appropriate, considering the nature of the use and the adequacy of buffers and setbacks.

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 Property, at approximately 5.06 acres, is of a sufficient size to accommodate over 300 parishioners. The existing church is located centrally on the Property and is 128 feet from Sykesville Road. The Property is currently approved to serve one group of 39 children two times per day at times when worship services are not being held. Parking is plentiful and automobile queuing for drop-off and pick-up is already established and effective. The Property is more than capable of hosting a daycare operation of a maximum of 110 children. This number is about 1/3 of the number of vehicle trips during the church use. Therefore, the nature, intensity, and scale are appropriate for this Property.

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.

The primary purpose of this use is for religious and daycare activities. Except for the outdoor activities associated with the preschool/nursery school, the use will be operated predominantly indoors. No new lighting is depicted on the plan or noted in the petition. The outdoor activities area is located within a “courtyard” of the church and is screened by distance from adjacent residential properties. The proposed use will not generate physical conditions such as noise, dust, fumes, odors, lighting, or vibrations that would be discernible from abutting and vicinal properties. Adjoining properties will not be adversely impacted. The proposed Conditional Use will not create any greater adverse impact at the Property than elsewhere in the zone or applicable other zones.

- 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.*

As shown on the Plan, the proposed use and associated parking are well screened and buffered from all public roads and neighboring properties. Additionally, on-site activity will not hinder or discourage the development and/or use of adjacent land and structures more at this Property than generally elsewhere in the zoning district.

- 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.*

Parking for the proposed use is provided on the Property. According to Site Development Plan 98-128, the parking required for Sunday service is one space per three seats. Thus, 129 spaces are needed to accommodate the 380 seats in the church. For daycare services, the parking requirement is three spaces per every 1,000 sq. ft. of space. The daycare space totals 19,000 sq. ft., for which 57 parking spaces are needed. In total, 170 parking spaces are provided, with 10 of those spaces reserved for accessibility parking.

There is no proposed enlargement to the existing structures, so the minimum parking requirement is not increased by this petition. There is no simultaneous operation of the sanctuary and the preschool/nursery school, so the parking provided is of adequate size for the proposed use. The proposed parking is also buffered by existing vegetation and well screened from neighboring residential uses.

- 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.*

All ingress and egress will continue to be via MD Route 32 (also known as “Sykesville Road”), an Intermediate Arterial. Safe access with adequate sight distance has been provided, based on actual conditions. Petitioner will provide evidence that the current improvements provide safe access for the proposed use. Petitioner believes that many factors warrant against a requirement for acceleration and deceleration lanes. First and foremost, there are utility poles that must be relocated in order to allow for the construction of acceleration and decelerations to design manual standards. Beyond the fact that this relocation is not affordable, the additional improvements are unnecessary given the hours of the proposed use being outside of peak traffic hours, the established vehicle cuing process for the Property, the center turn lane on Sykesville Road offering ample space for left-turning vehicles, lack of accident history and additional matters that will be presented at the hearing.

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

There is no proposal to adversely affect any environmentally sensitive features.

- 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 historic site to the Property is HO-868, known as “Richard Burgess Farmhouse (Hay Meadow),” at 1270 Hay Meadow Lane located approximately 1.3 of a mile away. The proposed conditional use is an expansion of a previously approved conditional use, is relatively minor in scale, is adequately screened and buffered from neighboring properties, will not require any renovations or additions to the existing structures on the Property, and is located at a such a distance from this historic site such that the proposed conditional use has no potential to diminish the character and significance of the Richard Burgess Farmhouse or other historic sites.

Conditional Use Petition Specific Criteria (Section 131.0.N.13)

N. Conditional Uses and Permissible Zoning Districts

The Hearing Authority may grant Conditional Uses in the specified districts in accordance with the following minimum criteria.

Section 131.0.N.13 - Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-VH, HO, or HC Districts for day treatment and care facilities, child day care centers and nursery schools provided that:

- a. On-site circulation and parking areas shall be designed to minimize vehicular/pedestrian conflicts and to provide safe areas for dropping off and picking up passengers.*

The church building is centrally located on the Property and set back 128 feet back from Sykesville Road. The driveway leads to an existing covered drop-off area with a striped crosswalk located in front of the church, which is used for children attending the daycare. The on-site circulation and parking areas are designed and have functioned effectively to minimize vehicular/pedestrian conflicts and to provide safe areas for dropping off and picking up passengers. As shown on the Plan, traffic arrows are painted throughout the parking lot, directing traffic in a one-way path that circles around the parking lot and leads back out towards Sykesville Road. Additionally, all parents must park and walk inside to register their children every day at drop-off.

- b. The minimum lot size in the RC and RR Districts shall be three acres and the minimum lot size in the R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-APT, R-VH, HO or HC Districts shall be one acre, except that uses approved prior to October 6, 2013 shall not be subject to this criteria.*

The Property is 5.06 acres and is therefore in compliance with this criterion.

- c. Outdoor play areas or activity areas shall be fenced, located to the side or rear of the principal structure, and buffered from adjoining residential properties by landscaping or adequate distance or both.*

The existing playground, which is used for the daycare, is fenced and located behind the church building, more than 200 feet from Sykesville Road. The outdoor play area is fenced, located to the side or rear of the principal structure, and buffered from adjoining residential properties by landscaping and adequate distance.

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

The existing church parking lot, which is also used for the daycare, is located behind the church from Sykesville Road, at least 80 feet from adjoining residential homes, and is well screened by tall pine trees on the north, east, and southeast sides of the Property.

- e. The design and massing of proposed structures or additions to existing structures shall be generally compatible in scale and character with residential properties in the vicinity of the site, as demonstrated by architectural elevations or renderings submitted with the petition. Additional setbacks from property lines and landscape buffering shall be required if necessary to make the appearance of the site compatible with surrounding residential properties.*

No new structures or additions to the Property are proposed.

f. For facilities with a capacity of more than 30 children or adult clients at one time, the following standards apply:

(1) The site has frontage on and direct access to a collector or arterial road designated in the General Plan, except that expansions of a Conditional Use that was approved prior to July 12, 2001 are permitted.

The Property has frontage on and direct access to Sykesville Road, an intermediate arterial.

(2) Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways.

The existing building and play area are more than 50 feet from adjoining residentially zoned properties other than public road right-of-ways. The parking lot is generally more than 50 feet from adjoining residentially zoned properties, except for a portion of the northwest corner of the lot, which is 21 feet from the property line. This was previously approved in BA 02-052C.

(3) At least 20% of the area within the building envelope shall be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.

As shown on the Plan, 36.3% (39,504 sq. ft.) of the area within the building envelope is green space not used for buildings, parking area or driveways.

Zoning History

Case No.: BA-02-052C

Petitioner: Friendship Christian Preschool of Friendship Baptist Church

Request: Conditional use for a preschool/nursery school.

Action: Approved, February 19, 2003

Case No.: BA-97-30E

Petitioner: Friendship Baptist Church

Request: Special Exception to expand an existing religious facility.

Action: Approved, October 16, 1997

Case No.: BA-93-57V

Petitioner: Friendship Baptist Church

Request: Variance to reduce the 30 foot required setback on the east to 14 feet for a parking lot.

Action: Approved with conditions, May 24, 1994

Case No.: BA-93-34E

Petitioner: Friendship Baptist Church

Request: Special Exception to expand the parking lot of an existing religious facility from 50 to 100 parking spaces.

Action: Approved with conditions, November 23, 1993

Case No.: BA-86-03E

Petitioner: Liberty Baptist Church

Request: Special Exception for a religious facility.

Action: Approved with conditions, November 13, 1986