



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

October 28, 2021

TECHNICAL STAFF REPORT

Hearing Examiner Hearing of November 18, 2021

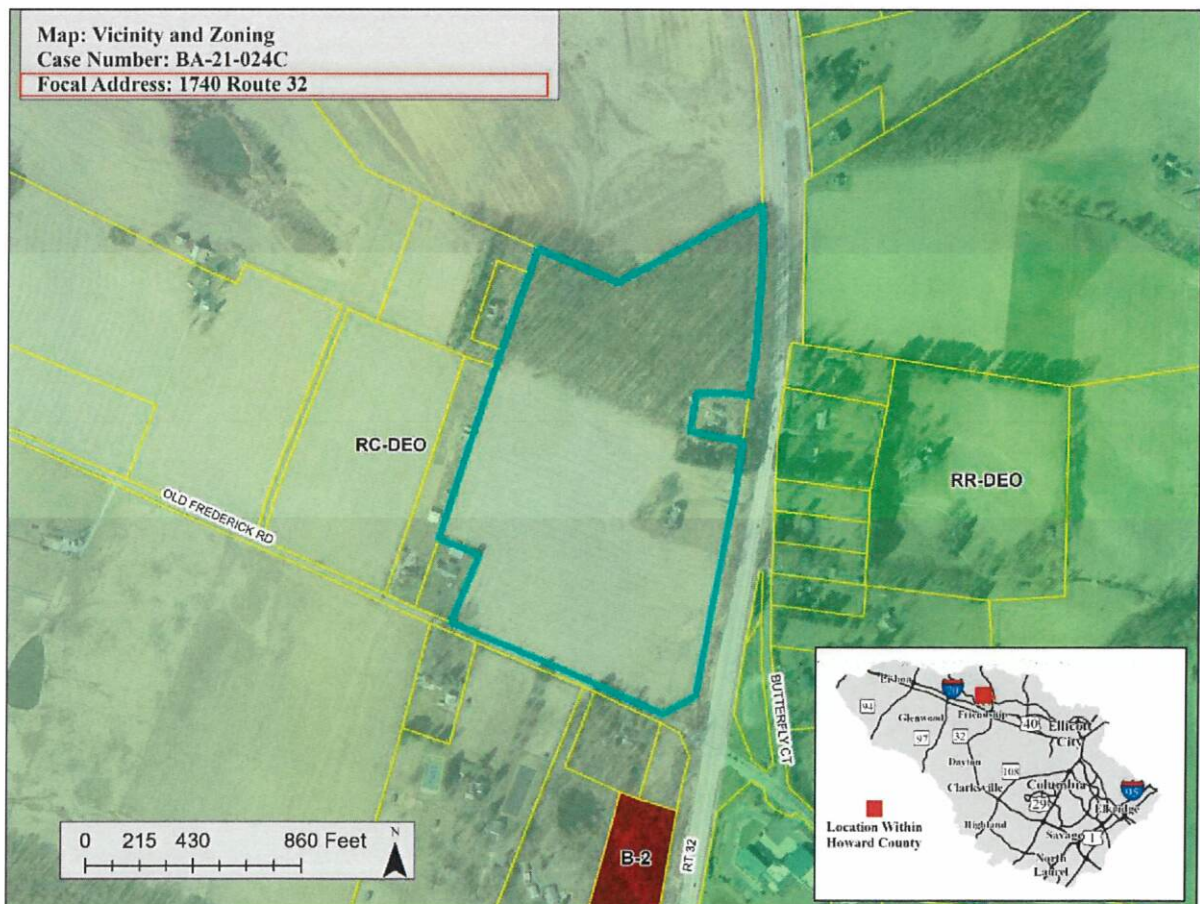
Case No./Petitioner: BA-21-024C – Holy Korean Martyrs Roman Catholic Congregation, Inc.

Request: Conditional Use for Religious Facilities, Structures and Land Used Primarily for Religious Activities (Section 131.0.N.42)

Location: 1740 Route 32, Sykesville, MD 21784
Tax Map 9, Grid 23, Parcel 21; (the "Property")

Property Size: 37.23 acres

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



I. CONDITIONAL USE PROPOSAL

The Petitioner proposes a religious facility consisting of a 26,000 square foot building that contains 4,500 square feet of assembly area, a parish hall and an education wing for Sunday school, a 216 space parking lot, soccer field and an amphitheater. The existing house located on the Property will be converted to a rectory for the priest.

The facility will be used for religious services primarily on the weekends; however, there will be some activities/services during the week. Six employees will work at the facility on a daily basis.

II. BACKGROUND INFORMATION

A. Site Description

The site consists of a farm, a single family detached residence, and a 11.9-acre forested area. The site rises from an elevation of 624 feet in the south to 650 feet in the north.

B. Vicinal Properties

Direction	Zoning	Land Use
North	RC-DEO	Single-Family Residential/Farm
South	RC-DEO	Single-Family Residential/Old Frederick Road
East	RC-DEO	Single-Family Residential/ MD Route 32
West	RC-DEO	Single-Family Residential/Farm

C. Roads

Old Frederick Road has two travel lanes within a 40 foot right of way and is a county designated scenic road. The speed limit is 30 miles per hour.

Traffic count data is not available for this portion of Old Frederick Road.

D. Water and Sewer Service

The Property is not located within the Metropolitan District or the Planned Service Area for water and sewer. The property will be served by private well and septic.

E. General Plan

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

Old Frederick Road is a Major Collector.

F. Agency Comments

Agency comments are attached.

Case No.: BA-21-024C

Petitioner: Holy Korean Martyrs Roman Catholic Congregation, Inc.

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III. ZONING HISTORY

Case No. BA-15-014C

Request: Conditional Use for a Commercial Solar Facility

Action: Denied August 19, 2016

IV. EVALUATION AND CONCLUSIONS

A. Evaluation of the 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 PlanHoward 2030 policies are not directly related to Conditional Use requests for religious facilities, properly-sited religious facilities are generally compatible with residential areas.

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 Petitioner proposes limited operations consisting of religious service/education on the weekends between 7:30 a.m. to 9:00 p.m., small gatherings during the week in the mornings or evenings, limited outdoor gatherings, and special services during holidays/cultural events. The 37.23-acre site exceeds the three-acre lot size requirement and the proposal complies with all bulk regulations and conditional use criteria, except for the corner of the parking that is 29.44 feet from the Parcel 42 (1730 Rt 32). The parking lot should be moved to meet the 30-foot use setback.

The Functional Road Classification Map of PlanHoward 2030 classifies Old Frederick Road as a Major Collector, which is an appropriate classification for the number and types of vehicles associated with the proposed use.

Therefore, 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.

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 not be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning district.*

Most of the religious activities will occur within the proposed building. The soccer field and amphitheater are over 300 feet from the closest off-site residential building and will be screened by a Type "C" buffer. The petition states that the amphitheater will only be used for occasional services and outdoor classes for children.

Therefore, there is no evidence of adverse effects such as noise, dust, fumes odors, vibrations, increase lighting, hazards or other physical conditions that would be greater at the subject site than generally elsewhere.

- 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 permitted height in the RC zoning district is 40 feet for structures with a gable, hip or gambrel roof. However, according to Section 131.0.N.42.b, the height may be increased by one foot for each foot of additional setback above the minimum requirement. The proposed religious facility building is approximately 60 feet tall. Therefore, the required setbacks increase to 95 feet from Old Frederick Road, 50 feet from the side lot line, 95 feet from MD Route 32, and 80 feet from the rear lot line. The religious facility building is over 250 feet from the closest lot line and, thus, meets the setback requirements.

A landscape buffer consisting of existing and proposed vegetation will be provided along the perimeter of the Property, as shown in the following table, to screen the religious facility from adjacent properties and the public right-of-way.

Perimeter	Property Line	Buffer Type	Linear Feet	Credit for Existing Vegetation (ft)
1	North	C	1,685	480
2	East	C	985	985
3	South	B	755	755
4	South	C	768	631
5	South/West	B	1,982	0

Therefore, the location, nature and height of the structures and landscaping will not hinder or discourage the development or use of adjacent land and structures more at the property than generally elsewhere.

- 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.*

Pursuant to Section 133.0 of the Howard County Zoning Regulations, the off-street parking requirement for a religious facility is 10 spaces per 1,000 square feet of assembly area. The Petitioner proposes 4,500 square feet of assembly area, which requires 45 parking spaces. The conditional use plan shows 216 parking spaces.

- 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 estimated site distance is over 300 feet in both directions along Old Frederick Road. According to the American Association of State Highway and Transportation Officials (AASHTO) guidelines, adequate stopping site distance for a car traveling 30 miles per hour is 200 feet. Petitioner's engineer recommends a stopping site distance of 333 feet at 30 miles per hour. Whether applying either standard, the proposed access point on Old Frederick Road appears to provide safe access with adequate stopping sight distance.

The driveway is not shared with any other properties.

- 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 a stream located over 800 feet south of the proposed religious facility. Therefore, the proposed 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 historic site is over 3,000 feet to the south and is screened by existing vegetation and residences. 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.42 (Specific Criteria for a Conditional Use for a religious facility, structures and land used primarily for religious activities):

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-MH, or R-VH Districts for structures and land used primarily for religious activities provided that:

- a. *The minimum lot size in the RC and RR Districts is three acres and the minimum lot size in the other districts is one acre, however, existing religious facilities previously approved as a Special Exception or a Conditional Use are exempted from this requirement. Lot coverage shall not exceed 25% of the lot area;*

The Property is zoned RC-DEO and is not an ALPP purchased or dedicated easement property. The Property is 37.23 acres and the lot coverage will be 0.62 acre, which is approximately 1.66%.

- b. *Structures may be erected to a greater height than permitted in the district in which it is located, provided that the front, side and rear setbacks shall be increased one foot for each foot by which such structures exceed the height limitation.*

The permitted height in the RC zoning district is 40 feet for principal structures with gable, hip or gambrel roofs. The proposed religious facility building is approximately 60 feet tall. Therefore, the required setbacks increase to 95 feet from Old Frederick Road, 50 feet from the side lot line, 95 feet

from MD Route 32, and 80 feet from the rear lot line. The religious facility building is over 250 feet from the closest lot line and, thus, meets the setback requirements.

- c. *The access to the facility shall not be on a driveway or private road shared with other uses.*

The proposed access on Old Frederick Road is not shared with any other uses.

- d. *The Hearing Authority may approve parking facilities which are accessory to a religious facility, and are located on a separate lot, but do not meet the location requirements of Section 133.0.B.4.d of the parking regulations by being separated from the religious facility by a public street, if the Hearing Authority finds that the accessory parking facility complies with the following criteria:*

- (1) The accessory parking facility is not separated from the lot containing the principal use by an arterial highway of any category.*
- (2) A pedestrian street crossing connecting the accessory parking facility lot to the principal use lot is provided and is made clearly noticeable to driver by means of both pavement markings and signs.*
- (3) The pedestrian street crossing is safe, based upon such factors as, but not limited to: traffic volume at the times(s) of the use of the accessory parking facility; practical traffic speeds; sight distance; length of the crossing; and adequate markings and signage.*
- (4) The entire pedestrian pathway from the accessory parking facility to the principal religious facility is durable, paved, no-step path.*

The parking lot is not on a separate lot; therefore, this criterion does not apply.

DocuSigned by:
Amy Gowan
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11/3/2021

Amy Gowan, Director

Date

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: AUGUST 25, 2021
~~August 3, 2021~~

Hearing Examiner TBD
Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA-21-024C Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: Holy Korean Martyrs Roman Catholic Congregation, Inc.

Petitioner's Address: _____

Address of Property: SEE PETITION

Return Comments by 08/17/21 to Public Service and Zoning Administration

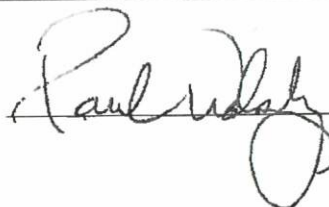
Owner: (if other than applicant) _____

Owner's Address: _____

Petition: SEE APPLICATION

To: _____ MD Department of Education – Office of Child Care
3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
☒ Bureau of Environmental Health
☒ Development Engineering Division
☒ Department of Inspections, Licenses and Permits
☒ Department of Recreation and Parks
☒ Department of Fire and Rescue Services
☒ State Highway Administration
____ Sgt. Karen Shinham, Howard County Police Dept.
____ Tom Meunier, Department of Public Works
____ Office on Aging, Terri Hansen (senior assisted living)
____ Police Dept., Animal Control, Deborah Baracco, (kennels)
____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
☒ Land Development - (Religious Facility & Age-Restricted
Adult Housing)
____ Housing and Community Development
☒ Resource Conservation Division – Beth Burgess
☒ Route 1 Cases – DCCP – Kristin O'Connor
____ Telecommunication Towers – (Comm. Dept.)
____ Division of Transportation – Dave Cookson

COMMENTS: WE HAVE NO COMMENTS.





Howard County Maryland
Department of Planning and Zoning
3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:
Case No: BA-21-024c
Date Filed 07/13/2021

ALTERNATIVE COMPLIANCE COMMENT FORM

Date: 08/12/2021

Comment Due Date: 08/12/2021

DPZ File No: BA-21-024c

Plan Name: Holy Korean Martyrs Roman Catholic Congregation, Inc.

This request for comments has been distributed to the following Departments.

DPZ – Comprehensive & Community Planning	DPZ – Development Engineering Division
DPZ – Research Division	DPZ – Resource Conservation Division
Department of Fire and Rescue Services	Recreation and Parks
Department of Inspections, Licenses & Permits	Office of Transportation
DPW, Real Estate Services & Directors Office	Office of Community Sustainability
Health Department	Soil Conservation District
Public School System	State Highway Administration

COMMENTS:

No Comments

James Hobson
Print Name

08/12/2021
Date

**Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments**

Date: August 3, 2021

Hearing Examiner TBD
Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA-21-024C Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: Holy Korean Martyrs Roman Catholic Congregation, Inc.

Petitioner's Address: _____

Address of Property: SEE PETITION

Return Comments by 08/17/21 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: SEE APPLICATION

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_____ X _____ Development Engineering Division
_____ X _____ Department of Inspections, Licenses and Permits
_____ X _____ Department of Recreation and Parks
_____ X _____ Department of Fire and Rescue Services
_____ X _____ State Highway Administration
_____ Sgt. Karen Shinham, Howard County Police Dept.
_____ Tom Meunier, Department of Public Works
_____ Office on Aging, Terri Hansen (senior assisted living)
_____ Police Dept., Animal Control, Deborah Baracco, (kennels)
_____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
_____ X _____ Land Development - (Religious Facility & Age-Restricted
Adult Housing)
_____ Housing and Community Development
_____ X _____ Resource Conservation Division – Beth Burgess
_____ X _____ Route 1 Cases – DCCP – Kristin O'Connor
_____ Telecommunication Towers – (Comm. Dept.)
_____ Division of Transportation – Dave Cookson

COMMENTS: MDOT SHA does not object to the proposed conditional use. Access is proposed from Old Frederick Road (a County roadway and the plan should be corrected to note this). Should the County require a Traffic Impact Study, MDOT SHA requests inclusion in all review efforts.

This section of MD 32 is listed in the Highway Needs Inventory as a divided highway reconstruction and in the Consolidated Transportation Program as a Planning Study for the divided highway reconstruction. The existing access to the structure on MD 32 shall be closed by the petitioner under MDOT SHA permit. If access is required to the structure, that access shall be provided from the proposed church parking area or drive aisle.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

■ Ellicott City, Maryland 21043 ■

410-313-2350

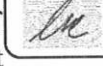
Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

Subject: BA-21-024C, Holy Korean Martyrs Catholic Church
Conditional Use for a Religious Facility

To: Geoff Goins, Chief
Division of Public Service and Zoning Administration

Thru: Anthony Cataldo, AICP, Chief 
Division of Land Development

From: Brenda Luber
Division of Land Development

Date: August 20, 2021

The Division of Land Development has reviewed the petition for a conditional use and offers the following advisory comments, which will be evaluated during the site development plan review process.

1. An Environmental Concept Plan for the site must be submitted prior to the site development plan in order to identify any streams, wetlands and their buffers, floodplain, steep slopes and specimen trees on site which are protected from disturbance per the Land Development Regulations.
 - a. Specimen Trees must be shown with their Critical Root Zones in order to evaluate the level of disturbance.
 - b. These features were not identified on the submitted plan. Alternative Compliance may be needed for impacts to environmental area and/or specimen tree removal.
2. An approved Site Development Plan for the proposed religious facility will be required prior to the issuance of grading and building permits.
3. This development will be subject to and must comply with the Forest Conservation Act, per Subtitle 12 of the County Code, prior to site plan approval.
4. The proposed perimeter landscaping screening must meet the requirements of the Landscape Manual to effectively screen the religious facility from the neighboring properties and roadway.
 - a. A type E landscape buffer should be provided from the parking lot to screen the headlights from shining into the adjacent property.
 - b. The other proposed Perimeter Buffer types appear to meet this requirement.
 - c. Areas identified to take credit for existing vegetation will be reviewed in additional detail at the ECP plan stage.
5. Confirm with the Zoning Division that the appropriate setbacks have been provided.
 - a. It appears the setback along Old Frederick Road (a major collector highway) should be 75';
 - b. It appears the setback along the western property boundary should be changed to a 30' side setback;
 - c. It appears the setback adjacent to Parcel 18 should be changed to a 60' rear setback;

- d. Verify that the setbacks along Sykesville Road and Old Frederick Road are provided from the ultimate right-of-way; and
 - e. Verify with the Zoning Division if the appropriate setback has been provided from adjacent Parcel 156 (Michael and Pamela Allen Property).
- 6. Any outdoor lighting must be directed so that it does not shine into the adjacent residential lots or road right-of-way. A photometric plan will be required with the submission of the site development plan.
 - 7. Old Frederick Road is a designated Scenic Road and development must comply with Section 16.125 of the Subdivision and Land Development Regulations.

:bl

**Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments**

Date: August 3, 2021

Hearing Examiner TBD
Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA-21-024C Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: Holy Korean Martyrs Roman Catholic Congregation, Inc.

Petitioner's Address: _____

Address of Property: SEE PETITION

Return Comments by 08/17/21 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: SEE APPLICATION

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____ Sgt. Karen Shinham, Howard County Police Dept.
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____ Police Dept., Animal Control, Deborah Baracco, (kennels)
____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
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Adult Housing)
____ Housing and Community Development
☒ Resource Conservation Division – Beth Burgess
☒ Route 1 Cases – DCCP – Kristin O'Connor
____ Telecommunication Towers – (Comm. Dept.)
____ Division of Transportation – Dave Cookson

COMMENTS: No issues concerning the conditional use. However, Fire - Rescue
would like to review the plans of the building(s) to ensure adequate life
safety features (Egress, fire protection, etc) for church or Assembly use


SIGNATURE



Howard County

Department of Planning and Zoning

Subject: Board of Appeals Case No: BA-21-024c
Applicant: *Holy Korean Martyrs Roman Catholic Congregation, Inc.*
Petition: A conditional use for religious facilities, structures and land used primarily for religious activities.

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

From: Development Engineering Division
Department of Planning and Zoning

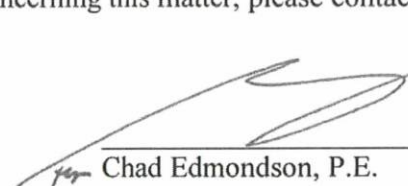
Date: August 4, 2021

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.



Chad Edmondson, P.E.
Chief

CE/pmt

cc: Thomas Meunier, Director, Department of Public Works
Philip M. Thompson, Engineer, Development Engineering Division
John Seefried, Chief, Bureau of Engineering, Department of Public Works
Reading File

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