



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

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Voice/Relay

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October 31, 2019

## TECHNICAL STAFF REPORT

*Board of Appeals Hearing of November 14, 2019*

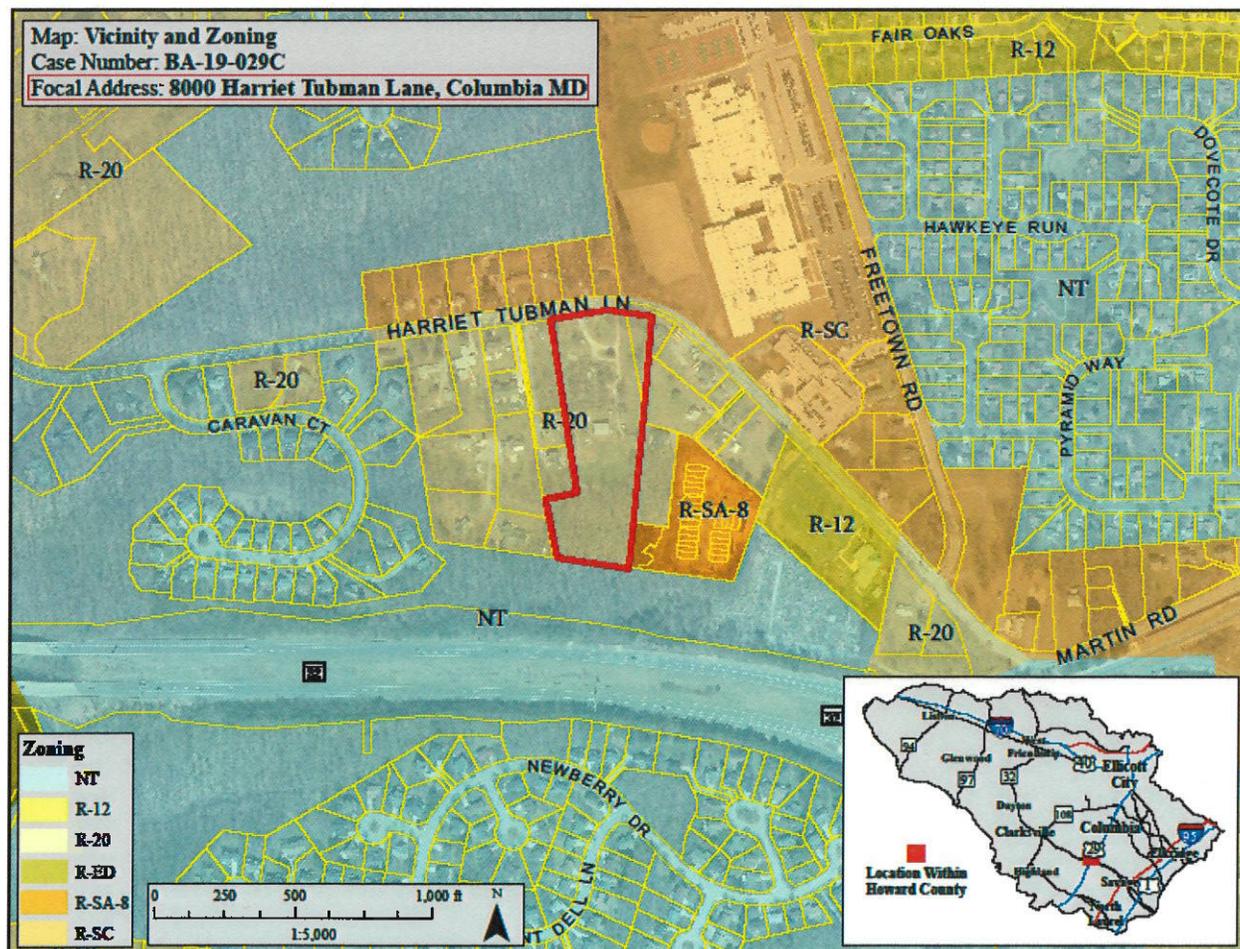
**Case No./Petitioner:** BA-19-029C—The Community Ecology Institute, Ltd.

**Request:** Conditional Use for a Charitable or Philanthropic Institutions: Offices and Educational Programs (Section 131.0.N.12)

**Location:** 8000 Harriet Tubman Way; Tax Map 35, Grid 24, Parcels 126 & 127 (the "Property")

**Property Size:** 6.39 acres

**Zoning** R-20 (Residential - Single)



I. **CONDITIONAL USE PROPOSAL**

The Petitioner, a 501(c)(3) non-profit organization whose mission is to enhance community health and well-being by fostering diverse connections between people and the natural world, proposes to offer educational programs related to organic food production/sustainable agriculture. The use will include an approximately 4,000 square foot building consisting of offices, meeting areas, and education space. Additionally, there will be two outdoor education areas, a greenhouse, an outdoor classroom structure and 22 parking spaces. The classes will not exceed 45 students at one time and there will be up to three employees/volunteers.

The Petitioner proposes to continue operating a greenhouse and farm stand approved in BA-81-56E. Additionally, the property will be used for agricultural uses permitted by right under the farming land use category. Such uses include; a pollinator meadow, community gardens, accessory sheds, and a greenhouse.

II. **BACKGROUND INFORMATION**

A. Site Description

The site consists of two adjacent parcels (126 & 127) and contains a greenhouse, farm and garden store, and several accessory buildings approved through BA-81-56E in 1982.

The site has an elevation of 406 feet at the northeast corner and descends to 374 feet at the southwest corner. A heavily wooded area, nontidal wetlands, and a stream are located on the southern portion of the Property.

B. Vicinal Properties

Direction	Zoning	Land Use
North	R-SC	Single-family residential
South	NT	Vacant
East	R-20 & R-SA-8	Single-family residential, outdoor vehicle storage, & multi-family residential
West	R-20	Single-family residential

C. Roads

Harriet Tubman Lane has 28 feet of paving within a 50-foot right-of-way. The speed limit is 30 miles per hour. No traffic data is available for Harriet Tubman Lane.

D. Water and Sewer Service

The property is within the Metropolitan District and Planned Service Area for water and sewer.

E. General Plan

The Property is designated Established Community on the Designated Place Types Map

Harriet Tubman Lane is a Major Collector.

F. Agency Comments

Agency comments are attached.

III. ZONING HISTORY

- A. Case No.: BA-81-56E  
Petitioner: Dave's Lawn and Landscaping Service, Inc.  
Request: Special exception for greenhouse and lawn & garden store  
Action: Approved, March 22, 1982

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 Howard County General Plan policies are not directly related to *Charitable or Philanthropic Office and Educational Program Conditional Uses*, properly sited facilities are considered compatible with residential land uses. The proposed educational programs are in harmony with the following General Plan policies that promote environmental stewardship and sustainability practices:

Policy 3.5 "*Promote individual environmental stewardship.*"

Implementing actions:

- a. *Stewardship. Conduct public outreach and education to encourage individuals and businesses to be both good stewards of their own property and participants in community environmental enhancement efforts*
- b. *Best Management Practices. Expand current outreach and education efforts to promote and assist private property owners with the implementation of best management practices, including installing rain gardens and rain barrels, planting stream buffers, replacing lawn with native plants, increasing tree canopy, and limiting use of lawn chemicals..*

Policy 3.9, *Increase collaboration between residents, businesses, nonprofit groups, and the County on implementing state-of-the-art sustainability practices and techniques.*

Implementing action:

- d. *Education and Incentives. Work with the financial and real estate communities to promote green buildings and neighborhoods, through education on environmental and financial benefits and incentives for residents implementing sustainable practices. Incorporate benefits of green technologies and ecosystem services into building and property values.*

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 has been used for agricultural purposes for over 30 years and has an approved special exception for a garden store and greenhouse. The Petitioner is proposing to expand the agricultural use and add programs to educate the public about environmentally sustainable practices. The maximum number of students at one time will not exceed 45. The 6.39-acre property exceeds the one-acre minimum lot size requirement and meets all conditional use requirements and bulk regulations.

The Functional Road Classification Map of PlanHoward 2030 depicts Harriet Tubman Lane as a Major Collector, which is an appropriate classification for the types and the 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 not be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning district.*

While farming uses have the potential to generate noise, dust, and odors, the intensity of the proposed farming activities and outdoor educational activities are unlikely to generate adverse impacts greater at this site than elsewhere in the zoning district. First, the Property is 6.39 acres, which exceeds the one-acre lot size requirement and is significantly larger than most R-20 zoned lots. Second, the structures and use areas associated with the Conditional Use exceed the required setbacks. Finally, a Type "C" landscape buffer is proposed along both side property lines where a landscape buffer does not already exist to screen the site from adjacent residential uses.

The indoor educational component of the Conditional Use should not generate any adverse physical conditions. Therefore, the adverse effects associated with the use will not be greater at this subject site than generally elsewhere in the same zoning district or other similar zoning districts.

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 maximum heights allowed in the R-20 zoning district are 34 feet for principal structures and 15 for accessory structures. The office/education center building is 21 feet tall and all accessory structures are between 10 to 14 feet tall.

All uses and structures associated with the Conditional Use comply with the 50 foot setback requirement. The Petitioner indicates that the structures and uses encroaching into the 50-foot setback are associated with farming, which is permitted by right. These structures comply with the R-20 setback and the gardens shown along the east property line are exempt from setbacks according to Sec. 103.0 and 128.0.A.1.1.

A Type "C" landscape buffer is proposed along the property lines to screen the site from adjacent residential uses.

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.

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 provide a minimum parking requirement for Charitable or Philanthropic Institutions: Offices and Educational Programs. The Petitioner is providing 22 parking spaces based on calculating half of the 4,000 s.f. building at the office requirement of 3.3 spaces per 1,000 s.f. and applying the most restrictive educational parking requirement of 1 space per 3 students. A similar parking category "Museums, art galleries, and similar uses" requires 3.3 spaces per 1,000 s.f., which equates to 13 spaces. Therefore, the 22 parking spaces will be appropriate for the proposed activities.

The parking areas are over 100-feet from the front property line and 70 feet from the closest side lot line. The Type "C" landscape buffer will screen the parking areas from adjacent residential uses and existing and proposed vegetation will screen the parking areas from the right-of-way.

No loading or refuse areas are proposed.

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.*

The ingress and egress location will remain the same as that approved in BA-81-56E. The Petition states that the estimated stopping site distance to the west is 600 feet and is approximately 350 feet to the east. However, a sight distance analysis was not submitted to verify these measurements.

According to the American Association of State Highway and Transportation Official (AASHTO) guidelines, the estimated necessary stopping sight distance is 200 feet for a car going 30 miles per hour. Based on the photos provided in the Petition, stopping sight distance appears to be adequate in both the left and right directions. With the review of future Site Development Plans, a speed study and sight distance profiles will be submitted and reviewed to confirm this determination.

Harriet Tubman Lane is a Major Collector. To verify sight distance for Major Collectors, AASHTO recommends an intersection sight distance analysis, which will be evaluated during Site Development Plan review.

The development will not share a driveway with other residential properties.

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

A stream and wetland area are located on the southern portion of the Property. The proposed use does not encroach into any of these environmentally sensitive areas or the required buffers. 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.*

There are no historic sites within one-half mile of the property. 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 the petition according to Section 131.0.N.12 (Specific Criteria for Charitable or Philanthropic Institutions: Offices and Educational Programs):

- a. *The minimum lot size in the R-ED, R-20 and R-12 Districts shall be one acre. The minimum lot size in the RC and RR Districts shall be three acres.*

Parcel 127 is zoned R-20 and is 5.8 acres.

- b. *The facility shall be limited to office functions and areas for meetings and educational programs related to the organization's primary purpose. The Hearing Authority must specify the allowed capacity and frequency of educational programs.*

The Petitioner is a 501(c)(3) non-profit organization whose mission is to enhance community health and well-being by fostering diverse connections between people and the natural world. The proposed facility will provide offices and educational programs related to organic food production/sustainable agriculture. The Petitioner proposes offices, meeting space, and educational events/classes for no more than 45 students at one time.

- c. *Outdoor uses are limited to necessary parking and access, with the exception of nonprofit organizations whose primary purpose is environmental conservation, in which case the use may include outdoor areas used to demonstrate principals and methods of environmental conservation.*

The Petitioner is a 501(c)(3) non-profit organization whose mission is to enhance community health and well-being by fostering diverse connections between people and the natural world. Outdoor uses include an education garden, outdoor education center, a raised deck for outdoor classes for demonstrating and facilitating environmental conservation.

- d. *All parking areas and outdoor activity areas shall be screened from surrounding properties and roads by landscaping or other appropriate means and located and designed to shield residential property from noise or nuisance.*

The parking areas are over 100 feet from the front property line and 70 feet from any side lot line. The Type "C" landscape buffer will screen the parking and outdoor activity areas

from adjacent residential uses. The existing and proposed vegetation will screen the parking areas from the right-of-way.

- e. *The design of new structures or additions to existing structures shall be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.*

The only new structures are two 75 square foot buildings located in the center of the property that are labeled “bath house” and “toilets”. The Petitioner has provided elevations/pictures of the proposed structures which demonstrate that they are compatible with the scale and character of the development in the vicinity. The small size of these buildings, their setback from the property lines, and their architecture will ensure that they are compatible with the residential scale and character in the vicinity.

- f. *Buildings, parking areas and outdoor activity areas shall be at least 50 feet from adjoining residentially zoned properties other than public road right-of-ways.*

All buildings, parking areas, and outdoor education areas are located over 50 feet from a residentially zoned property. Two preexisting sheds, one 275 sf shed along the east property line and one 505 sf shed along the west property line, encroach into the 50-foot setback requirement. The Petitioner indicates that these buildings are associated with farming, which is permitted by right and not subject to the 50-foot conditional use setback. Pursuant to Sec. 103.0 and 128.0.A.1.1, the gardens along the east property line are exempt from setbacks.

- g. *At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.*

Eighty-one percent of the area within the building envelope is not being used for buildings, parking, or driveways.

V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request, as described in the petition, for a Conditional Use for Charitable or Philanthropic Institutions: Offices and Educational Programs (Section 131.0.N.12) be **GRANTED**.

Approved by:

  
 \_\_\_\_\_  
 Amy Gowan, Acting Director

10-31-19  
 Date

**NOTE: The file is available for review at the Public Service Counter in the Department of Planning and Zoning.**

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

Date: June 25, 2019

Hearing Examiner TBD 1114119

Planning Board \_\_\_\_\_ Board of Appeals \_\_\_\_\_ Zoning Board \_\_\_\_\_

Petition No. BA-19-029C Map No. \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Petitioner: \_\_\_\_\_ The Community Ecology Institute, Ltd.

Petitioner's Address: \_\_\_\_\_

Address of Property: \_\_\_\_\_ SEE PETITION

Return Comments by 07/09/19 to Public Service and Zoning Administration

Owner: (if other than applicant) \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Petition: \_\_\_\_\_ SEE APPLICATION

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- 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.
  - \_\_\_\_\_ James Irvin, 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: \_\_\_\_\_  
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# Howard County

Department of Planning and Zoning

**Subject:** Board of Appeals Case No: BA-19-029C  
**Applicant:** *The Community Ecology Institute, Ltd.*  
**Petition:** A conditional use for a charitable or philanthropic institution, offices and other educational programs.

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

**From:** Development Engineering Division  
Department of Planning and Zoning

**Date:** June 25, 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.



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  
Howard County, Maryland  
Recommendations/Comments

Date: June 25, 2019

Hearing Examiner TBD

Planning Board \_\_\_\_\_ Board of Appeals \_\_\_\_\_ Zoning Board \_\_\_\_\_

Petition No. BA-19-029C Map No. \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Petitioner: The Community Ecology Institute, Ltd.

Petitioner's Address: \_\_\_\_\_

Address of Property: SEE PETITION

Return Comments by 07/09/19 to Public Service and Zoning Administration

Owner: (if other than applicant) \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Petition: SEE APPLICATION

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  - \_\_\_\_\_ James Irvin, Department of Public Works
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  - \_\_\_\_\_ 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: Advisory comment: although DFRS has no reason to deny conditional use of this property, it must be noted that the proposed "barn" to be used for meeting space would need a life safety evaluation. Based on square footage, if more than 100 people are able to be in the structure, a automatic sprinkler system would be required. If occupant loading is to be greater than 50, remote egress would be required. Property management should contact DILP Plans Review and the Office of the Fire Marshal to review the layout and planned use.



SIGNATURE

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

Date: June 25, 2019

Planning Board \_\_\_\_\_ Hearing Examiner TBD  
Board of Appeals \_\_\_\_\_ Zoning Board \_\_\_\_\_

Petition No. BA-19-029C Map No. \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Petitioner: The Community Ecology Institute, Ltd.

Petitioner's Address: \_\_\_\_\_

Address of Property: SEE PETITION

Return Comments by 07/09/19 to Public Service and Zoning Administration

Owner: (if other than applicant) \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Petition: SEE APPLICATION

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  - \_\_\_\_\_ Telecommunication Towers – (Comm. Dept.)
  - \_\_\_\_\_ Division of Transportation – Dave Cookson

COMMENTS: NO COMMENT NOR OBJECTION.  
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\_\_\_\_\_  
\_\_\_\_\_

T. Scott Newell MDOT SHA DIST. 7  
T. SCOTT NEWELL SIGNATURE



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# Howard County

*Internal Memorandum*

**Subject:** BA-19-029C: The Community Ecology Institute

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

**From:** Kent Sheubrooks, Chief *KS*  
Division of Land Development

**Date:** July 1, 2019

**This Division is in receipt of your request for comments on the above references Conditional Use petition. Our comments are provided below.**

1. If the Conditional Use is approved by the Hearing Authority, the applicant will be required to submit a new Environmental Concept Plan and Site Development Plan to the Department of Planning and Zoning for the proposed site improvements prior to applying for permits with the Department of Inspections, Licenses and Permits.
2. If the Conditional Use is approved by the Hearing Authority, the applicant will be required to submit a plat for any modification of property lines and/or proposed easement areas.
3. A Use-In-Occupancy permit will be required for the existing barn.
4. Any proposed impacts to the environmental features on site will require submittal of an Alternative Compliance application.
5. Forest Conservation requirements will need to be addressed with the Site Development Plan in accordance with Section 16.1200 of the Howard County Code and Forest Conservation Manual.
6. Landscaping requirements will be reviewed at the Site Development Plan stage
7. Any proposed outdoor lighting must comply with the regulations set forth in Section 134.0 of the Howard County Zoning Regulations.
8. Parking requirements will be reviewed at the Site Development Plan stage. Please verify parking requirements for each proposed use with the Division of Public Service and Zoning Administration. A Parking Needs Study may be required if the proposed use(s) is/are outside of the uses outlined in Section 133.0 of the Howard County Zoning Regulations.

9. Confirm with the Development Engineering Division any and all requirements for paving.

10. Contact the Division of Public Service and Zoning Administration concerning any Temporary Use needs.

H Drive/Tmaenhardt/BA-19-029C Community Ecology Institute July 2019

**Russell, Kristin**

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**From:** pdox  
**Sent:** Thursday, June 27, 2019 7:24 PM  
**To:** Russell, Kristin  
**Subject:** ProjectDox New Topic/Note Notification for BA-19-029C

**Click Here to View  
Help Resources and Instructions**

**New Topic/Note Notification**

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**Attention Kristin Russell:**

A new Topic or Note has been added to the project listed below.

Project:	BA-19-029C
Path:	BA-19-029C
Author:	Beth Burgess
Subject:	BA-19-029C- RCD comments
Category:	Memo
<a href="#">Login to ProjectDox</a>	

RCD approves this plan and has no comments regarding the application.

If you do not have access to the specified folder, please contact the [Project Administrator](#).

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