



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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November 20, 2017

## TECHNICAL STAFF REPORT

*Planning Board Meeting of December 7, 2017*

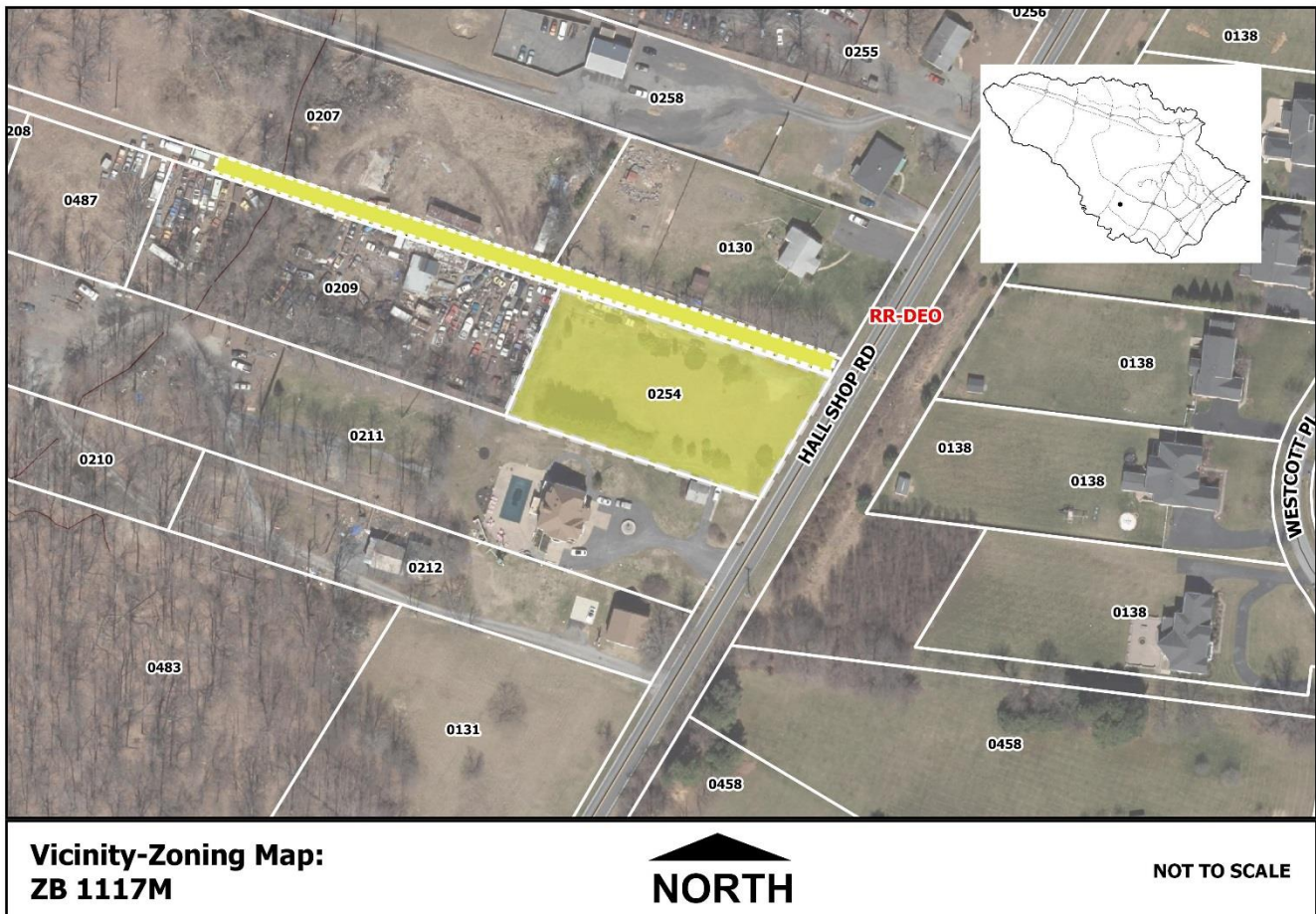
**Case No./Petitioner:** ZB-1117M – Michael and Caroline Boosalis

**Location:** Fifth Election District  
West side of Hall Shop Road approximately 1,731 feet northeast of Simpson Road  
Tax Map 41, Grid 1, Parcel 254; 12064 Hall Shop Road  
(the "Property")

**Area of Site:** 1.04 acres

**Current Zoning:** RR-DEO (Rural Residential-Density Exchange Option Overlay)

**Proposed Zoning:** BR (Business: Rural)



## **I. DESCRIPTION OF PROPOSAL**

The Petitioners propose to rezone the Property from the Rural Residential-Density Exchange Option (RR-DEO) District to the Business Rural (BR) Floating District to establish a paving contractor business. The Petition states that this business, Mt. Airy Tar & Chip, Paving, Inc., has operated from the rear of the neighboring parcel since 1989, however Conditional Use approval cannot be obtained in that location due to the setback requirements, which cannot be met.

The BR District requires a Preliminary Development Plan (PDP) that shows the proposed uses, environmental features, and site layout. The PDP shows a 625 square foot two-story office building, a new paved parking area with six parking spaces, a storage area for vehicles and equipment, and vegetative buffers along the west, south, and east property lines.

The PDP also shows a 15-foot pipestem portion of adjacent Lot 209 included in the proposed BR district. The pipestem is deeded right-of-way, however, the Petition does not explain why rezoning it to BR is necessary. Since this right-of-way may only be used for access to Parcel 209 and is not included in the proposed paving business, it should remain RR-DEO.

The paving business will consist of three paving-related employees, one office employee, one tar truck, two dump trucks, two single-axle vehicles, two regular trailers, and three small trailers. Typical business activities will start at 8:00 a.m. Monday through Friday and involve preparing the vehicles/trailers for approximately 45 minutes, which will then leave the site. They will return between 5:00 p.m. and 7:00 p.m.

Section 117.1.F. of the BR District authorizes the Zoning Board to reduce the structure and use setbacks upon finding that the development is compatible with the neighboring land uses. The proposed plan complies with the 50-foot setback from the right-of-way, but requires that the 100-foot setback from adjoining residentially zoned properties, to the sides and rear, be reduced. The Petitioners propose setbacks of zero feet from the north lot line, 10 feet from the south lot line, and 15 feet from the west lot line.

## **II. ZONING HISTORY**

The Property and all surrounding properties were zoned R-40 in 1961. In the 1977 Comprehensive Zoning Plan, the area was rezoned to R (Rural), which was retained in the 1985 Comprehensive Zoning Plan. The area was rezoned to RR-DEO in the 1993 Comprehensive Zoning Plan.

In 1993, the Property and several properties to the north, west, and southwest were confirmed as a Nonconforming junkyard in BA-93-12N. Additionally, three parcels farther to the north were granted the same request in BA-93-11N. These junkyards are still operating, to some extent, on these parcels. Based on aerial photographs, the Property appears to have mainly been used for vehicle access and limited parking/storage.

## **III. BACKGROUND INFORMATION**

### **A. Site Description**

The Property is rectangular-shaped and vacant. A paved/stone-surfaced driveway extends along the north property line through two deeded rights-of-way and provides access to the

nonconforming junkyard to the west. The low point is approximately elevation 468 feet, at the west lot line. The site rises to the east to an elevation of 482 feet in a cleared, open area at the front of the parcel.

**B. Vicinal Properties**

Direction	Zoning	Land Use
North	RR-DEO	Driveway/pipestem to Nonconforming junkyard to west. Single-family detached dwelling (Parcel 130)
South	RR-DEO	Single-family detached dwelling (Parcel 211 – Owned by Petitioners)
East	RR-DEO	Hall Shop Road. Preservation Parcel B of the Hall Shop Manor subdivision.
West	RR-DEO	Nonconforming junkyard (Parcels 209, 487, and 208)

**C. Roads**

The Property fronts Hall Shop Road, which has two travel lanes and approximately 20 feet of paving within an approximately 50-foot wide right-of-way. The speed limit is 35 miles per hour.

The estimated sight distance from the proposed driveway entrance is approximately 1,660-feet to the north and approximately 1,750-feet to the south. However, precise sight distance measurements can only be determined by a detailed sight distance analysis.

According to Maryland Department of Transportation data, the traffic volume on Hall Shop Road, from Guilford Road to Clarksville Pike, was 1,395 AADT (annual average daily trips) as of 2016.

**D. Water and Sewer Service**

The Property is not within the Metropolitan District or the Planned Service Area of the Howard County Water and Sewerage Master Plan.

The Property would be served by private water and septic facilities. The plan shows a private well easement located on Parcel 211 to the south, and a septic easement to be located in the front yard.

**E. General Plan**

The Property is designated as a Low Density Residential place type on the *PlanHoward 2030* maps and the Land Use Map shows the Property as Undeveloped Residential.

Hall Shop Road is a Major Collector.

**F. Agency Comments**

To date, DPZ has not received responses to our request for comments from various regulatory agencies. Any responses received prior to the Planning Board meeting will be forwarded to the Planning Board.

#### IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

PlanHoward 2030 does not contain policies related to establishing a contractor business in Rural Residential areas by approving a BR district. However, the proposed rezoning encourages small business entrepreneurship and addresses the need for an existing business to expand. Therefore, it is supported by the following economic development policy:

**Policy 5.1**

Identify, develop, implement and refine a comprehensive program to foster a diversified economy and encourage innovation and entrepreneurship.

Implementing Action - Existing Businesses

Continue to support and address the needs of existing businesses.

B. Evaluation of Section 117.1.B. (Criteria for a BR District)

1. *The proposed BR District is within the No Planned Service Area of the Howard County Water and Sewerage Master Plan.*

The Property is within the No Planned Service Area of the Howard County Water and Sewerage Master Plan.

2. *The proposed BR District has safe road access and at least 60 feet of frontage on:*

- a. *A collector or arterial highway or*

- b. *A local road provided the subject property adjoins a collector or arterial highway and the local road access point is within 400 feet of the collector or arterial highway and there are no intervening residential parcels on the same side of the local road.*

Hall Shop Road is a Major Collector, and the Property's frontage is approximately 147 feet. Sight distance from the proposed driveway entrance is approximately 1,660-feet to the north and approximately 1,750-feet to the south.

3. *A BR District at the proposed location will be compatible with existing land uses in the vicinity of the site.*

A nonconforming junk yard is located west of the Property and single-family detached dwellings are to the north, south, and east, across Hall Shop Road. The single family property to the south is owned by the Petitioners. The properties to the east will be screened by a proposed vegetative buffer and separated by the Hall Shop Road right-of-way. Additionally, these properties do not front, or have access to Hall Shop Road.

The office building and parking areas are in the southwest corner of the site, adjacent to the nonconforming junkyard and petitioner's residence; thereby limiting any impacts on neighboring residential. The business will have four employees and activities on the site will consist of office work, preparing vehicles for job sites at 8:00 a.m. and returning the vehicles to the site between 5:00 and 7:00 p.m.

The limited scale and location of the use, combined with proposed and recommended buffering, will ensure that the development is compatible with neighboring land uses.

C. Evaluation of Section 117.1.G.3. (Zoning Board findings for a BR District)

1. *The proposed district will accomplish the purposes of the BR District.*

*The BR District is established to allow the development of businesses which will support the agricultural industry, serve the needs of the rural residential and farming communities, and provide opportunity for a combination of business and industrial uses not otherwise permitted in the rural areas of the County.*

The proposed BR District provides an opportunity to establish a paving company in the Rural West, which is otherwise not permitted in the RR, RC, B-1, or B-2 Districts. The proposed use will serve agricultural, commercial, and residential uses that require paving contractors to construct driveways, parking lots, and storage areas. Since a paving contractor is a permitted use in the BR District this zone change will accomplish the purpose of the district.

2. *The site meets the criteria listed in Subsection B of this Section.*

These criteria are evaluated in the preceding section (B. Evaluation of Section 117.1.B.)

3. *The roads providing access to the site are appropriate for serving the business-related traffic generated by the proposed district.*

Hall Shop Road is a Major Collector, which is an appropriate road classification for the type and number of vehicles associated with the proposed use.

4. *Adequate sight distance along roads can be provided at proposed points of access to the site.*

Based on existing conditions, the proposed access point on Hall Shop Road is approximately 1,660 feet from a bend in the road located to the northeast, and is approximately 1,750 feet from a bend in the road located to the southwest. According to the American Association of State Highway and Transportation Official (AASHTO) guidelines, based on an estimated stopping sight distance of 250 feet for a car going 35 miles per hour, the proposed access point on Hall Shop Road appears to accommodate safe access, with adequate stopping sight distance. However, Hall Shop Road is a Major Collector and AASHTO recommends conducting an intersection sight distance analysis, in addition to a stopping sight distance analysis.

A site distance analysis must be conducted to conclusively evaluate sight distance at the

proposed location. A sight distance analysis is typically conducted when a Site Development Plan is submitted and its approval would be contingent on complying with all Howard County design criteria, including sight distance requirements.

5. *The proposed landscaped area can provide adequate buffering of the permitted uses from existing land uses in the vicinity.*

The Petitioners propose a 625-square foot office building, 6 parking spaces, and a small area for commercial vehicle parking in the southwest corner of the site. The business will only have four employees and their activities will consist of office work and preparing vehicles to leave the site at 8:00 am and return between 5:00 and 7:00 p.m.

A nonconforming junk yard is located west of the Property and single-family detached dwellings are to the north, south, and east across Hall Shop Road. The single family property to the south is owned by the petitioner.

Vegetative buffers are proposed along the west, south, and east property lines. Aerial photographs show numerous existing shade trees along the north lot line. Additionally, "Schedule A Perimeter Landscape Edge" of the Preliminary Development Plan indicates five shade trees along the north lot line. The trees are not shown in this area on the actual plan; however, DPZ recommends that they be shown.

By including a vegetative buffer along the north lot line, the proposed landscaped areas will provide adequate buffering, given the location and limited scale of the proposed use.

D. Evaluation of Section 117.1.F.3. (Zoning Board finding for BR District setback reductions).

*The setback reductions will still ensure that the development is compatible with the neighboring land uses.*

The proposed use requires reducing the 100-foot setback from adjoining residentially zoned properties to the sides and rear. The Petitioners propose setbacks of zero feet from the north lot line, 10 feet from the south lot line, and 15 feet from the west lot line.

A nonconforming junk yard is located west of the Property and single-family detached dwellings are to the north, south, and east, across Hall Shop Road. The single family property to the south is owned by the petitioner.

The office building and parking areas are in the southwest corner of the site, adjacent to the nonconforming junkyard and Petitioner's residence. Given their location, reduced setbacks to the south and east lot lines will not adversely impact neighboring homes. Additionally, given the limited number of employees and hours of operation, the proposed use is compatible with neighboring land uses.

However, the proposed zero lot line setback from the north, allows driveway access along the north property line. The plan depicts a 30-foot wide drive aisle with a vegetative buffer along a portion. DPZ recommends that this setback reduction be granted contingent on extending a landscaped buffer to screen the parking and office area.

The limited scale and location of the use, combined with proposed and recommended

buffering, will ensure that the development is compatible with neighboring land uses.

**V. RECOMMENDATION**

For the reasons noted above, the Department of Planning and Zoning recommends that that the request to rezone the Property from RR-DEO to BR, with an associated Preliminary Development Plan for a paving contractor be **GRANTED**, subject to the following conditions:

1. A vegetative buffer shall be provided to screen the office building and parking areas from Parcel 130.
2. The portion of the 15' deeded right-of-way adjacent to Parcel 209 shall remain RR-DEO, since it may only be used for vehicular access to Parcel 209 and is not included in the proposed paving business.

Approved by:

 11/21/17  
Valdis Lazdins, Director Date

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