

1 **BFEA-CURTIS FARM, LLC** * **BEFORE THE**
 2 **PETITIONER** * **PLANNING BOARD OF**
 3 **ZRA-202** * **HOWARD COUNTY, MARYLAND**

4
 5 * * * * *

6 **MOTION: Recommend approval of ZRA-202 with amendments.**

7 **ACTION: *Recommend Approval; Vote 5-0.***

8 * * * * *

9 **RECOMMENDATION**

10 On December 15, 2022, the Planning Board of Howard County, Maryland, considered the petition of
 11 BFEA-Curtis Farm, LLC (Petitioner) to amend the Howard County Zoning Regulations to allow additional
 12 Historic Venue Uses, including weddings, parties, and similar assembly events, in the R-20 Zoning District as
 13 a conditional use under Section 131.0.N.27-Historic Building Uses, subject to certain conditions. Properties in
 14 the R-20 zoning districts would be subject to the following criteria to be eligible:

- 15 (1) The minimum lot size shall be 7 acres.
- 16 (2) The use shall not share a driveway with another residential lot.
- 17 (3) Parking areas shall be set back a minimum of 30 feet from all property lines or public street rights-of
- 18 way and adequately screened to minimize visibility from the roadway and adjacent properties.
- 19 (4) The site shall have frontage on and direct access onto a collector or arterial road designated in the general
- 20 plan
- 21 (5) Outdoor use is permitted provided that any outdoor use area is located and screened to adequately shield
- 22 adjacent residential lots from noise and nuisance.
- 23 (6) All outdoor uses shall be located within 500 feet of the principal historic structure on the property.
- 24 (7) Petitioner shall submit a Sound Management Plan demonstrating how sound from outdoor uses will be
- 25 managed to minimize adverse impacts on surrounding residential properties.
- 26 (8) The Hearing Authority may set the days, hours of operation, and maximum number of guests for historic
- 27 venue uses.

28 The Planning Board considered the petition and the Department of Planning and Zoning (DPZ) Technical
 29 Staff Report.

30 **Testimony**

31 Mr. Thomas Coale, counsel for the petitioner, stated that the purpose of the ZRA is to increase the
 32 possible uses and sources of revenue to support the maintenance of historic buildings and properties. He

1 furtherstated that some of the uses that may be approved through the Historic Building Uses Conditional Use
2 are more intense than those included in the ZRA amendment. Mr. Coale asserted the proposed venue uses have
3 less impact than agricultural uses, which are allowed as a matter of right on the Petitioner's property. The
4 Petitioners, Barbara Bindon and Stephen Ferrandi, also testified and spoke about the preservation of the
5 Shipley-Curtis farm site and the high costs of maintenance.

6 In response to questions from the Board regarding the applicability of the ZRA, Mr. Coale stated that
7 the ZRA would apply to seven (7) R-20 historic properties and not solely to the Petitioner's property (note the
8 TSR only indicated 6 properties). Ms. Mosier asked why the ZRA was limited to the R-20 zone and not
9 applicable to the other districts in the current Historic Building Uses. Mr. Coale clarified that the district
10 limitation was intended to make the impact of the ZRA less broad and thus more likely to be accepted. Mr.
11 Coleman asked whether adding more restrictive criteria and specific use definitions would make the ZRA more
12 acceptable. Mr. Coale responded that conditional use criteria are typically generalized while the actual petitions
13 and Hearing Examiner approvals are property specific.

14 Seven members of the public testified in opposition to the proposed ZRA asserting that this amendment
15 appears to solely benefit the Petitioner and that these types of events should have a larger buffer because they
16 produce noise that can be heard in the surrounding neighborhoods. Additionally, they indicated that these new
17 assembly uses would create traffic and parking problems for adjacent communities. The Shipley's Grant HOA
18 President summarized the opposition testimony and stated that there are currently a variety of non-residential
19 uses allowed under the current Historic Building Uses conditional use category that the Petitioner could request
20 approval for. A final speaker opposed the ZRA because it does not include criteria to regulate amplified music,
21 serving of alcohol, and event hours.

22 Board Discussion and Recommendation

23 In work session, Board members agreed that adaptive reuse of historic structures is a policy that should
24 be supported. The Board discussed whether this ZRA was tailored only to the Petitioner's property and whether
25 the proposed criteria were sufficient to address the typical impacts of public assemblage uses. One member
26 asserted that some of the Limited Social Assemblies conditional use criteria should be applied to the proposed
27 use, although not all of these criteria were discussed in detail. Several members discussed whether additional
28 criteria should be included in a Planning Board recommendation or whether additional criteria would be best
29 applied by County Council during legislative process.

30 Mr. Engelke motioned to recommend approval of ZRA-202, with an amendment to criterion #7 to
31 include "adequate setback and buffering from residential properties" and to apply the criteria in Sec. 131.0.N.33
32 Limited Social Assemblies that is more restrictive than what is proposed to the Historic Venue Uses. Ms.
33 Mosier seconded the motion. The motion passed 5-0.

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1 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this Day day of
2 January 2023, recommends that ZRA-202, as described above, be **APPROVED**.

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5 HOWARD COUNTY PLANNING BOARD

6 DocuSigned by:
7 Edward T Coleman
8 Ed Coleman, Chair

9 DocuSigned by:
10 Kevin McAdams
11 Kevin McAdams, Vice-chair

12 DocuSigned by:
13 Phillips Engelke
14 Phillips Engelke

15 DocuSigned by:
16 James Cecil
17 James Cecil

18 DocuSigned by:
19 Barbara Mosier
20 Barbara Mosier

21 ATTEST:

22 DocuSigned by:
Amy Gowen
Amy Gowen, Executive Secretary