



Kinley R. Bray ♦ 443-569-5974 ♦ kbray@yvsllaw.com

February 14, 2025

Ms. Sterling Seay  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road, 3rd Floor  
Annapolis, MD 21401

Re: Special Exception for Veterinary Clinic, 1320 Generals Highway,  
Crownsville, Maryland, Tax Map 38, Grid 14, Parcel 909 (the  
"Property")/Letter of Explanation

Dear Ms. Seay:

We represent BRM MD MGMT, LLC<sup>1</sup> (the "Applicant") regarding the enclosed special exception application, which proposes to establish a veterinary clinic on the Property. The proposed veterinary clinic will be operated by Bay Country Veterinary Hospital ("Bay Country"), an affiliate of the Applicant, currently located in the same surrounding neighborhood of the Property, at 1197 Generals Hwy, Crownsville, MD 21032. As further explained below, due to increased demand over the last several years, Bay Country is seeking to relocate to a larger space.

#### **Description of the Property**

The Applicant recently purchased the Property with the intent to construct and operate, through its affiliate, Bay Country Veterinary Hospital, a veterinary clinic. The Property comprises approximately 1.4 acres along Generals Highway in Crownsville. Generals Highway is classified as a Principal Arterial Road on the MDOT SHA Functional Road Classification Map.

The Property is currently improved with a home, swimming pool, sheds, two large detached garages/buildings, and associated asphalt driveways. An aerial photograph showing existing conditions of the Property is attached as **Exhibit A** and Sheet 1 of the Site Plan depicts the existing conditions (**Exhibit B**). The Property is accessed via an ingress/egress driveway on Generals Highway. The Property does not currently have vehicular access along Fairfield Loop Road, a local road. The Applicant proposes additional access to the Property by Fairfield Loop Road and has aligned the said access with the centerline intersection of Fairfield Estates Lane. The Applicant proposes to construct a new acceleration/deceleration lane along Generals Highway to provide safe ingress and egress to the Property. See Sheet 2, **Exhibit B**.

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<sup>1</sup> The Applicant acknowledges that there is a discrepancy in the Applicant's conveyance deed recorded among the Land Records of Anne Arundel County in Book 40534 at page 414 which defines the Applicant/grantee as "BRM MG MGMT, LLC" instead of "BRM MD MGMT, LLC". The Applicant is working to resolve this discrepancy.

Per the Zoning Map attached as **Exhibit C**, the Property is classified in the RA – Rural Agricultural District. Pursuant to § 18-4-106 of the Anne Arundel County Code, animal hospitals and veterinary clinics are permitted as a special exception use in the RA District. The Property is not located within the Chesapeake Bay Critical Area or a bog protection area.

The surrounding neighborhood is characterized by commercial office, retail, and residential uses, including a commercial office building directly across the street from the Property, a US Post Office, and a automobile gasoline station. The surrounding neighborhood is classified with a mixture of RA, RLD, C1, C2, and C4 zoning.

### **Development Proposal**

Bay Country's current location (1197 Generals Highway) is 0.7 miles from the Property and at this time does not have the ability to accommodate the demand for veterinary services the clinic is experiencing. Bay Country has simply outgrown its current location. The acquisition of this Property was intended to allow Bay Country to relocate from its current 2,500 square foot building to serve its current client base and provide for future growth. The new location will allow for Bay Country to provide care for more pets in Crownsville and the surrounding areas.

Bay Country intends to operate a general practice animal hospital/veterinary clinic without emergency services. No overnight boarding is proposed. A total of 22 employees is proposed, and the facility will operate from 8:00 a.m. – 8:00 p.m. Monday-Thursday, on Fridays from 8:00 a.m. to 6:00 p.m., from 8:00 a.m. to 1 p.m. on Saturdays, and from 9:00 a.m. to 12:00 p.m. on Sundays.

### **Request for Special Exception Approval for an Animal Hospital and Veterinary Clinic**

Pursuant to § 18-16-304 of the Code, an applicant must demonstrate that an application for special exception meets all of the general criteria for special exception uses contained therein. The Applicant posits that the proposed special exception meets the criteria in the following manner:

- (1) *The use will not be detrimental to the public health, safety, or welfare;*

The proposed use as a veterinary clinic will pose no threat to the public health, safety, or welfare. Bay Country has been operating at its current location, less than one mile from the Property, for decades, with no documented violations of the Code or known complaints from neighbors. A special exception was required to construct and operate the current location, and approval was granted by the Administrative Hearing Officer in Case No. S-59-73 on July 11, 1973. The zoning of the existing location is RLD, which is a low-density residential zone, similar in nature to the Rural Agricultural (RA) zoning of the subject Property. In the more than 22 years that Bay Country has operated at 1197 Generals Highway, there has not been a suggestion that the use is detrimental to the public health, safety, or welfare, and the Applicant intends to continue to operate its veterinary practice on the Property in the same respectful manner that is compatible with the surrounding neighborhood.

- (2) *The location, nature, and height of each building, wall, and fence, the nature and extent of landscaping on the site, and the location, size, nature, and intensity of each phase of*

*the use and its access roads will be compatible with the appropriate and orderly development of the district in which it is located;*

The proposed development has been designed to ensure appropriate location of buildings, vehicle parking, trash storage, and ingress/egress, as well as landscaping relative to the surrounding neighborhood. The facility will be located more than 100' from adjacent residential property, and will be oriented toward Generals Highway, a State Highway, and Fairfield Loop, a local road. The facility will be designed to meet the requirements of the Landscape Manual. Appropriate ingress and egress is provided using the two existing access points on General's Highway, and a third access point is proposed for Fairfield Loop, ensuring adequate circulation of vehicles in and out of the facilities without queuing on either road.

- (3) *Operations related to the use will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed under this article;*

The Applicant does not believe that there are any likely to be any more objectionable impacts from operations on the Property than other uses allowed in the RA Zone. For example, the RA Zone permits, as a matter of right, farming, golf courses, libraries, museums, parks, roadside agricultural stands, farm dual uses, all of which generate significant impacts including noise, fumes, vibrations, and traffic.

- (4) *The use at the location proposed will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district;*

The facility will not have any significant, non-inherent adverse effects. The facility will be operated by the same owners as the existing facility at 1197 Generals Highway, and no new services are proposed. The facility will not have a crematorium.

- (5) *The proposed use will not conflict with an existing or programmed public facility, public service, school, or road;*

The Applicant is not aware of any existing or programmed public facility, public service, school, or road impacts that would be created by the proposed use. A post office is located approximately 135 feet from the site and South Shore Elementary is approximately 522 feet from the site, neither of which will be impacted by the proposed use.

- (6) *The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning;*

The Applicant has revised its applicant pursuant to prefile comments from the Office of Planning and Zoning and the Department of Health. And has filed this revised application address the written recommendations and comments of the Office of Planning and Zoning. The Department of Health will comment at the appropriate time after review of the Application.

*(7) The proposed use is consistent with the County General Development Plan;*

The Planned Land Use Map of the General Development Plan classifies the Property as Rural. This is consistent with the existing RA Zoning. A veterinary clinic is permitted as a special exception use in the RA Zone because the Council has legislatively pre-determined that this use is compatible with the RA Zone, so long as there are no non-inherent adverse impacts created in locating the proposed use on the Property. *People's Counsel for Balt. Cty. v. Loyola College in MD*, 406 Md. 54 (Md. 2008).

*(8) The applicant has presented sufficient evidence of public need for the use;*

As will be shown by evidence at the hearing, there is a public need for the facility. Public need has been interpreted by the Maryland Courts for decades to mean that the facility will be "expedient, reasonably convenient and useful to the public". *Lucky Stores, Inc. v. Board of Appeals of Montgomery County*, 270 Md. 513 (1973). This facility will indeed be expedient, reasonably convenient, and useful to the public, because it is designed as a replacement facility for a veterinary clinic that is thriving in the same neighborhood.

*(9) The applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use;*

As discussed further *infra*, the facility will comply with the specific special exception criteria for the proposed use.

*(10) The application will conform to the critical area criteria for sites located in the critical area; and*

This criterion does not apply as the Property is not located within the critical area.

*(11) The administrative site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual.*

The Administrative Site Plan demonstrates that there is sufficient area on the Property to provide landscaping in compliance with the Landscape Manual. To the extent necessary, the Applicant may seek a modification to the 25-foot buffer required by the Landscape Manual from Generals Highway as necessary to balance land needed for access and parking without necessitating variances from same.

In addition to the general criteria listed above, the Application conforms to the specific criteria for the proposed use. Section 18-11-103 of the Code states that "an animal hospital or veterinary clinic shall comply with all of the following requirements:

- (1) All structures, enclosed coops, and enclosed runs for the housing or shelter of animals and fowl shall be located at least 50 feet from residentially zoned property.*

The facility has been designed so that all structures are located at least 50 feet from adjacent residentially-zoned property. No enclosed coops or runs are proposed.

- (2) *Unenclosed coops and runs shall be located at least 100 feet from residentially zoned property.*

No unenclosed coops or runs are proposed, as the facility will not include overnight boarding. There is a small pet relief area proposed on the grounds, which will be used by staff walking dogs on leashes when necessary. As no boarding is proposed, it is not anticipated that every animal visiting the clinic will require use of this portion of the Property.

- (3) *The housing of animals may not be located in a required setback; and*

No animal boarding is proposed, therefore there is no housing of animals proposed.

- (4) *The facility may not be noxious, offensive, or otherwise objectionable to surrounding residential uses.*

The Applicant will demonstrate at the hearing, and the Administrative Site Plan shows that the facility will not create any noxious, offensive, or otherwise objectionable impacts on surrounding residential areas. The facility has been designed to minimize impacts on surrounding residential parcels, to facilitate the safe and efficient flow of vehicles and traffic, to accommodate employee and customer parking, and to enclose any potential noise-generating activities at least 100 feet from any adjacent property.

#### **Request for Variance to §18-4-301 Front Line Setback Requirement**

The Applicant is requesting variance relief pursuant to § 18-16-305 of 7 feet to the 40-foot principal structure setback. As the Property is dual frontage, the front line setback applies to both the east and west property lines.

§ 18-16-305 of the Code sets for the requirements for granting a zoning variance. Variances may be granted when an Administrative Hearing Officer finds “that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done.” A variance may only be granted if the Administrative Hearing Officer affirmatively finds the following:

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or
- (2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

Code § 18-16-305(a)(1) & (2). Additionally, an Administrative Hearing Officer must also find that:

- (1) the variance is the minimum variance necessary to afford relief; and
- (2) the granting of the variance will not:
  - (i) alter the essential character of the neighborhood or district in which the lot is located;
  - (ii) substantially impair the appropriate use or development of adjacent property;
  - (iii) reduce forest cover in the limited development and resource conservation areas of the critical area;
  - (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor
  - (v) be detrimental to the public welfare.

Code, § 18-16-305(c).

### **Compliance with the County's Variance Requirements**

- (1) *Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or*
- (2) *Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.*

The Property is narrow and uniquely configured. The Property fronts both Generals Highway, a SHA principal arterial road, and Fairfield Loop Road, a local road. This dual frontage is unique in itself, however, the Property is also adjacent to residentially zoned property to the north and south, further restricting development of the Property due to setbacks.

- (3) *The variance is the minimum variance necessary to afford relief. Code, § 18-16-305(c)(1).*

The Applicant's plans minimize interference to the setback area. Due to the conceptual design requirements, and because of the Applicant's particular needs as a veterinary clinic, the Applicant requires a large primary structure. The spatial limitations and orientation of the Property itself require that the building be located near the Property's lot line, and within the setback area. However, Applicant has minimized said interference by condensing the structure width so as to prevent interference with the setbacks. Applicant submits that there is no other location on the Property within the existing spatial plan requirements which permit less interference with the setback requirements. This setback variance does not impact the neighboring property owners to the north and south, reconfiguring the building would impact adjacent properties as necessary parking, stormwater management, landscaping, and other development requirements would need

to be reconfigured. Due to spatial limitations, Applicant has attempted to minimize interference with the setback requirements. Applicant has minimized this variance request.

- (4) *The variance will not alter the essential character of the neighborhood or district in which the lot is located. Code, § 18-16-305(c)(2)(i).*

The variance will not alter the essential character of the neighborhood or district in which it is located. As stated above, the Applicant's current location is less than one mile from the Property and the Applicant intends to continue to operate its veterinary practice on the Property in the same respectful manner that is compatible with the surrounding neighborhood.

- (5) *The variance will not substantially impair the appropriate use or development of adjacent property. Code, § 18-16-305(c)(2)(ii).*

The requested variance will not impair the use or development of adjacent properties. The Applicant has met or exceeded the setback requirements to adjacent properties and the proposed use will have no impact on the existing homes.

- (6) *The variances would not reduce forest cover in the limited development and resource conservation areas of the critical area. Code, § 18-16-305(c)(2)(iii).*

As there is no critical area on the Property, granting the variance requested herein will not run afoul of this requirement.

- (7) *The variances would not be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area. Code, § 18-16-305(c)(2)(iii).*

As there is no critical area or bog protection area on the Property, granting the variance requested herein will not run afoul of this requirement.

- (8) *The variances will not be detrimental to the public welfare. Code, § 18-16-305(c)(2)(v).*

The requested 7-foot variance to the 40 foot setback would not negatively affect the public welfare. The setback requirements are implemented to prevent intrusion of one lot owner to another and to protect against over-crowding. There are no intrusions onto neighboring parcels and the requested intrusions into the setback perimeter are still reasonable given the commercial nature of the development and the unique lot. The lot borders roads on two sides and is not wide enough to support a building without a variance to the setback requirements. The building will sit 33 feet back from Fairfield Loop Road.

#### **Request for Variance to Extend the Time to Obtain a Building Permit**

In addition, we are requesting that the Administrative Hearing Officer grant variance approval to extend the required 18-month period provided in Code § 18-16-405(a) for the

Applicant to obtain a building permit. Designing and processing the new Veterinary Clinic plans through the County plan review and permit process, and then obtaining permits to raze the existing improvements, will require extensive agency coordination and responses from the Applicant's engineer and architect. Therefore, due to the character of the proposed project, we request a variance for an additional 18-month period to obtain a building permit. We believe this request meets the variance approval standards discussed above.

The Applicant also requests as a condition of the special exception approval that it be permitted to make modifications to the administrative site plan to address comments by County and State agencies during the plan and permit review process, so long as no greater variances are required for such modifications.

### **Conclusion**

For the foregoing reasons, and for good cause shown, cause shown, the Applicant respectfully requests special exception approval to operate a veterinary clinic on the Property and variance approval to allow for additional time to obtain a building permit.

Should you have any questions regarding the enclosed special exception and variance application, please contact me at [kbray@yvslaw.com](mailto:kbray@yvslaw.com) or 443.569.5974. We look forward to your comments and appreciate your considered review of the application.

Very truly yours,

YVS Law, LLC

A handwritten signature in dark ink, appearing to read 'K. Bray', with a long horizontal flourish extending to the right.

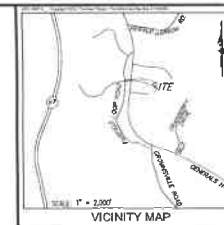
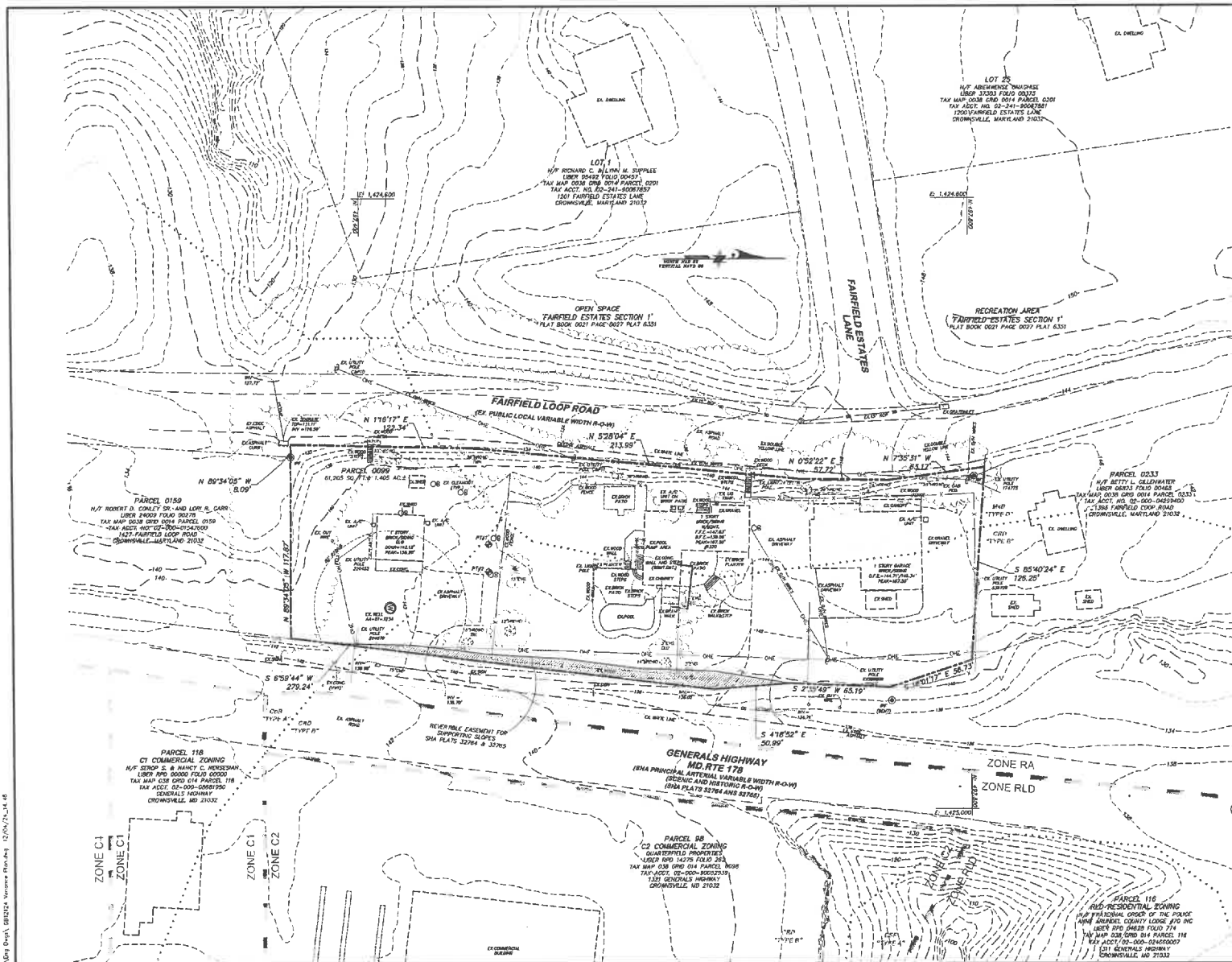
Kinley R. Bray

Cc: Client  
Attachments



EXHIBIT A  
AERIAL



SPECIAL EXCEPTION REQUEST

**VARIANCE REQUEST**

PERC TEST RESULTS (02045239)					
Perct No.	Results	Time	Depth		Water Table
1	0.45 P	3 Min	30"	0.75 Coarse Sand, 2.5% Coarse (Med) Sand	Moisture 20%

### SITE TABULATIONS

**LEGEND**

EXISTING CONTOUR

EXISTING CHANTRY LINE

EXISTING STORMDRAIN LINE

EXISTING UTILITY POLE

EXISTING OVERHEAD ELECTRIC LINE

SETBACKS/BUILDING RESTRICTION LINE

SOILS DELINEATION

EXISTING WELL

ZONING DELINEATION

EXISTING LOT COVERAGE TO BE REMOVED

EXISTING GHA REVERTIBLE EASEMENT

DESIGNED:	DRAWN: GCM	REVISIONS TO APPROVED PLANS			
CRG. DATE: 5/8/2004		No.	DATE	BY	DESCRIPTION
MODIFIED BY/DATE:					
CADD ENG. #:					
DLA PROJECT #					
<p>© Drum, Lyette &amp; Associates, LLC          These drawings are the property of Drum, Lyette &amp; Associates, LLC. Unauthorized reproduction for any purpose is prohibited and is a violation against copyright law. Drawings will be subject to prenotification to permit the owner to make any necessary changes.</p>					



**Drum, Loyka & Associates, LLC**  
 CIVIL ENGINEERS - LAND SURVEYORS  
 1410 Forest Drive, Suite 35  
 Annapolis, Maryland 21403  
 Phone: 410-280-3122  
[www.drumlloyka.com](http://www.drumlloyka.com) | [info@drumlloyka.com](mailto:info@drumlloyka.com)

"Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.  
License No. \_\_\_\_\_  
Expiration Date \_\_\_\_\_

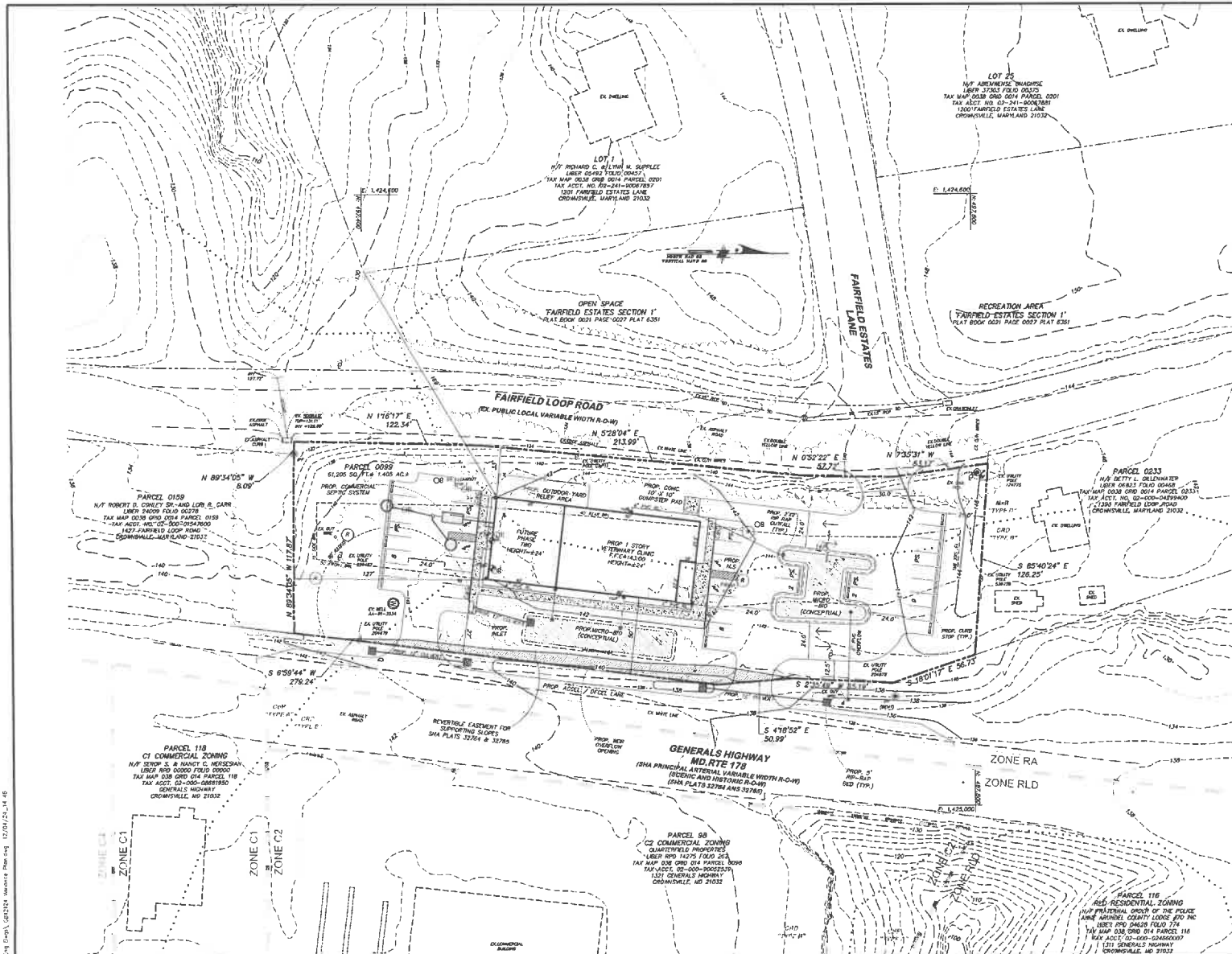
CLIENT

**BLUE RIVER PETCARE**  
1 S. WACKER, SUITE 2200  
CHICAGO, ILLINOIS 60606  
312-438-1176

**SPECIAL EXCEPTION / VARIANCE PLAN ~ EXISTING CONDITIONS**  
**GENERALS HIGHWAY ~ PARCEL 99**  
 1320 GENERALS HIGHWAY, CROWNSVILLE, MARYLAND 21032  
 TAX ACCT. NO. 02-000-11387603  
 TAX MAP 38 GRID 14 PARCEL 99 DISTRICT 2ND  
 ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1" = 30'	DATE: 12/4/2024	PROJ. NO: GB12124	SHEET 1 OF 2
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**PARKING TABULATIONS:**  
**(15-3-104)**  
1 SPACE PER EVERY 200 S.F. OF FLOOR AREA  
-PROV. FLOOR AREA = 7,425 S.F. (7,425 S.F. ÷ 75% = 5,580 S.F.)  
-REQUIRED PARKING = 28 SPACES  
-PARKING PROVIDED = 37 SPACES (INCLUDING 4 ADA VAN SPACES)

- LEGEND**
- EXISTING CONTOUR
  - EXISTING CANOPY LINE
  - EXISTING STORMDRAIN LINE
  - EXISTING UTILITY POLE
  - EXISTING OVERHEAD ELECTRIC LINE
  - SETBACKS/BUILDING RESTRICTION LINE
  - SOILS ORIENTATION
  - EXISTING WELL
  - PROPOSED CONTOUR
  - PROPOSED SWIM AREA
  - PROPOSED SIDEWALK
  - PROPOSED FLOW ARROW
  - PROPOSED DIRECTIONAL ARROW
  - ZONING DELINEATION
  - EXISTING SHA REVERSIBLE EASEMENT

BOOKED:  
ORD. DATE: 1/9/2024  
MODIFIED BY: /DATE:  
CADD DWG #:  
DLA PROJECT #:

REVISIONS TO APPROVED PLANS			
NO.	DATE	BY	DESCRIPTION

**Drum, Loyka & Associates, LLC**  
CIVIL ENGINEERS - LAND SURVEYORS  
1410 Forest Drive, Suite 35  
Annapolis, Maryland 21403  
PHONE: 410-260-3102  
www.drumloyka.com | info@drumloyka.com

Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a duly Licensed Professional Engineer under the laws of the State of Maryland.  
License no.: \_\_\_\_\_  
expiration date: \_\_\_\_\_

**CLIENT**  
**BLUE RIVER PETCARE**  
1 S. WACKER, SUITE 2200  
CHICAGO, ILLINOIS 60606  
312-438-1176

**SPECIAL EXCEPTION / VARIANCE PLAN - DEVELOPED CONDITIONS**  
**GENERALS HIGHWAY ~ PARCEL 99**  
1320 GENERALS HIGHWAY, CROWNSVILLE, MARYLAND 21032  
TAX MAP 38 GRID 14 PARCEL 89 TAX ACCT. NO. 02-000-11397600 DISTRICT 2ND  
ANNE ARUNDEL COUNTY, MARYLAND  
SCALE: 1" = 30' DATE: 12/4/2024 PROJ. NO. 2007124 SHEET 2 OF 2



# EXHIBIT C

## ZONING MAP





# TRAFFIC CONCEPTS, INC.

7525 Connelley Drive • Suite B • Hanover, MD 21076 • 410-760-2911

January 21, 2025

Mr. Phil Lator  
Vice President of Operations  
Blue River PetCare  
1 S Wacker, Suite 2200  
Chicago, IL 60606

RE: 1320 Generals Highway Veterinary Clinic  
Traffic Feasibility Study  
TC#4178

Dear Mr. Lator:

Traffic Concepts, Inc. has evaluated the traffic-related impacts of the proposed 1320 Generals Highway Veterinary Clinic in Annapolis, Maryland. The project includes the construction of a veterinary clinic (no boarding) with two (2) access points to MD 178 (Generals Highway) and a possible additional access to Fairfield Loop Road.

## **Adequate Public Facilities Law**

Our conclusions are based on prior traffic studies in the area and extensive experience with Anne Arundel County's Adequate Public Facilities Law (APF). Any development expected to generate more than 50 daily trips is required to conduct a traffic impact study (TIS). As the proposed development exceeds this threshold, a full TIS will be necessary. Under each access scenario, the following intersections and road sections will need to be evaluated.

### **With Access to MD 178 (Generals Highway) only:**

#### **Intersections**

- MD 178 (Generals Highway) @ the proposed site accesses
- MD 178 (Generals Highway) @ Crownsville Road/Fairfield Loop Road
- MD 178 (Generals Highway) @ Herald Harbor Road
- MD 178 (Generals Highway) @ I-97/MD 32 Ramps

#### Road Section

- A road link analysis would not be required since MD 178 is designated as “Scenic and Historic”

#### **With Access to MD 178 (Generals Highway) AND Fairfield Loop Road:**

#### Intersections

- MD 178 (Generals Highway) @ the proposed site accesses
- MD 178 (Generals Highway) @ Crownsville Road/Fairfield Loop Road
- MD 178 (Generals Highway) @ Herald Harbor Road
- MD 178 (Generals Highway) @ I-97/MD 32 Ramps
- Fairfield Loop Road @ Fairfield Estates Lane/proposed site access
- MD 178 @ Fairfield Loop Road
- MD 450 @ Crownsville Road

#### Road Section

- MD 178 is designated as “Scenic and Historic”, so no link analysis required
- Crownsville Road is designated as “Scenic and Historic”, so no link analysis required
- Fairfield Loop Road from MD 178 to Crownsville Road

As shown above, the introduction of an access point to Fairfield Loop Road would increase the traffic impact study limits.

Anne Arundel County’s current APF law requires all intersections to maintain a minimum Level of Service (LOS) “D” based on Critical Lane Analysis during weekday morning and evening peak hours. Intersections operating below LOS “D” must be improved to mitigate impacts from the proposed development.

The only road section that would require analysis would be Fairfield Loop Road (and only if access is provided to this roadway). The remaining road sections are designated as “Scenic and Historic” and therefore, do not require analysis under the current APF law. Fairfield Loop Road is a County-owned and maintained roadway classified as “Local”. The County’s Road Rating test requires roadways such as Fairfield Loop Road to achieve a minimum rating of 70, factoring in physical features such as lane width, shoulder width, sight lines, etc. Failing to meet this rating necessitates mitigation measures as well.

Based on our prior studies in the area, we anticipate the following issues/concerns that may require off-site improvements:

- The intersection of MD 178 (Generals Highway) @ I-97/MD 32 Ramp – an analysis of this intersection will be required under either access scenario described above. The intersection has been shown to be near capacity in previous traffic studies. This intersection may or may not require improvements to support the proposed development.
- The intersection of MD 178 (Generals Highway) @ Herald Harbor Road – an analysis of this intersection will be required under either access scenario described above. The intersection has failed the adequacy test for a nearby development, however, that development is offering an improvement that will allow the intersection to pass the adequacy test. Provided that nearby development continues forward to receive approvals, this intersection will pass the test without needing further improvements.
- Fairfield Loop Road – an analysis of this road link is only required if access to the property is provided via this roadway. This road link could fail the road rating test due to sight distance and operational issues associated with the existing South Shore Elementary School located to the north of the subject site. This road link could require improvements to support the proposed development.

#### **Bicycle, Pedestrian, Transit Assessment (BPTA)**

Anne Arundel County's Multi-Modal Transportation requirements, effective January 1, 2019, mandate a Bicycle, Pedestrian, and Transit Assessment (BPTA) for most developments. This ensures enhanced multimodal connectivity within the County.

A BPTA will be required for the proposed project since the building will be larger than 5,000 gross square feet. Our firm can prepare the assessment which will outline potential multimodal improvements, subject to a cap on associated costs or a fee-in-lieu, as indicated below:

#### **MULTI-MODAL TRANSPORTATION REQUIREMENTS**

<b>DEVELOPMENT TYPE</b>	<b>BICYCLE, PEDESTRIAN, TRANSIT ASSESSEMENT (BPTA) NOT REQUIRED IF:</b>	<b>IMPROVEMENT CAP or FEE-IN-LIEU</b>
Residential	five or fewer units	\$330 per unit
Non-Residential (other than warehouses)	less than 5,000 enclosed square feet	\$0.40 per square foot of enclosed space
Warehouses	less than 15,000 enclosed square feet	\$0.11 per square foot of enclosed space

### **Access Points – MD 178 Only vs. MD178 and Fairfield Loop Road**

As discussed, introducing a new access point on Fairfield Loop Road would expand the traffic impact study limits and analysis area. Additionally, it may necessitate road improvements along Fairfield Loop Road, beyond the frontage improvements required by the County Code.

Providing access to a lower-functioning roadway could lead the Maryland State Highway Administration (SHA) to restrict access to MD 178 (Generals Highway). If access is established on Fairfield Loop Road, SHA could potentially deny access to MD 178.

From a traffic impact perspective, it is recommended to provide access exclusively to MD 178 (Generals Highway).

### **MD 178 Acceleration/Deceleration Lane Requirements**

The Special Exception site plan includes a combined acceleration/deceleration lane along the MD 178 frontage of the project. This lane should be designed with a 17-foot width to accommodate bicycle compatibility, as required for improvements to State-owned roadways.

According to SHA standards and the anticipated traffic from the proposed development, a "partial" deceleration lane will suffice. For a 40 MPH speed limit, this lane should extend 250 feet back from the northernmost site access, comprising 150 feet at full width and a 100-foot taper.

An acceleration lane is not required by SHA standards. However, if provided, it should extend 250 feet beyond the southernmost site access, including 100 feet at full width and a 150-foot taper, based on the 40 MPH speed limit.

### **Fairfield Loop Road Auxiliary Lane Requirements (if access is provided to this roadway)**

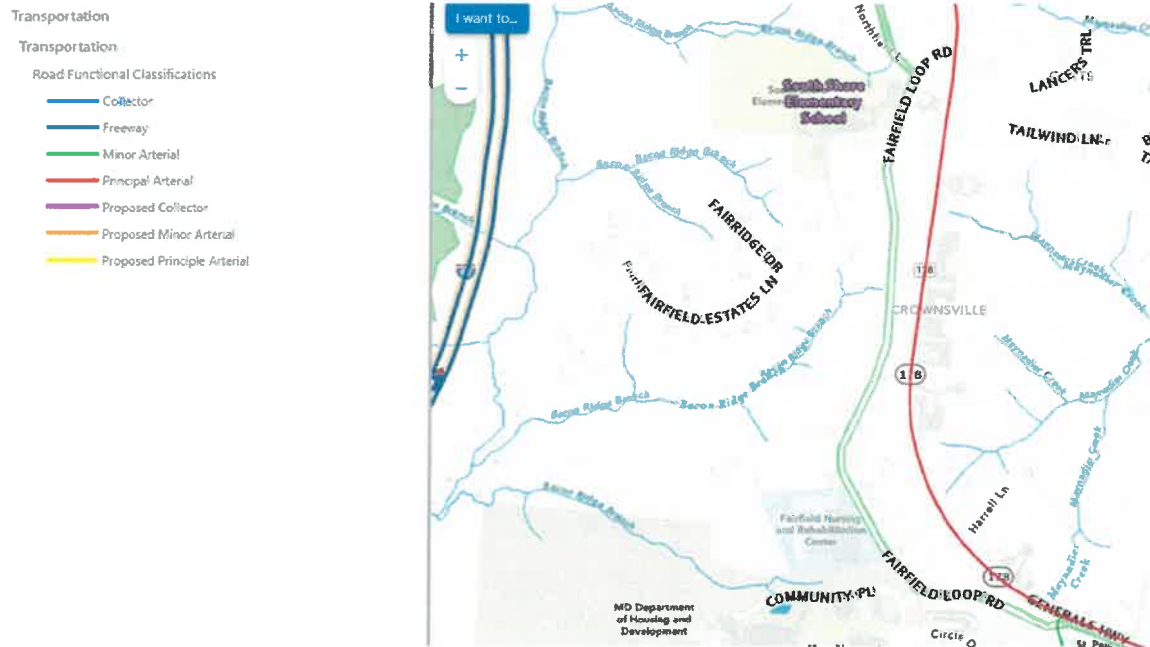
Fairfield Loop Road, a County-owned roadway, requires compliance with the Design Manual for auxiliary lanes, such as deceleration or left-turn lanes. Given the low traffic volume anticipated from the proposed use, the need for a deceleration or left-turn lane at this location is not expected if access is provided.



The Maryland State Highway Administration classifies MD 178 as a “Minor Arterial”. See the second column (Functional Class) of the excerpt below from the SHA Data Services Division.

MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION DATA SERVICES DIVISION									
2023 HIGHWAY LOCATION REFERENCE									
COUNTY AND ROUTE									
DISTRICT 5									
DATE 05-20-24									
VERSION 1.0									
ROUTE NUMBER AND TYPE									
DISTRICT NUMBER (COUNTY)									
ROAD NAME	FUNCTIONAL CLASS	STATE SYSTEM	AND	MAINLINE NAME	MILEPOINT	MILEPOINT BEGIN/END PTS	MARKED TYPE	MARKED LANE	ADT
GENERALSBY	C-UNCLASSIFIED	STATE DISCREETARY		STATE HIGHWAY ADMINISTRATION	1.00	CD 4000 CARROLLS HILL FERRY	PAINTED (ONE-WAY)	2	CD 700
					1.01				
					1.04	CD 4000 CARROLLS HILL FERRY (ONE-WAY)			
					1.04	CD 4000 CORBIN FERRY	PAINTED (ONE-WAY)		
					1.05	CD 4043 NO NAME	MARK		
					1.06	CD 2700 DUNTON RD			
					1.02	CD 6000 CUMMINGS ROAD			
					2.00	CD 1700 OLD GENERALSBY HWY			
					2.1	CD 4000 MANSBURN WOODS RD			
					2.47		PAINTED (ONE-WAY)		
					2.06	AD 700 OLD GENERALSBY HWY	MARK		
					2.03		PAINTED (ONE-WAY)		
					2.00		MARK		
					2.00	CD 2700 HONEYCREEK LA	PAINTED (ONE-WAY)		
					2.70		MARK		
					2.04	CD 1000 BELVOIR PARKS RD			
					2.04	CD 1000 BELVOIR PARKS RD (ONE-WAY)			
					3.00	CD 4000 WILD CHAMBERLAY DR			
					3.00	CD 1000 WILD CHAMBERLAY DR (ONE-WAY)			
					4.1		PAINTED (ONE-WAY)		
					4.17		MARK		
					4.2	CD 2000 CRYSTALVILLE RD	PAINTED (ONE-WAY)		
					4.10	CD 770 SEABOARD RD			
					4.00	CD 6700 TAYLOR LN	MARK		
					4.06		PAINTED (ONE-WAY)		
					4.9	CD 2000 FARMFIELD LOOP RD	MARK		
					5.00		PAINTED (ONE-WAY)		
					5.00	CD 1100 WINDYBARK BLVD	PAINTED (ONE-WAY)		

Anne Arundel County classifies MD 178 as a “Principal Arterial” (see County map below).



Since the roadway is State owned and maintained, we believe that the State Highway Administration designation of "Minor Arterial" should govern. We are available to initiate discussions with representatives from SHA and the County to address and resolve this issue at your convenience.

Traffic conditions are subject to change, and Anne Arundel County is currently reviewing updates to the APF law, which could affect this analysis. This feasibility review reflects our most recent understanding of the area.

If you have any questions or need additional details, please do not hesitate to contact us.

Sincerely,  
TRAFFIC CONCEPTS, INC.

*Jackie C. Plott*

By: Jackie C. Plott  
[JPlott@traffic-concepts.com](mailto:JPlott@traffic-concepts.com)



## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE

**PRE-FILE #:** 2024-0106-P  
**DATE:** 11/22/2024  
**STAFF:** Joan A. Jenkins (OPZ)  
Desirae Williams (OPZ)  
Eric Olmsheid (OPZ)  
Jean Janvier (I&P)

**APPLICANT/REPRESENTATIVE:** Erin Benson / YVS Law

**EMAIL:** ebenson@yvslaw.com

**SITE LOCATION:** 1320 Generals Hwy, Crownsville

**LOT SIZE:**

**ZONING:**                      **CA DESIGNATION:**                      **BMA:**                      **or BUFFER:**                      **APPLICATION TYPE:**

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#### DESCRIPTION:

The applicant proposes a special exception to allow an animal hospital/veterinary clinic in the RA District with an extension to obtain a building permit. No boarding is proposed. The proposal is to demolish all existing buildings and construct a single building including an outdoor yard relief area and with associated parking. A new acceleration/deceleration lane on Generals Highway would be constructed for safe ingress and egress.

#### COMMENTS:

##### **Long Range Planning:**

Plan2040 General Development Plan: Plan2040 does not have recommendations that are specific to this site and the proposal is generally consistent with the goals, policies and strategies of Plan2040 including Policy BE3.2: Ensure infill development and redevelopment in existing residential neighborhoods are compatible in scale, use, form and intensity with the surrounding neighborhood character.

2022 Water and Sewer Master Plan: The site is in the No Public Service category in the Rural Sewer Service Area and the No Public Service category in the Rural Water Pressure Zone. The proposal is consistent with the 2022 Water and Sewer Master Plan.

**Regional Team:** In response to the request for comments regarding; a special exception to Article 18-4-106 regarding allowable uses in a RA – Rural Agricultural district, and a variance to Article 18-16-405(a) regarding the 18 month expiration date of special exception approval. This Office defers to the Zoning Division whether the applicant meets the above application standard requirements, per Variance requirements of Article 18-16-305 and Special Exception requirements of Article 18-16-304.

Based on the submitted Variance and Special exception site plans, it appears an approval of the subject variances and special exception will result in noncompliance with Article 18-4-301 as the primary structure is located 40' from a principal arterial road (Generals Highway), less than the 50' minimum setback listed under the Bulk Regulations of this section. It is also recommended that the proposed height of the building be added to the proposed conditions site plan to show compliance with the height limitation of a primary structure (45').

Based on the submitted Variance and Special exception site plans, it appears an approval of the subject variances and special exception will result in noncompliance with the Landscape Manual, as summarized below;

1. Per Section IV.B.2., site use must meet all landscape buffer requirements, including a Class 'D' 25' wide right-of-way buffer to Generals Hwy
2. 50% of a nonresidential structure's building façade is to contain foundation planting per Section V.D.1
3. Per Section V.B.1.d, the face of the curb or parking lot shall be a minimum of 10' from the face of the building to accommodate a 5' planting area and 5' sidewalk when parking spaces abut a building. All parking lot landscape medians must be a minimum of 13' wide per Section V.B.1.c and unloaded drive aisles must be separated from abutting parking spaces by a 9' wide minimum planting area (Section V.B.1.g).
4. Generals Highway is a Scenic and Historic road; compliance with Section V.O will be deferred to Cultural Resources.
5. The proposed dumpster pad cannot accommodate planting on all 3 sides as required by Section V(G) due to the adjacent walkway.

#### **I & P Engineering:**

1. Identify the Functional Classifications for Generals Highway and Fairfield Loop Road on the plans. Note the Functional Classification per the State and the County.
2. Label Generals Highway and Fairfield Loop Road as public or private and as State or County.
3. On page 2, under item 1, it was stated, a Special Exception was granted in 2005; however, the same paragraph also mentions "Bay Country" has operated for 22 years.
4. Expand the plan views to show the homes on 1200 and 1201 Fairfield Estates Lane.
5. There is no existing entrance to the property from Fairfield Loop Road, a Local Road; however, an entrance is proposed with the site's development. Refer to any comments from the Traffic Division for any additional comments.
6. On page 3, under item 5, it appears there is no mention of the nearby US Post Office or South Shore Elementary School. The post office property is approximately 135 feet from the site and the school property is approximately 522 feet away.
7. Since Exhibits A and C are labeled, label Exhibit B.
8. Regulations typically require the site to have a primary, secondary and tertiary drywell. The proposed site currently only shows two drywells.
9. The drywell currently shown in the handicapped parking space south of Future Phase Two does not meet the required 20-foot setback to a structure.
10. Show the overflow outfall for the proposed micro-bioretenention located north of the proposed structure. Currently, it appears the parking lot will flood during larger sized storms. This will require more attention during the development stages.
11. Both driveways have culverts in the existing conditions plan, but only one has a culvert in the proposed condition. Please clarify, as the flow across a driveway entrance is limited. Provide calculations during the development stages.
12. On page 5, under item 4, it requires, "The facility may not be noxious, offensive, or otherwise objectionable to surrounding residential uses." Will this facility contain a crematorium?
13. Will the existing well (Well #: AA-81-3234) have sufficient flow to service the veterinary clinic for its commercial and fire suppression needs or will a new well be required? This will need to be addressed during the future development stages.
14. The above is provided as a courtesy review at this Special Exception Pre-File stage to review and consider for the Special Exception/Design Plan(s); detailed reviews will occur during the Preliminary Plan, Site Development Plan, and grading permit stages.

#### **Zoning Administration Section:**

The application appears to meet the specific requirements for an animal hospital/veterinary clinic.

Site plan:

- A rear BRL of 35' is shown. Note that this property is dual frontage and the 35' rear BRL should be revised to reflect a 40' front setback.
- Generals Highway is classified as a principal arterial road. The RA District bulk regulations require a 50' setback. Show the distance to the principal arterial road.

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-The height of the principal structure must be noted in the location of the structure on the site plan.

Submit a companion variance application if the proposed structure cannot meet these requirements.

#### **INFORMATION FOR THE APPLICANT**

Section 18-16-301 (c ) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.