



APP. EXHIBIT# 1  
CASE: 2024-0151-S  
DATE: 1/14/25

APP. EXHIBIT# 2  
CASE: 2024-0151-S  
DATE: 1/14/25

## KOL SHALOM- COMMUNITY MEETING MINUTES

MEETING DATE: November 18, 2024  
LOCATION: Congregation Kol Shalom  
KOL SHALOM REPRESENTATIVES:

Howard Salob (HS), Congregation President  
Allison Charapp (AC) Director of the Rothman Religious School and the Tree of Life Pre-school  
Jeffrey Halpern-(JHH) Principal Architect- Halpern Architects

ATTENDEES: Please see Attachment 1

### INTRODUCTORY COMMENTS:

- 1) JHH introduced himself and the representatives from Kol Shalom. A voluntary sign-in sheet was passed around to those attending the meeting.
- 2) JHH-Explained purpose of meeting as addressing the separate issues of the Special Exception and any additional Community Concerns.
- 3) As an introduction to the topics to be discussed, JHH provided an explanation of multiple regulatory agencies and that these agencies use terms differently. He explained that the Special Exception was for a "Child care- not in a private home" under the Zoning Code. He explained that under the Maryland State Office of Childcare the child care in question is a Pre-school, which is defined as a form of child care that includes educational components.
- 4) JHH clarified the difference between a Special Exception, which is a permitted use subject to specific conditions within the code as compared to a Permitted Use with normal requirements such setbacks and the like.
- 5) JHH explained the term Pre-existing Non-conforming Use and that a preliminary review by AAco. P&Z indicated that the Pre-school would appear to qualify as a Pre-existing Non-conforming Use.
- 6) JHH explained why each of the various reviewing agencies would permit a different pre-school occupancy, but that the most stringent of the requirements that are set by the Zoning Code, the Maryland State Board of Education, the Building Code and COMAR would govern. In this case, the most stringent of those would be the certification by the Maryland State Office of Childcare, which only permits an occupancy of 39 pre-school students at any one time.
- 7) JHH indicated that Kol Shalom is not seeking the Special Exception to expand its facilities or enrollment, nor to permit a change to its current uses. It was further clarified that the Special Exception does not inherently allow the Pre-school to expand or change its pattern of use. The purpose of the application for the Special Exception is simply intended to clear up Kol Shalom's zoning status.
- 8) JHH explained that the fact that the Pre-school had not gotten a special exception was discovered a roughly a year ago. Once it was discovered, Kol Shalom met with the County and determined that the pre-school appeared to qualify as a Pre-existing non-conforming use, but that that the Congregation could also apply for a Special Exception. A review of the current zoning code indicated that the Pre-school met the required conditions for a Special Exception.

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2238-A BAY RIDGE AVENUE ANNAPOLIS, MARYLAND 21403

410 263 1909

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- 9) In response to questions, it was clarified that while the pre-school and the religious school each have their own name, neither are a separate entity from the synagogue, nor are they a separate legal entity from the other, and neither the synagogue, religious school, or pre-school are a 'for profit' organization.
- 10) It was also clarified that the conditions for obtaining a Special Exception do not require that the pre-school be an integral part of the synagogue. nor do the statutory conditions within the Zoning Code prevent the pre-school from making a profit.

## QUESTIONS AND COMMENTS FROM ATTENDEES

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### General Explanation of Terms used below:

In the discussion points below, the numbered items are summarized comments and questions from the community. Paragraphs labeled as "Response" are intended to be explanatory in nature. Paragraphs labeled as "Recommendations" are the recommendations being made by Halpern Architects to the Board of Directors of Congregation Kol Shalom and/or to the Director of the Schools. Paragraphs labeled as "Agreed" are items, which subsequent to the meeting, have been already been discussed and agreed to and/or have already been physically addressed by the Congregation.

### 11) Interpretation of the Zoning Code that permitted the 2013/2014 permit to be approved:

#### Discussion:

Members of the community asked for additional information on basis of the interpretation that permitted the original 2013/2014 permit to be approved

#### Response:

This question was not answered fully during the meeting. A subsequently researched and prepared detailed explanation has been added to these minutes (Please see Attachment #2)

As summarized in the meeting, the 2013-2014 permit was approved by Anne Arundel County Office of Planning and Zoning as being compliant under the Planning and Zoning policy that was in place at the time. That policy made the determination that existing religious institutions could add a pre-school without a Special Exception. That policy was predicated on a basis that a pre-school was considered to be an integral part of a religious institution and therefore under section **18-4-106** of the Anne Arundel County Code "*Religious Facilities on a lot of at least 2 acres of land with less than 300 onsite parking spaces*" are a permitted use. To summarize, under that 2012 through 2014 P&Z departmental interpretation, the pre-school was considered to be a part of that Permitted Use. (Please see Attachment #2 for more detail.)

## COMMUNITY CONCERNS

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### 12) General:

The concerns expressed by the community fell into several categories:

- a) Number of Students in the pre-school and more specifically any possibility of expansion,
- b) The use of Hidden Meadow Lane by synagogue and pre-school generated traffic,
- c) Use of the property by the school adjacent to residences,
- d) The impact of the synagogue on the safety of the adjacent residences, and
- e) Communications

The items below contain the specific information for each of these categories of concern.

13) Number of Students in the pre-school and more specifically any possibility of expansion.

Discussion:

The community noted that when the pre-school was established, the Congregation believed that the pre-school would have a maximum pre-school occupancy of 24 students. Over time, based on recommendations from the Maryland Office of Childcare, that maximum occupancy grew to 39 students. While the Synagogue has repeatedly stated there is no intention to expand beyond the current 39 student occupant count that is permitted by COMAR, and the Office of Childcare, the community is concerned that the synagogue might find a way to expand the school population in much the same way that it has expanded beyond the original projection of 24 pre-school students.

There was a discussion of the current enrollment in the school. JHH explained that the school can only have a 39 pre-school student occupant count at any given time. That means that there cannot be more than 39 pre-school students on campus at any given time. At this point the school is nearly fully subscribed, meaning that most days there are 39 students on site during the pre-school's five day week.

It was further explained that not all of the children are enrolled for every day of the entire week. For example, some students attend three days a week, while others might attend one or two days a week. The attendance schedule is arranged so that those students who do not attend each day of the week fill most of the empty slots left open by other partial enrollment students. As a result, while there is a limit of 39 students that can attend on any given day, there are more than 39 students enrolled in the school. The current total enrollment is 48 students.

Some members of the community requested that the pre-school reduce its enrollment back to 24 students. Similarly, in prior discussions, other members of the community had requested that the pre-school curtail growth beyond its current level. Additionally, concern was expressed that the pre-school could switch to multiple sessions per day and thereby increase the number of vehicle trips on Severn Grove Road and Hidden Meadow Lane. Some members of the community requested that there be a written agreement that limits expansion of the Pre-school enrollment or occupancy.

Recommendations:

Based on research, the Special Exception can contain restrictions beyond those that are defined within the Zoning Code driven Special Exception requirements. To address the concerns about potential expansion of the school, the recommendation is that the pre-school place a limit on occupancy of 39 students and that this limit be added as a condition of the Special Exception.

If the Board of Kol Shalom so agrees, the hearing officer would be petitioned to include that limit as a condition of the Special Exception as a means of creating a legal restriction addressing the concerns of the community regarding future expansion of the pre-school.

14) The use of Hidden Meadow Lane by synagogue and pre-school generated traffic:

The community expressed concerns about the sheer number of vehicular trips up and down Severn Grove Road and Hidden Meadow Lane resulting from the pre-school. Those concerns fell into several distinct categories as follows:

**a) Safety:**

Discussion:

There were a range of issues that relate to this concern. Beyond the sense that there was a danger that simply resulted from having that many vehicles on this private limited access road, there were a number of more specific issues raised. Those concerns included:

- i.) A tendency of people to drive too quickly on Severn Grove Road and Hidden Meadow Lane
- ii.) Inconsistent times of arrival and departure making it difficult to predict when it is a safe time to walk on Hidden Meadow Lane.
- iii.) The pre-school sign blocks the view to the right when pulling out of Hidden Meadow Lane onto Severn Grove Road.
- iv.) There is a blind spot adjacent to the entrance to the Kol Shalom parking lot, which makes the left turn from Hidden Meadow Lane into the parking and right turn out of the parking lot more dangerous.
- v.) A tendency for parents to be talking on their mobile devices while driving.

Recommendations:

While some of these items will require the agreement from the community, the following are recommendations to address/mitigate these items:

- That the pre-school and the synagogue strongly and frequently request that people, and staff attending the schools or attending other functions at the synagogue, car pool to reduce the number of vehicle trips.
- Install a sign at the entrance from Severn Grove Road to Hidden Meadow Lane that includes a 15 MPH speed limit and identifies Severn Grove Road a "Private Road" and also add a 15 MPH speed limit sign on the opposite end of the median facing the outbound traffic.
- Paint the existing speed bumps so that they are more visible and act more effectively. Potentially add additional speed bumps and/or make the existing speed bumps more aggressive.
- Add a stop sign at the left turn into the Kol Shalom parking lot with the words "Stop for left turn only" with an additional warning "Oncoming traffic does not stop", and also add a stop sign on the Kol Shalom property for vehicles leaving the parking lot with the warning "Through traffic does not stop".
- That the representatives of the synagogue meet with members of the community on site to review the position of the Synagogue and Pre-school sign on Severn Grove at Hidden Meadow lane, and take the agreed upon steps to improve vehicular visibility. The position of the mirror should also be reviewed and agreed upon at that time.
- That the pre-school adopt a policy that it regularly remind parents that this is a private residential road and that the speed limits and stop signs need to be obeyed. That reminder should address the concerns of neighborhood parents whose children wait for school busses on Severn Grove Road (particularly the area adjacent to the exit from Hidden Meadow Lane.)

The reminder should include encouragement to car pool. But beyond these specific items, the reminder should explicitly include that the school is located in a residential neighborhood and that simple courtesy and traffic rules need to be observed such as speed limits, and not using mobile phones while driving. These reminders should be frequently included at in-person parent meetings and in emails or other forms of communication.

(It has been observed that some of the routinely fastest and noisiest vehicles on Hidden Meadow Lane are members of the community who are in no way associated with the synagogue and the schools. The reminder to drive respectfully applies to all who use Hidden Meadow Lane.)

- Currently the pre-school policy results in staggered student drop off and pick up time. This purposefully is intended to reduce the likelihood or duration of congested traffic on Hidden Meadow Lane. But it also means that residents cannot reliably make assumptions about when there will be clusters of cars on Hidden Meadow Lane. It is recommended that the Pre-school engage in a conversation with those neighbors who have expressed concerns about the current policy and that the school work with the neighbors to develop an arrival and pick-up policy that mitigates this issue as much as possible.

Agreed:

Assuming that the neighborhood concurs, the Congregation has agreed to:

- Install a sign at the entrance from Severn Grove Road to Hidden Meadow Lane that includes a 15 MPH speed limit and identifies Severn Grove Road a "Private Road", Add a 15 MPH speed limit sign on the opposite end of the median facing the outbound traffic.
- Paint the existing speed bumps so that they are more visible and act more effectively. Potentially add additional speed bumps and/or make the existing speed bumps more aggressive.
- Add a stop sign at the left turn into the Kol Shalom parking lot with the words "Stop for left turn only" with an additional warning "Oncoming traffic does not stop".
- Add a stop sign on the Kol Shalom property for vehicles leaving the parking lot with the warning "Through traffic does not stop".
- Review the location and size of the Synagogue and Pre-school sign and mirror on Severn Grove at Hidden Meadow lane, and if necessary take steps to improve vehicular visibility.

**b) Vehicular Noise**

Discussion:

A concern was raised about the noise generated by the number and speed of the vehicles on Hidden Meadow Lane.

Recommendation:

The recommendations associated with safety such as carpooling to reduce the number of trips, creating a speed limit, pointing out that Hidden Meadow Lane is a private road, highlighting the speed bumps, and so on, should help reduce vehicular noise some.

**c) Wear and tear on the road and Maintenance of the road and median:**

Discussion:

It was pointed out by the community that the increased number of trips on Hidden Meadow Lane is accelerating the wear and tear on the road bed. It was further mentioned that Kol Shalom has not been participating in maintaining the median. The point was raised that Kol Shalom has not been addressing snow removal on the sloped portion of Hidden Meadow Lane that leads to the fire lane on the lower portion of their property, or clearing the fire lane itself.

Recommendations:

It is recommended that Kol Shalom have a paving company evaluate the condition of the paving on Hidden Meadow Lane between Severn Grove Road and their parking lot. If remedial work is required, it is recommended that Kol Shalom contract to have that work performed at their expense. It is suggested that similar evaluations and repairs be performed on a regular basis (perhaps annually).

Additionally, it is recommended that Kol Shalom have the company that mows the lawn on Kol Shalom's property mow the median whenever they mow the lawn at Kol Shalom. It is also strongly recommended that Kol Shalom have the company that does their snow removal to have them salt the road and./or perform snow removal on Hidden Meadow Lane from Severn Grove Road to the Fire Lane and on the Fire Lane itself.

Agreed:

Kol Shalom has contacted their lawn service and has added mowing of the median to their scope of work whenever they are mowing the lawn at Kol Shalom. Kol Shalom has contacted their snow removal service. The scope of the snow removal has been altered to add salting the road and./or performing snow removal on Hidden Meadow Lane from Severn Grove Road to the Fire Lane and clearing the Fire Lane itself to that company's scope of work.

**d) Lights shining in homes near the road and Kol Shalom site:**

Discussion:

Concerns were raised about the pole mounted security lighting that Kol Shalom has added on their property shines a high level of light into adjacent residences. There was also a mention of car headlights shining into adjacent homes.

Recommendations:

It is recommended that Kol Shalom evaluate means of limiting light spread so that it is not directed onto adjacent properties while still lighting areas of Kol Shalom's site and Hidden Meadow Lane as necessary for safety. This can be accomplished by adding louvered covers or black out panels on the fixtures adjacent to the property edges and which currently directly impact adjacent residences.

While the building has minimal use during dark hours, it is also suggested that the Pre-school evaluate drop-off and pick-up times to determine whether these can be adjusted to minimize those periods when headlights would be directed into adjacent properties.

Agreed:

After the meeting, there was a walk-through of the property to develop an initial sense of the extent to which light spread was impacting the adjacent properties. The light fixtures in question, actually belong to BGE. Kol Shalom contacted BGE to request that they add light spread control devices to those fixtures that shine into adjacent residential properties. A meeting took place with BGE to review this issue. BGE submitted a proposal to add shielding to the fixtures. Kol Shalom has contracted with BGE to have that work performed.

**e) Traffic study**

Discussion:

Concerns were expressed that a traffic study was not required at the time that the pre-school was constructed in 2013-2014 and that it will not be required as a part of the Special Exception process. There were questions about the basis under which a traffic study was not required when the permit was approved in 2013. Some members of the community suggested that the Synagogue should voluntarily perform a traffic study at this time.

Response:

JHH responded that the original permit was issued under the policies that were in place at the time that the permit was issued that waived the requirements for a traffic study. (Please see attachment #4 for copy of that policy.) It was estimated that on days when the preschool was in session, there are approximately 90 round trips (180 one way trips) onto the site by parents and school and synagogue staff members.

It was pointed out that the number of trips for other events, such as religious services and classes, were greatly reduced by the Congregation switching to video and hybrid program formats. It was acknowledged that while the Congregation needed to make efforts to mitigate the concerns of the neighbors, a traffic study would serve no useful purpose at this time.

**15) Storm water management:**

Discussion:

Storm water management features were installed under the permit that was issued at the time that the school wing was constructed. Those feature have been inspected and augmented at various times since then. There was also a later voluntary major redesign and alteration to the storm water management that was performed under a separate permit that was intended to further enhance the effectiveness of the system.

The Neighbors reported that these bio-retention ponds are not functioning as well as they should and that some or most of the plantings appear to have died off.

Recommendation:

It is recommended that the Congregation retain a storm water engineer or contractor to review the condition of the retention ponds. Beyond the normal testing, in particular that review should compare the plantings that were specified as a part of the permit for the supplemental storm water measures that were installed after the original installations. Should deficiencies be discovered, those deficiencies should be addressed promptly.

Additionally, the neighbors reported children occupying the area in and around the retention ponds. It is strongly recommended that the schools adopt and enforce a policy forbidding children to occupy these areas. Alternatively, it may be appropriate to add fencing around the pond closest to the school.

#### **16) Use of the property by the school adjacent to residential properties:**

##### Discussion:

It was pointed out that the school uses a number of trails through portions of the woods that exist on the Kol Shalom property. Some of these trails abut neighboring residential properties and all are outside of the shielded play areas. Neighbors testified that the noise produced by the children on these trails is clearly audible in the homes and yards of the adjacent properties and prevents them from the normal use of their properties.

During the meeting, JHH pointed out to the Director of the Preschool that this use of the trails adjacent to neighboring houses is in clear violation of the requirement that *"The activities on the property shall be located in a manner to shield surrounding residential property from the effects of noise."* In that discussion, it was agreed that the forestation and other plantings on those portions of the site does not provide an adequate buffer for the sounds being produced.

##### Recommendation:

It is recommended that the pre-school establish a firm and permanent policy that prohibits the use of any portion of the site that closely abuts neighbor's homes in which those activities fail to shield the neighbors from the effects of the children's noise. Additionally, it is recommended that the school set a policy that limits the number of children in any group being escorted onto the site outside of the shielded outdoor areas.

#### **17) The impact of the synagogue on the safety of the adjacent residences:**

##### Discussion:

Members of the community expressed concern about the danger that the presence of the Synagogue presented to the surrounding homes in a time when religious institutions more frequently come under violent attack. It was further pointed out that the neighbors would not have any notice if a violent act were to occur at the synagogue until police and medical personnel showed up.

##### Response:

The synagogue has made diligent efforts to harden the facility and increase its security. On the advice of the local police, the school did attempt to create a warning system to alert neighbors. But in the course of the discussion, it became apparent that there was no knowledge of what that system was or how to use it.

##### Recommendation:

It is strongly recommended that the Congregation work with their fire and security monitoring service to create a reliable neighborhood alert system that would contact the neighbors via a group text and/or email. Neighbors should be contacted with a request to provide their mobile phone numbers and/or email addresses if they wish to be included in that neighborhood alert.

#### **18) Communications**

##### Discussion:

In the course of the discussion, it became clear that there has not been open door communications between the Synagogue and the neighborhood. It was clear that this needed to be addressed through improved two-way communications. Some examples of this are as follows:

- The neighbors do not have access to the normal schedule for the synagogue and the schools.
- The neighbors indicated that they had no way of knowing when the Synagogue has an unusual event planned.
- It was pointed out by the Synagogue that there is a calendar of events that is published on the Congregation webpage and that calendar is visible to the public. The community was concerned that the calendar listings did not indicate whether the events were in person, via video conference, hybrid or a home celebration.
- While the Synagogue did obtain a permit to improve the accessibility of its kitchen, the neighbors saw construction vehicle arriving without knowing what work was being performed.
- Many of the concerns expressed by the neighbors appear to have been long term issues.

Recommendation:

The Congregation should contact the neighbors and offer to include them on the email list to receive the Synagogue's weekly newsletter. The communication should encourage those neighbors wishing to receive the newsletter to provide an email address to be used for that purpose. The Newsletter does typically include all events planned during the upcoming week(s).

The congregation should also email those neighbors whenever any unusual activity or construction is planned.

The Synagogue should provide a clear method of communication that the neighbors can use to express their concerns to the Synagogue or the schools. In that manner, items can be addressed in a more timely manner before they seemingly become a neglected long-term issue.

The Synagogue should more routinely host neighborhood discussion meetings so that there can be contemporaneous dialogue and working sessions to help mitigate the impact of Synagogue and school activities on the neighborhood.

## ATTACHMENT #1- KOL SHALOM- COMMUNITY MEETING: ATTENDEES

November 18, 2024

<b>NEIGHBOR ATTENDEES</b>
M KATHRYN TULLIER TRUSTEE ,1910 HIDDEN MEADOW LN, ANNAPOLIS MD 21401
MARY ANNE PATTERSON - 1914 HIDDEN MEADOW LN, ANNAPOLIS MD 21401
HUGH A AND DENISE A, MITCHELL- 1912 HIDDEN MEADOW LN, ANNAPOLIS MD 21401
STEVEN AND CHERIE YELTON- 1913 HIDDEN MEADOW LN, ANNAPOLIS MD 21401
ANDREW AND DANINE FALCON- 1895 SEVERN GROVE RD, ANNAPOLIS MD 21401
W P DINSMOOR AND MARY JEAN WHITE-1899 SEVERN GROVE RD,ANNAPOLIS MD 21401
ROGER CONEY AND HOLLY E LASH- 216 MARGRETS GLEN LANE, ANNAPOLIS, MD 21401
KYLE J AND PAUL J, WIMBISH- 1885 SEVERN GROVE RD, ANNAPOLIS MD 21401 KYLE@WINBISHMASONRY.COM
BONNIE NICHOLSON, GLORIA AND JOE MAYNE- 1903 SEVERN GROVE RD., ANNAPOLIS, MD 21401
<b>ARCHITECT</b>
JEFFREY HALPERN, HALPERN ARCHITECTS- 2238 BAY RIDGE AVENUE, ANNAPOLIS, MD 21403
<b>KOL SHALOM</b>
HOWARD SALOB, CONGREGATION PRESIDENT
<b>RELIGIOUS SCHOOL AND PRE-SCHOOL</b>
ALLISON CHARAPP- DIRECTOR DANIEL ROTHMAN RELIGIOUS SCHOOL AND TREE OF LIFE PRE-SCHOOL

H A L P E R N  
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2238-A BAY RIDGE AVENUE ANNAPOLIS, MARYLAND 21403

410 263 1909

[www.HalpernArchitects.com](http://www.HalpernArchitects.com) | [JHalpern@HalpernArchitects.com](mailto:JHalpern@HalpernArchitects.com)

## ATTACHMENT #2: EXPLANATION OF THE 2013 ZONING EXPLANATION:

A Request was made to explain the interpretation of the code that was made back in 2013. To explain that exception, the discussion will start with the table below. This is out of the current Anne Arundel County Zoning code but is the essentially the same table that existed in 2012.

In this table, the synagogue and the religious school at Kol Shalom falls in the category of a *Religious facility on at least 2 acres with less than 300 parking spaces*. The properties on Hidden Meadow Lane are zoned R-1 and under the zoning code, the synagogue and the religious school are a permitted use within that zoning. In 2013, there was a zoning interpretation, that a pre-school or daycare that was a part of a religious facility would be considered an integral part of that religious facility. In other words, the pre-school was not considered to be a separate zoning use and therefore did not require a Special Exception.

### 18-4-106. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the residential districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed, except that guest houses as accessory structures are prohibited and outside storage as an accessory use is limited to the lesser of 10% of the allowed lot coverage or 500 square feet.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1
Produce markets	C	C	C
Public utility essential services	P	P	P
Public utility uses	SE	SE	SE
Recovery residences	P	P	P
Religious facilities on a lot of at least two acres with less than 300 onsite parking spaces	P		P
Religious facilities on a lot of at least two acres with 300 or more onsite parking spaces	SE		P
Religious facilities on a lot of at least 5 acres if the coverage for all buildings, including onsite parking, is not more than 30% of the lot		P	
Religious facilities, existing, with less than 300 onsite parking spaces that abut and have direct access to a collector or higher classification road	P	P	P

During the review by Planning and Zoning there was also a discussion that Kol Shalom had operated the religious school within their building since the 1980's and as such, the pre-school might be considered an expansion of the existing religious school that predated the then current code.

Per the table below, under that interpretation the preschool would also be considered a permitted use.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1
<del>Seasonal stands consisting of temporary seasonal structures that sell produce and other</del>			
agricultural goods			
Rooming houses			
Schools, private academic, in existence on or before May 12, 2005	P	P	P

To the best of my knowledge, the permit approval was granted under the interpretation that the Preschool was an integral part of a religious facility and religious facilities and as such, under section 18-4-106, it was a Permitted use.

Since that time, the interpretation for all child care facilities and preschools at all religious facilities has changed such that childcare and preschools are now viewed as "Child care centers other than as a home occupation" and per the table below, are now required to have a special exception.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1
<del>Campgrounds, commercial recreational</del>	<del>SE</del>	<del>SE</del>	<del>SE</del>
Carnivals, circuses, and fairs, temporary	C	C	C
Cemeteries	SE	SE	SE
Child care centers other than as a home occupation	SE	SE	SE

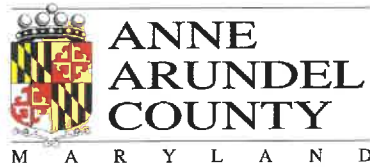
It should be understood that facilities that preexisted the current zoning code, or which obtained permits under the prior interpretation of the code, are deemed to be a pre-existing non-conforming use and as such are still legal even if their zoning status is not in conformance with current code interpretations.

Per discussions with Planning and Zoning Enforcement, this pre-existing non-conforming use exists for many, if not most, older pre-schools and requests for either certification as a pre-existing non-conforming use or an application for a special exception is a pretty common occurrence.

Please see Attachment #3 and #4 which are the documents referred to during the meeting. The first of these documents is the Attachment #5- *Preliminary Plan Approval 10-23-13* and the second was the Attachment #4- *AACo Memo on Pre-schools and Daycares operating within existing churches*.

As an explanation of these documents I will start with the *Preliminary Plan Approval 10-23-13*. In order to apply for a building permit, there is a preliminary plan review process. That process consists of submitting a preliminary set of drawings to the County, and in those days included a meeting or meetings with the code officials to agree upon the criteria under which the project would be reviewed. The *Preliminary Plan Approval 10-23-13* documents the conclusion of the Office of Planning and Zoning on the general compliance with the Zoning Codes as the project was submitted, reviewed, and constructed.

The other document, Attachment #4- *AACo Memo on Pre-schools and Daycares operating within existing churches* was the one that was not available at the meeting. That document specifically explains the basis for not requiring a traffic study. But in the last paragraphs it also supplies the general basis that allowed the permit to be issued for the Kol Shalom preschool without requiring a Special Exception.



County Executive John R. Leopold

**Office of Planning and Zoning  
Development Division**

***INTER-OFFICE CORRESPONDENCE***

**DATE:** September 12, 2012

**TO:**

**FROM:** Larry R. Tom, Planning & Zoning Officer

**SUBJECT:** **Pre-schools and daycares operating within existing churches**

The Office of Planning and Zoning has recently received a number of requests involving the use of existing religious facilities to operate pre-schools and day care facilities and private schools.

Article 17-5-201 states that Site Development Plans for religious facilities that do not contain a private academic school are exempt from the APF requirements for Roads and Schools, while Site Development Plans for private academic schools are subject to the test for APF.

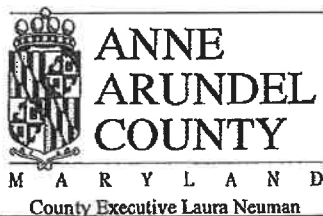
I have recently approved modifications to eliminate the Site Development Plan requirement for pre-schools operating within an existing religious facility based on the fact that the ITE Trip Generation, Eighth Edition The ITE Trip Generation, Eighth Edition notes that churches are buildings in which public worship services are held that may also include meeting rooms and classrooms that offer day care or extended care programs during the week. The peak hours of the generator are the weekday a.m. peak hour between 10 a.m. and 12 p.m. and the weekday p.m. peak hour varied between 7 p.m. and 11 p.m.

The ITE Trip Generation, Eighth Edition has a different rate for private schools K – 8 and indicates the peak a.m. hour of the generator coincides with the peak a.m. trips of the adjacent road network and that the p.m. peak hour is from 2 to 4 p.m.

Consequently, it is the policy of the Office of Planning and Zoning that pre-schools and day care facilities with an enrollment no greater than 60 students may operate within an existing church facility without the need for Site Development Plan approval prior to the

issuance of a Zoning Certificate of Use since the ITE Trip Generation includes them under churches. Pre-schools with an enrollment greater than 60 students, as well as private academic schools will be subject to addressing APF for roads as part of the Site Development Plan review process. A modification to the Site Development Plan process for private academic schools must include a Traffic Impact Study to demonstrate there is no impact to the surrounding road network.

cc: Development Division staff  
Joannie Coleman Casey, Zoning Enforcement  
Lori Rhodes, Zoning Division  
HBAM



2664 RIVA ROAD, P.O. BOX 6675  
ANNAPOLIS, MARYLAND 21401  
OFFICE OF PLANNING AND ZONING

October 23, 2013

Mark W. Evans, Associate  
Drum, Loyka & Associates, LLC  
1410 Forest Dr., Ste. 35, Clock Tower Place  
Annapolis, MD 21403

Re: Congregation Kol Shalom Synagogue  
Preliminary Plan # C2013-0050 00 PP  
Tax Map 45 Block 15 Parcel 241

Dear Mr. Evans:

The Preliminary Plan for the above referenced project has been reviewed by the agencies listed below and copies of their comments are attached.

- |    |                            |                            |
|----|----------------------------|----------------------------|
| A. | OPZ/Planning, Env. & Land. | Approval, October 18, 2013 |
| B. | Fire Marshal               | Approval, October 21, 2013 |

**I. Agency Comments to Be Addressed**

The agency comments listed below (copies attached) must be addressed with the Site Development Plan submittal:

- |    |                               |                            |
|----|-------------------------------|----------------------------|
| A. | OPZ/Planning, Environ., Land. | Comments, October 18, 2013 |
| B. | OPZ/Engineering & Utilities   | Comments, October 15, 2013 |
| C. | OPZ/Traffic                   | Comments, July 22, 2013    |
| D. | Fire Marshal                  | Comments, October 21, 2013 |

**II. Adequacy of Public Facilities**

Adequacy of Facilities for items A., B., C., D., and E. below, have been reviewed and are approved subject to any noted conditions.

- A. Fire Suppression: Adequacy of Fire Suppression has been demonstrated. Please see the enclosed Fire Marshal's comments dated October 21, 2013.
- B. Roads: Adequacy for Roads has been demonstrated. Adequacy for Roads has been demonstrated, through submittal of the Trip generation information and determined that the proposed development will generate less than 50 trips per day; therefore, Adequacy has been met. Please see OPZ/Traffic comments dated July 22, 2013.

- C. Schools: Residential uses are not proposed. School adequacy is not required for this project.
- D. Utilities: Adequacy of Water and Sewerage has been demonstrated. This site will be served by private well and septic and Adequacy of Utilities approval is deferred to the Department of Health. Health Department recommended approval June 26, 2013.
- E. Storm Drains: Adequacy of facilities for storm drainage has been addressed. It has been adequately demonstrated that the onsite drainage system and stormwater management system installed by the developer includes environmental site design to the maximum extent practicable, complies with the stormwater requirements of the Anne Arundel County Code, and is capable of conveying through and from the property, the design flow of storm water runoff originating on the site to an adequate outfall; and offsite downstream drainage systems are capable of conveying the design flow of storm water runoff to an adequate outfall between the site outfall(s) to the Point(s) of Investigation (POI) located at Lot #3B of the Merele Marcellus Property.

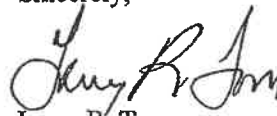
### III. Decision

Based upon the information submitted for the above referenced project, this office recommends Preliminary Plan approval to the Department of Inspections and Permits as of the date of this letter. This recommendation is subject to the items in Sections I and II listed above being satisfactorily addressed with a Site Development Plan submittal.

### IV. Resubmittal/Agreements/Expiration

Each agency submittal package for the Site Development Plan shall include a point-by-point response letter addressing the items in Sections I and II, above. Please note that as per Article 17-4-201(d), the Preliminary Plan and, if applicable, approvals for Adequacy of Public Facilities, expires twelve (12) months from the date of this letter, October 23, 2014, unless a Site Development Plan is submitted for review. If you have any questions regarding this approval, please contact Donna Aulds at [pzauld02@aacounty.org](mailto:pzauld02@aacounty.org) or 410-222-7960.

Sincerely,



Larry R. Tom  
Planning and Zoning Officer

cc: Kathy Shatt, OPZ  
Judy Motta, PAC  
Dan Kane, PAC

Congregation Kol Ami, Inc.  
File  
Patti Turner, OPZ