



PETITION TO AMEND THE ZONING MAP OF HOWARD COUNTY

DPZ Office Use Only: Case No. _____ Date Filed: _____

1. Zoning Request

I (we), the undersigned, hereby petition the Zoning Board of Howard County to amend the Zoning Map of Howard County as follows: To rezone the Subject Properties' zoning district classifications from B-2 (Business: General) and RC-DEO (Rural Conservation - Density Exchange Option) to CEF-M (Community Enhancement Floating - Mixed).

2. Petitioner's Name Erickson Living Properties II, LLC

Address 701 Maiden Choice Lane, Catonsville, Maryland 21228

Phone No. (W) 410-402-2449 (H)

Email Address steven.montgomery@erickson.com

3. Owner's Name Please see attached Narrative.

Address

Phone No. (W) (H)

4. Counsel for Petitioner William E. Erskine, Esq. - Offit Kurman, PA

Counsel's Address 8171 Maple Lawn Boulevard, Suite 200, Fulton, Maryland 20759

Counsel's Phone No. 301-575-0363

Email Address werskine@offitkurman.com

5. Property Identification

Address of Subject Property Rt. 108, 12170 Clarksville Pike, and p/o 5450 Sheppard Lane, Clarksville, MD 21029

Location of Subject Property Clarksville, Howard County, Maryland

Election District 5th Tax Map # 34, 35 and 28 Block # Parcel # 185, 259, and p/o 100

Lot # Total Acreage of Property 62.116 acres +/-

6. Petitioner's Interest in Subject Property Contract Purchaser

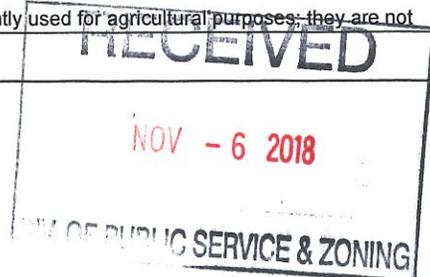
(e.g. owner/joint owner/contract purchaser)

7. Reason for the requested amendment to the Zoning Map The Petitioner wishes to establish a Continuing Care Retirement Community (CCRC) on the Subject Properties. Such a use is not currently permitted under the existing zoning.

Retirement Community (CCRC) on the Subject Properties. Such a use is not currently permitted under the existing zoning.

8. Statement as to the present use or uses of the subject property The B-2 zoned parcel is currently used as a

Freestate gasoline service station. The RC-DEO zoned parcels are currently used for agricultural purposes; they are not however subject to an agricultural preservation easement.



9. Statement as to whether or not there is an allegation of mistake in the current zoning, and, if so, the nature of the mistake and the facts to support the allegation For purposes of this application only, the Petitioner is not alleging a mistake in the current zoning. The proposed CEF-M zoning district is a floating district and therefore a finding of mistake in the current zoning is not a prerequisite for rezoning the Property.
10. Statement as to whether or not there is an allegation of a substantial change in the character of the neighborhood subsequent to the most recent comprehensive rezoning. If change(s) is alleged, the nature of the change(s) and the facts to support the allegation and a statement as to why the petitioner concludes that the reclassification sought is the proper one For purposes of this application only, the Petitioner is not alleging a substantial change in the character of the neighborhood subsequent to the most recent comprehensive zoning. The proposed CEF-M zoning district is a floating district and therefore a finding of substantial change in the character of the neighborhood subsequent to the most recent comprehensive zoning is not a prerequisite for the rezoning of the Property.
11. Statement as to whether or not the petitioner can use the subject property in its present zoning classification and, if not, the reasons why For purposes of this application only, the Petitioner is not alleging that the Property cannot be used in its present zoning classification.
12. Statement as to whether or not such amendment will be in harmony with the General Plan for Howard County and whether such amendment will adversely affect the surrounding and vicinal properties The proposed zoning map amendment will be in harmony with the General Plan for Howard County (PlanHoward 2030) and will not adversely affect the surrounding and vicinal properties. (Please see the Narrative for further discussion on this topic.)
13. State whether or not the subject property is currently served by public water, sewerage, and public roads The Subject Property is located within the Planned Service Area (PSA) for both water and sewer service. It is not, currently physically connected to these public utilities. The Subject Property is served by public roads; specifically, Maryland Rt. 108 - a minor arterial roadway.
14. Any other factors which the petitioner desires the Board to consider including copies of any written reports intended to be introduced at the hearing and a written summary of verbal evidence of any expert which will be proffered at the hearing Please see the attached Narrative for futher discussion on these topics.

15. **PETITION AND DRAWINGS (PLEASE TAKE NOTE)**

Original Petition plus **24 copies** (if on a county road), with equal amount of required drawings, folded to approximately 8 ½" x 14" (**27 copies if a state road is involved**). Plats of the subject property, plus other such scale drawings as may be required by the Department of Planning and Zoning must show the following:

- a. Courses and distances of the boundary lines of the subject property and the acreage
 - b. North arrow
 - c. Existing zoning of subject property and adjoining properties
 - d. Location, boundary lines, and area of any proposed reclassification of zoning
 - e. Existing structures, uses, natural features and landscaping on the subject and adjacent properties which may be relevant to the petition
 - f. Location of subject property in relation, by approximate dimension, to the nearest intersection of two public roads
 - g. Ownership of affected roads
 - h. Election district in which subject property is located
 - i. Tax map/zoning map number on which subject property is shown
 - j. Name of local community or neighborhood in which subject property is located or is near
 - k. Name and mailing address of property owner
 - l. Name and mailing address of the petitioner
 - m. Name and mailing address of petitioner's attorney, if any
 - n. Any other information as may be necessary for full and proper consideration of the petition
16. If the petition includes site plan documentation, the petition shall include all information as required by Section 100.0.G.2 of the Zoning Regulations.
17. The Petitioner agrees to furnish such additional plats, plans or other data as may be required by the Zoning Board and/or the Department of Planning and Zoning.
18. The Petitioner further agrees to install and maintain Zoning Hearing Poster(s) as required in the Affidavit of Posting provided by the Department of Planning and Zoning. The Poster(s) must be posted for at least 30 days immediately prior to the Zoning Board hearing and remain posted until 15 days after the final hearing.
19. The Petitioner agrees to insert and pay for the newspaper advertising costs as required by the Zoning Board Rules of Procedure. Said advertisement shall be in a format deemed adequate by the Chairperson of the Zoning Board and must be published once in at least two newspapers of general circulation in Howard County at least 30 days prior to the Zoning Board hearing. The Petitioner also agrees to submit certification of the text and publication dates of the approved advertisement prior to the Zoning Board hearing to the Administrative Assistant to the Zoning Board.
20. The Petitioner certifies that no petition for the same or substantially the same proposal as herein contained for the subject property has been denied in whole or in part by the Zoning Board or has been withdrawn after the taking of evidence at a public hearing of the Zoning Board within twenty-four (24) months of the Zoning Board hearing unless so stated herein

21. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information.

William E. Erskine 11/5/18
 Attorney's Signature Date

Todd Mattheisen 11-2-18
 Petitioner's/Owner's Signature Date
Todd Mattheisen, CFO, Authorized Signatory

 Petitioner's/Owner's Signature Date

 Petitioner's/Owner's Signature Date

22. **FEES**

The Petitioner agrees to pay all fees as follows:

- a. Filing fee including first hearing..... \$695.00*
 Each additional hearing night..... \$510.00*
- b. Public Notice Poster(s): \$25.00

* The Zoning Board may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the Zoning Board that the payment of the fee would work an extraordinary hardship on the petitioner. The Zoning Board may refund part of the filing fee for withdrawn petitions. The Zoning Board shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

For DPZ office use only:

Hearing Fee \$ _____
 Poster Fee \$ _____
 Total \$ _____

Receipt No. _____

PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

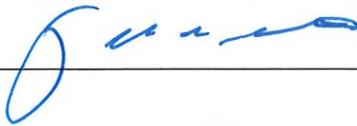
I, Erickson Living Management, LLC, the applicant in the above zoning matter
 X , HAVE _____ HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Erickson Living Management, LLC (Related Entity)
Printed Name: Todd Mattheisen, CFO, Authorized Signatory

Signature: 

Date: 11-2-18

Applicant: Erickson Living Properties II, LLC

Related Entity: Erickson Living Management, LLC

Recipients of Contributions:

Receiving Committee	Contribution Date	Contribution Amount
Kittleman, Allan Committee To Elect	5/12/2014	150
Kittleman, Allan Committee To Elect	10/17/2014	500
Kittleman, Allan Committee To Elect	1/10/2018	2500
Kittleman, Allan Committee To Elect	3/31/2017	1000
Kittleman, Allan Committee To Elect	5/19/2015	500
Kittleman, Allan Committee To Elect	8/16/2017	500
Kittleman, Allan Committee To Elect	1/10/2018	2000
Ball, Calvin Team, The	12/28/2016	500
Ball, Calvin Team, The	5/6/2017	500
Rigby, Christiana Friends of	9/13/2018	500
Rigby, Christiana Friends of	4/23/2018	250
Jones, Opel Friends of	6/22/2018	487.32
Jones, Opel Friends of	5/15/2018	1000
Jones, Opel Friends of	9/27/2018	1250
Yungmann, David Committee to Elect	4/17/2018	150
Yungmann, David Committee to Elect	10/29/2018	500

*NOTE: During the cycle beginning 2015 to 2018, it was determined that Erickson accidentally over contributed to the Committee to Elect Allan Kittleman by \$500.00. On 5/9/2018, the Committee to Elect Allan Kittleman refunded the \$500.00 to bring Erickson and the Committee back into compliance.

ZONING MATTER: Erickson Living Properties, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Erickson Living Management, LLC, the applicant in the above zoning matter

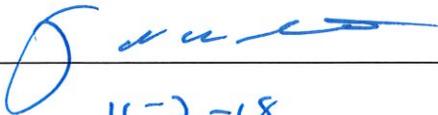
_____, AM X AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Erickson Living Management, LLC (Related Entity)
Printed Name: Todd Mattheisen, CFO, Authorized Signatory

Signature: 

Date: 11-2-18

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Alan Butler, the applicant in the above zoning matter

_____, AM X AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Alan Butler, CEO, Authorized Signatory

Signature: 

Date: 11/2/2018

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Susan Oliveri, the applicant in the above zoning matter

_____, AM X AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Susan Oliveri, General Counsel, Authorized Signatory

Signature: *Susan Oliveri*

Date: 11/2/18

OWNER'S WRITTEN AUTHORIZATION

Case No.: ZB _____
Petitioner: Erickson Living Properties II, LLC

To Whom It May Concern:

The undersigned property owner with an interest in the real property known and described as:

Limestone Valley Farm
5450 Sheppard Lane
Clarksville, MD 21029-1254
p/o Map 28, Parcel 100

does hereby authorize, consent to and/or permit the Petitioner, Erickson Living Properties II, LLC to petition the Zoning Board of Howard County, Maryland to amend the zoning maps of Howard County and to designate the above described property as Community Enhanced Floating – Mixed (CEF-M) on said zoning maps. The undersigned property owner does further authorize the Petitioner to make applications for any and all site plans, permits, waivers, variances, or alternative compliances as may be necessary or desirable to implement its plan of establishing a continuing care retirement community (CCRC) and/or a redeveloped motor vehicle fueling facility upon the subject property.

PROPERTY OWNER:

LIMESTONE VALLEY FARM
A Maryland General Partnership

By: Michael J. Clark

Date: 10-10-2018

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Michael S. Clark
Limestone Valley Farm, the applicant in the above zoning matter

_____ HAVE ✓ HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Michael S. Clark

Signature: Michael S. Clark

Date: 10-2-2018

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Michael S. Clark, partner
Limestone Valley Farm, the applicant in the above zoning matter

_____, AM AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Michael S. Clark, partner

Signature: Michael S. Clark

Date: 10-2-2018

OWNER'S WRITTEN AUTHORIZATION

Case No.: ZB _____
Petitioner: Erickson Living Properties II, LLC

To Whom It May Concern:

The undersigned property owner with an interest in the real property known and described as:

Serville LLC
Map 34; Parcel 185

does hereby authorize, consent to and/or permit the Petitioner, Erickson Living Properties II, LLC to petition the Zoning Board of Howard County, Maryland to amend the zoning maps of Howard County and to designate the above described property as Community Enhanced Floating – Mixed (CEF-M) on said zoning maps. The undersigned property owner does further authorize the Petitioner to make applications for any and all site plans, permits, waivers, variances, or alternative compliances as may be necessary or desirable to implement its plan of establishing a continuing care retirement community (CCRC) and/or a redeveloped motor vehicle fueling facility upon the subject property.

PROPERTY OWNER:

SERVILLE LLC

By: 
Date: 10/9/18  MANAGER

ZONING MATTER: Erickson Living Properties II, LLC

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: Serville, LLC

RECIPIENTS OF CONTRIBUTIONS: No contributions have been made

<u>Name</u>	<u>N/A</u>	<u>Date of Contribution</u>	<u>Amount</u>
_____		_____	_____
_____		_____	_____
_____		_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: Robert J. Glaser, Manager

Signature: 

Date: 10/29/18

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

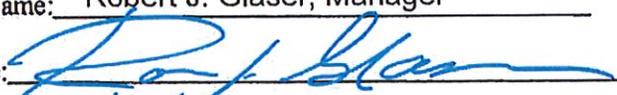
**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Serville, LLC, the applicant in the above zoning matter
_____, AM X AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Robert J. Glaser, Manager
Signature: 
Date: 10/8/18

OWNER'S WRITTEN AUTHORIZATION

Case No.: ZB _____
Petitioner: Erickson Living Properties II, LLC

To Whom It May Concern:

The undersigned property owner with an interest in the real property known and described as:

Lenore, LLC
Map 34; Parcel 185

does hereby authorize, consent to and/or permit the Petitioner, Erickson Living Properties II, LLC to petition the Zoning Board of Howard County, Maryland to amend the zoning maps of Howard County and to designate the above described property as Community Enhanced Floating – Mixed (CEF-M) on said zoning maps. The undersigned property owner does further authorize the Petitioner to make applications for any and all site plans, permits, waivers, variances, or alternative compliances as may be necessary or desirable to implement its plan of establishing a continuing care retirement community (CCRC) and/or a redeveloped motor vehicle fueling facility upon the subject property.

PROPERTY OWNER:

LENORE LLC

By: Michael Dentt, mgr

Date: 10/21/18

ZONING MATTER: Erickson Living Properties II, LLC

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR PARTY OF RECORD: LENORE, LLC

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
NONE		
		
		

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: Michael Levitt
Signature: Michael Levitt
Date: 10/23/18

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Lenore LLC, the applicant in the above zoning matter
_____, AM AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Michael Levitt, Manager
Signature: *Michael Levitt*
Date: 10/17/2018

OWNER'S WRITTEN AUTHORIZATION

Case No.: ZB _____
Petitioner: Erickson Living Properties II, LLC

To Whom It May Concern:

The undersigned property owner with an interest in the real property known and described as:

12170 Clarksville Pike
Clarksville, MD 21029
P.O. Box 417
Ellicott City, MD 21041
Map 35, Parcel 259

does hereby authorize, consent to and/or permit the Petitioner, Erickson Living Properties II, LLC to petition the Zoning Board of Howard County, Maryland to amend the zoning maps of Howard County and to designate the above described property as Community Enhanced Floating – Mixed (CEF-M) on said zoning maps.

PROPERTY OWNER:

CLARKSVILLE FREESTATE LLC

By: 
STEVEN K BREEDEN MEMBER
Date: 10/22/18

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, CLARKSVILLE FREETSTATE LLC, the applicant in the above zoning matter

_____, HAVE HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

CLARKSVILLE FREETSTATE LLC
Printed Name: STEWART BREEDEN James R. Moxley, III

Signature: [Signature] [Signature]

Date: 10/22/18 10/22/18

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, CLARKSVILLE FREESTATE LLC, the applicant in the above zoning matter

_____, AM AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

CLARKSVILLE FREESTATE LLC
Printed Name: STEVEN K. BREEDEN James R. Maxley, III
Signature: [Signature] [Signature]
Date: 10/22/18 10/22/18

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848 – 15-850**

I, James R. Moxley, III, a Member of Clarksville Square LLC, Owner of Clarksville
Freestate LLC

✓ HAVE _____ HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the
treasurer of a candidate or the treasurer of a political committee during the 48-month period
before application in or during the pendency of the above-referenced matter.

I understand that any contribution made after the filing of this Affidavit and before final
disposition of the application by the County Council shall be disclosed within five (5) business
days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the
contents of the foregoing paper are true.

Printed Name: James R. Moxley, III

Signature: James R. Moxley III

Date: 10/22/18

ZONING MATTER: Erickson Living Properties II, LLC

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: CLARKSVILLE FREESTATE LLC
JAMES R. MOXLEY III

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: James R. Moxley, III

Signature: James R. Moxley III

Date: 10/12/18

Applicant:
Member:

Clarksville Freestate LLC
James R Moxley III

RECIPIENTS OF CONTRIBUTIONS:

Name	Date	Amount
Committee to Elect Allan Kittleman	4/12/2016	1,000.00
Committee to Elect Allan Kittleman	10/27/2016	2,500.00
Committee to Elect Allan Kittleman	6/15/2017	2,500.00
Friends of Jen Terrasa	3/19/2015	500.00
Friends of Jen Terrasa	4/12/2016	250.00
Committee to Elect Jon Weinstein	3/27/2015	250.00
Committee to Elect Jon Weinstein	5/5/2015	500.00
Committee to Elect Jon Weinstein	5/5/2017	250.00
Calvin Ball Team	1/12/2016	500.00
Calvin Ball Team	4/20/2016	500.00
Calvin Ball Team	1/3/2017	1,000.00
Calvin Ball Team	4/24/2017	500.00
Calvin Ball Team	8/21/2018	500.00
Friends of Opel Jones	5/18/2018	250.00
Friends of Opel Jones	9/26/2018	500.00

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848 – 15-850**

I, James R. Moxley, III, a Member of Clarksville Square LLC, Owner of Clarksville Freestate LLC, the applicant in the above zoning matter

_____ AM AM NOT

currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland

I understand that if I begin engaging in business with an elected official between filling of the application and the disposition of the application, I am required to file an Affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: James R. Moxley, III

Signature: James R. Moxley III

Date: 10/22/18

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848 – 15-850**

I, Steven K. Breeden, a Member of Clarksville Square LLC, Owner of Clarksville Freestate LLC

✓ HAVE _____ HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above-referenced matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: STEVEN K BREEDEN

Signature: 

Date: 10/12/18

ZONING MATTER: Erickson Living Properties II, LLC

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: CLARKSVILLE FREESTATE LLC
STEVEN K BREEDEN

RECIPIENTS OF CONTRIBUTIONS: SEE ATTACHED

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: STEVEN K BREEDEN
Signature: [Handwritten Signature]
Date: 10/15/18

Applicant:

Clarksville Freestate LLC

Member:

Steven K Breeden

RECIPIENTS OF CONTRIBUTIONS:

Name	Date	Amount
Committee to Elect Allan Kittleman	10/27/2016	2,500.00
Committee to Elect Allan Kittleman	6/15/2017	2,500.00
Friends of Jen Terrasa	3/19/2015	500.00
Friends of Jen Terrasa	4/12/2016	250.00
Committee to Elect Jon Weinstein	3/27/2015	500.00
Committee to Elect Jon Weinstein	5/5/2015	500.00
Committee to Elect Jon Weinstein	3/24/2017	250.00
Calvin Ball Team	1/12/2016	500.00
Calvin Ball Team	4/20/2016	300.00
Calvin Ball Team	1/3/2017	1,000.00
Friends of Mary Kay Sigaty	5/7/2018	500.00
Calvin Ball Team	10/31/2018	500.00

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848 – 15-850**

I, Steven K. Breeden, a Member of Clarksville Square LLC, Owner of Clarksville Freestate LLC, the applicant in the above zoning matter

_____ AM

AM NOT

currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland

I understand that if I begin engaging in business with an elected official between filling of the application and the disposition of the application, I am required to file an Affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: STEVEN K BREEDEN

Signature: 

Date: 10/12/18

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848 – 15-850**

I, Abigail Glassberg, a Member of Clarksville Square LLC, Owner of Clarksville
Freestate LLC

_____ HAVE

HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the
treasurer of a candidate or the treasurer of a political committee during the 48-month period
before application in or during the pendency of the above-referenced matter.

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disposition of the application by the County Council shall be disclosed within five (5) business
days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the
contents of the foregoing paper are true.

Printed Name: Abigail Glassberg
Signature: Abigail Glassberg
Date: 10.9.18

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848 – 15-850**

I, Abigail Glassberg, a Member of Clarksville Square LLC, Owner of Clarksville Freestate LLC, the applicant in the above zoning matter

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I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Abigail Glassberg

Signature: Abigail Glassberg

Date: 10.9.18

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848 – 15-850**

I, Mark G. Moxley, a Member of Clarksville Square LLC, Owner of Clarksville Freestate LLC

✓ HAVE _____ HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above-referenced matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Mark G. Moxley

Signature: [Handwritten Signature]

Date: 10/22/18

ZONING MATTER: Erickson Living Properties II, LLC

DISCLOSURE OF CONTRIBUTION

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APPLICANT OR
PARTY OF RECORD: CLARKSVILLE FREESTATE LLC
MARK G. MOXLEY

RECIPIENTS OF CONTRIBUTIONS: SEE ATTACHED

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: MARK G. Moxley
Signature: [Handwritten Signature]
Date: 10/15/18

Applicant:
Member:

Clarksville Freestate LLC
Mark G Moxley

RECIPIENTS OF CONTRIBUTIONS:

Name	Date	Amount
Committee to Elect Allan Kittleman	11/17/2015	100.00
Committee to Elect Allan Kittleman	12/10/2015	500.00
Committee to Elect Allan Kittleman	4/12/2016	1,000.00
Committee to Elect Allan Kittleman	10/27/2016	1,000.00
Committee to Elect Allan Kittleman	5/4/2017	900.00
Committee to Elect Allan Kittleman	6/15/2017	2,500.00
Friends of Jen Terrasa	3/19/2015	500.00
Friends of Jen Terrasa	4/12/2016	250.00
Committee to Elect Jon Weinstein	3/27/2015	250.00
Committee to Elect Jon Weinstein	5/5/2015	500.00
Committee to Elect Jon Weinstein	5/5/2016	250.00
Calvin Ball Team	1/12/2016	500.00
Calvin Ball Team	1/3/2017	1,000.00

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848 – 15-850**

I, Mark G. Moxley, a Member of Clarksville Square LLC, Owner of Clarksville Freestate LLC, the applicant in the above zoning matter

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I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Mark G. Moxley

Signature: 

Date: 10/22/18

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848 – 15-850**

I, James R. Schulte, a Member of Clarksville Square LLC, Owner of Clarksville
Freestate LLC

✓ HAVE

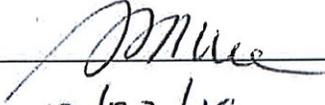
HAVE NOT

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days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the
contents of the foregoing paper are true.

Printed Name: JAMES R SCHULTE

Signature: 

Date: 10/22/18

ZONING MATTER: Erickson Living Properties II, LLC

DISCLOSURE OF CONTRIBUTION

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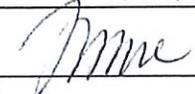
APPLICANT OR
PARTY OF RECORD: CLARKSVILLE FREESTATE LLC
JAMES R. SCHULTE

RECIPIENTS OF CONTRIBUTIONS: SEE ATTACHED

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: JAMES R. SCHULTE

Signature: 

Date: 10/15/18

Applicant:
Member:

Clarksville Freestate LLC
James R Schulte

RECIPIENTS OF CONTRIBUTIONS:

Name	Date	Amount
Committee to Elect Allan Kittleman	10/27/2016	2,500.00
Committee to Elect Allan Kittleman	6/15/2017	2,500.00
Committee to Elect Allan Kittleman	11/15/2017	1,000.00

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848 – 15-850**

I, James R. Schulte, a Member of Clarksville Square LLC, Owner of Clarksville Freestate LLC, the applicant in the above zoning matter

_____ AM

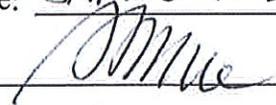
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I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: JAMES R SCHULTE

Signature: 

Date: 10/22/08

ZONING MATTER: Erickson Living Properties II, LLC

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848 – 15-850**

I, Sandra Kendall, a Member of Clarksville Square LLC, Owner of Clarksville Freestate LLC, the applicant in the above zoning matter

_____ AM

AM NOT

currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland

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I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: SANDRA L. KENDALL

Signature: Sandra L. Kendall

Date: _____

Narrative in Support of Petition to Amend the Zoning Map of Howard County

On behalf of the development team of Erickson Living Properties II, LLC (the “Applicant”), the following narrative, exhibits, and Development Concept Plan are submitted for the purpose of proposing a Community Enhancement Floating District – Mixed (“CEF-M District”) for certain properties located in Clarksville, Howard County, Maryland (Map 34, Parcel 185; p/o Map 28, Parcel 100; and Map 35, Parcel 259) (collectively, the “Property” or “Site”). The Applicant’s Development Concept Plan (“DCP”) is attached hereto as **Exhibit “A”** and consists of 46 sheets consecutively labeled DCP-1 through DCP-46. The purpose of this CEF-M proposal is to seek zoning approval for a continuing care retirement community (“CCRC”) and to permit the expansion/relocation and architectural enhancement of the existing Freestate Gasoline Service Station currently located on Parcel 259. The Petitioner is confident that this Petition meets all of the criteria necessary to authorize the requested zoning map amendments. These specific criteria are addressed and evaluated in detail in the pages, reports and exhibits that follow.

Supplemental Response to Petition Paragraph #3

Owners’ Names:

Limestone Valley Farm
5450 Sheppard Lane
Clarksville, MD 21029-1254
p/o Map 28, Parcel 100

Serville LLC
10606 Great Arbor Drive
Potomac, MD 20854
Map 34; Parcel 185

Lenore, LLC
2703 Dragonfly Way
Odenton, MD 21113
Map 34; Parcel 185

Clarksville Freestate LLC
12170 Clarksville Pike
Clarksville, MD 21029
P.O. Box 417
Ellicott City, MD 21041
Map 35, Parcel 259

Supplemental Response to Petition Paragraph #5

Property Identification:

The subject properties are located in Clarksville, Maryland and are designated on the Howard County Tax Map as: Map 34, Parcel 185; p/o Map 28, Parcel 100; and Map 35, Parcel 259.

Supplemental Response to Petition Paragraph #12

The development of the Site in accordance with Applicant's proposed CEF-M District furthers several of the stated land use policies within the General Plan (PlanHoward2030) and it also furthers the goal of satisfying the growing and well documented need for additional continuing care retirement communities within Howard County for people over the age of 62. (See attached **Exhibit "B"** - 2015 report from the Howard County Department of Citizen Services entitled *Planning for the Growth of the Older Adult Population in Howard County*. See also attached **Exhibit "C"** - November 2017 report from Sage Policy Group, Inc. entitled *There is Unmet Demand for Independent Senior Housing in Howard County, MD - An Evidentiary Exploration*.) The presence of a CCRC such as the one proposed by the Applicant will allow the County's aging population the flexibility to age in place within the County.

The Applicant's proposal to create a CEF-M District at this location for the purpose of establishing a CCRC will further a number of important land use policies contained within PlanHoward2030. These policies include but are not limited to:

Chapter 6 (Growth) of the Howard County General Plan:

[w]hereas the total U.S. population grew by 9.7% from 2000 to 2010, those entering the 45 to 64 year age cohort, the approximate ages of the baby boomers, increased by 31.5% during that time period. Baby boomers currently make up about 29% of the countywide population and are starting to move into the 65-plus age cohort.

PlanHoward, Chapter 6 (Growth), pg. 66

Furthermore, the Howard County General Plan makes the following pertinent finding:

[w]hereas the overall County population increased by 16%, those 65 and over increased by 57%. There are now 10,577 more residents 65 and older compared to ten years ago - 29,045 total in 2010 compared to 18,468 in 2000. Almost 27% of the total increase of 39,243 residents over the decade was comprised of those aged 65 and older. The very old, 85 and over, increased by 47%. This trend will continue as the baby boomers continue to age.

PlanHoward, Chapter 6 (Growth), pg. 66

As such, Policy 9.4 of the Howard County General Plan aims to “expand housing options to accommodate the County’s senior population who prefer to age in place and people with special needs.” In support of this Policy Goal, the Howard County General Plan finds that the

County’s housing stock should support the aging population and will need to continue General Plan 2000 policies to promote diverse senior housing for those that wish or need to downsize to more easily maintained units as they age. The policies should also continue to support seniors who choose to age in place in their own homes or in their own communities...The County also recognizes that as older residents’ ability to live independently diminishes, they often need to move to housing that provides support services. There are both nursing and assisted living options for seniors in the County, offering a continuum of services, from acute care to congregate and group housing to in-home services. In order to accommodate the projected 19% of residents age 65 or older by 2030, the County’s support of continuing care housing and services must be maintained.

PlanHoward, Chapter 9 (Housing), pp. 130-131

Furthermore, the Applicant’s proposed CEF-M District will not adversely affect the surrounding and vicinal properties in any way. The Applicant’s proposed CCRC community will provide an appropriate transition between the commercial and institutional uses along Route 108 in Clarksville and the lower density single family detached development further to the north and west of the Site. The Applicant’s proposed CCRC is required by federal fair housing law to be occupied by residents age 62 or older. The Applicant’s experience, however, has been that the average age of a CCRC resident is closer to 80 years of age. Because of its demographics, the Applicant’s proposed CCRC by its very nature will tend to be a comparatively low intensity use as compared to the other commercial and institutional uses already established along Route 108 in Clarksville.

In designing the Applicant’s proposed CCRC community, careful study and planning was taken to provide either increased building setbacks or lower height buildings in areas along Route 108 and Sheppard Lane in order to minimize the visual impact of these proposed structures when viewed from the roadway and from vicinal properties. Taller buildings have been strategically located further away from Route 108 and Sheppard Lane to take full advantage of the Site’s significant drop in topography between its eastern and western boundaries. The Site’s topography drops off nearly 80 feet from its frontage along Route 108 to the back of the Site along the western boundary of the Property. This significant drop in topography makes it possible for the Applicant to locate taller buildings in these lower elevation areas without having the buildings appear to be out of place when viewed from the public roads and neighboring properties.

The Applicant is confident that its proposal to create a CEF-M District for the purpose of establishing a CCRC community at this location will have no adverse effects on the surrounding and vicinal properties. To the contrary, the Applicant is most confident that the proposed CEF-M District will convey significant benefits to the surrounding community and vicinal properties as a result of the significant traffic mitigation and roadway enhancements proposed. Traffic is a serious concern in Clarksville - especially in the area of Route 108 and Sheppard Lane. In fact, current traffic studies indicate that the existing intersection at Route 108 and Sheppard Lane has failing levels of service both in the morning peak hour (LOS F) as well in the evening peak hour (LOS

F). Upon completion of the proposed road improvements associated with this CEF-M District proposal and after accounting for the additional traffic generated after full buildout of the CCRC community, the traffic congestion at this difficult intersection will be improved significantly to passing levels of service both in the morning peak hour (LOS B) as well as in the evening peak hour (LOS C). (See Traffic Impact Study attached hereto as **Exhibit “D”**.)

Subject to State Highway Administration (SHA) approval, all traffic mitigation and road improvements are proposed to be completed prior to the first resident occupying a residence within the proposed CCRC community.

Supplemental Response to Petition Paragraph #14

The proposed CEF-M District will allow the creation of a CCRC community that will greatly enhance the quality of life of many of the senior citizens of Howard County. As described below, the ability to locate the proposed CCRC community at this location will likewise benefit the citizens and residents of Howard County whether or not they choose a CCRC lifestyle.

Positive Fiscal Impact

This proposed CCRC community will convey significant benefits to the citizens and residents of Howard County year after year as a result of its significant positive fiscal impact. A comprehensive fiscal and economic analysis of the Applicant’s proposed CCRC project at full build out indicates that each year the CCRC community will generate approximately \$4.1 million in positive fiscal impacts for Howard County. As is described in detail in the attached fiscal analysis, the positive fiscal impact of this proposed CCRC community is related to several important contributing factors, including: 1) the fact that seniors pay income taxes; 2) CCRC facilities also pay property taxes; 3) CCRC communities do not generate school age children and therefore they do not place any additional burdens on the school system; 4) seniors, when residing in a CCRC community, require far fewer County provided services as compared to senior’s residing outside of such communities. (See attached **Exhibit “E”** - June 27, 2018 fiscal impact study by Richard B. Reading Associates entitled *Summary Evaluation Fiscal and Economic Effects Erickson Living at Limestone Valley by Erickson Living in Howard County Maryland.*)

Enhanced Transportation & Paratransit Services

In addition, to the positive fiscal impacts described above, this proposed Erickson Living CCRC community will convey significant benefits to the County as a result of the robust private transportation services that it offers to its residents and employees. The availability of private transportation services to the residents and employees of the proposed Erickson Living CCRC community will result in a corresponding decrease in the demand for publicly provided transportation services as compared to the expected demand that would be created by a similar sized senior housing complex. Furthermore, Erickson Living communities offer many amenities and services on-campus compared to other senior housing providers including but not limited to several restaurants, fitness centers, pool, hair salon (men and women), library, office, bank, theater room, pharmacy and medical care (full-time geriatric doctors available 24/7 with same day appointments, dentist, podiatrist, ophthalmologist etc.) By reducing the demand for publicly

provided paratransit services, this proposed CCRC community on a comparative basis will save Howard County significant expense in the future.

Like all Erickson Living communities, this proposed CCRC community will maintain a fleet of shuttle buses and sedans that will provide private transportation services to its residents and employees, including but not limited to paratransit services. Because of the availability of private paratransit services within the community, it has been the Petitioner's experience that many of our residents and employees will opt to utilize the private Erickson Living paratransit service instead of relying upon the public paratransit services offered by the Regional Transportation Agency of Central Maryland (RTA).

At full build-out, it is anticipated that Erickson Living at Limestone Valley will have a shuttle and paratransit service that will run Monday through Saturday between the hours of 9am and 7pm. Transit service would be offered internally in the Limestone Valley campus as well as to destinations in the larger Howard County community. It is anticipated that likely destinations will include the Route 108 corridor in Clarksville, as well as Downtown Columbia as Howard County's shopping, cultural and medical hub. However, other destinations could be added to the anticipated routes based upon resident interest and demand.

Evaluation of Criteria for Approval of CEF-M District

The remainder of this narrative will describe and evaluate the required criteria for approval of a CEF-M District; it will also describe and evaluate the manner in which the Applicant's proposal satisfies each and every required criterion for approval.

In accordance with Howard County Zoning Regulations (the "Regulations") Section 121.0.I, a CEF District may be established at a particular location if the following criteria are met:

- 1. The proposed CEF District is located within the planned service area for both public water and sewer service.**

On July 27th, 2018, the Howard County Council by unanimous vote approved Council Bill 59-2018 ("CB 59"). This legislation amended PlanHoward 2030 (the General Plan for Howard County) to expand the planned service area for water and sewer service (the "PSA") to include the entirety of the Site – the Freestate property was already in the PSA prior to the passage of CB 59.

CB 59 was signed by the County Executive on August 6th, 2018 and later became law on October 6th, 2018 (see attached **Exhibit "F"**). Accordingly, this petition satisfies the above criterion because the proposed CEF District is located within the planned service area for both water and sewer service.

- 2. A proposed CEF-M District shall have frontage on and access to an arterial or collector roadway, or a local road if access to the local road is safe based on road conditions and accident history and the local road is not internal to a residential development**

As a development consisting of a proposed mix of residential and commercial uses, the subject Site falls under the criterion applicable to a CEF-M District. This petition satisfies the above criterion because the Site has frontage and direct access onto Route 108 which is designated as a minor arterial roadway in the General Plan (See, PlanHoward 2030 Map 7-3 attached as **Exhibit “G”**). The Site is also proposed to feature a secondary public access road extending from Route 108 along the western boundary of the proposed CEF District.

- 3. For all properties, the minimum development size for any CEF District shall be five acres.**

The Site consists of approximately 62.116 acres. Therefore, this petition satisfies the above criterion. (See attached **Exhibit “A”**, sheet 5.

- 4. The proposed CEF District is not located in an existing M-2, TOD, NT, MXD, or PGCC District.**

The properties comprising the Site are currently zoned RC-DEO (Map 34, Parcel 185; p/o Map 28, Parcel 100) and B-2 (Map 35, Parcel 259). Therefore, this petition satisfies the above criterion.

- 5. The proposed CEF District is not permitted within the interior of a neighborhood comprising only single-family detached dwellings.**

The several properties comprising the Site are not located within the interior of a neighborhood comprising only single-family dwellings. Therefore, this petition satisfies the above criterion.

- 6. A CEF development at the proposed location shall be compatible with surrounding residential neighborhoods, existing land uses in the vicinity of the site in terms of providing a transitional use between different zoning districts and/or land uses and the scale, height, mass and architectural detail of proposed structures.**

The proposed CEF-M District consists of an integrated continuing care retirement community (“CCRC”) composed of 1,200 independent living units and 240 health care units consisting of assisted living, memory care, and skilled nursing facilities, resident accessory spaces and buildings, and accessory uses necessary for the operation of the community or for the benefit or convenience of the residents and their guests. In addition, the CCRC contains over 5 acres of public amenity space available to the general public at no charge and consisting of pathways, seating areas, an amphitheater, covered pavilion, a play area, pickle ball courts, a dog park, a 48 space parking lot, and community meeting space within the marketing/sales center. (See **Exhibit “A”**, sheet 11 – Illustrative Site Plan.)

The primary purpose of the Applicant’s proposed CCRC is to provide housing and continuing care for people over the age of 62. As is shown and depicted on the Plan, the Applicant’s proposed CCRC is sited in two development areas upon the eastern and western portions of the Site,

consisting of a series of 1 story to 5 story buildings with underground parking and accessory spaces with private internal roadways and enclosed pedestrian connections throughout.

The Site itself is bordered to the southwest by a mix of B-1 and B-2 zoned commercial properties, undeveloped RC-DEO zoned agricultural land under preservation easements to the west and north, single-family detached dwellings across Sheppard Lane to the northeast, and the existing River Hill Garden and Landscape Design Center (currently undergoing renovations) and the Linden-Linthicum United Methodist Church to the immediate east. Although not adjoining the Site, a section of the Village of River Hill developed as single-family detached dwellings is located to the east and southeast of the River Hill Garden and Landscape Design Center and Linden-Linthicum United Methodist Church properties approximately 400' from the boundary of the Site.

With the endorsement of the Design Advisory Panel (DAP), the Applicant has designed the Site to provide either increased building setbacks or lower height buildings in areas along Route 108 and Sheppard Lane in order to minimize the visual impact of these structures when viewed from the roadway and from vicinal properties. As stated above, taller buildings have been strategically located further away from Route 108 and Sheppard Lane in order to take full advantage of the Site's significant drop in topography between its eastern and western boundaries. The Site's topography drops off nearly 80 feet from its frontage along Route 108 to the back of the Site along the western boundary of the Property. This significant drop in topography makes it possible for the Applicant to locate taller buildings in these lower elevation areas without having the buildings appear to be out of place when viewed from the public roads and neighboring properties.

The architecture of the CCRC buildings is proposed to acknowledge the traditional and diverse nature of the neighborhood aesthetic and will complement the surrounding residential and commercial uses. The location of the CCRC buildings and uses throughout the Site and the compatible architectural designs proposed by the Applicant hereunder allow for an appropriate transition between the surrounding mix of commercial, institutional, residential, and agricultural uses in terms of scale, height, mass, and architectural detail. (See attached **Exhibit "A"**, sheets 13 to 24 for Site Elevations and Architectural Renderings.)

As set forth in greater detail on the Plan, the Applicant's proposed CEF-M District also includes the existing Freestate motor vehicle fueling facility located on Tax Map 35, Parcel 259. The Freestate motor vehicle fueling facility currently consists of eight double-sided fuel pumps and one standalone diesel pump and kerosene dispenser, a lighted canopy overhang, and an accessory convenience store. The inclusion of the motor vehicle fueling facility within the proposed CEF-M District will allow (i) the motor vehicle fueling facility to be redeveloped under architecturally enhanced standards (including, but not limited to, recessed lighting fixtures, environmental controls, and enhanced circulation and pedestrian safety features) with enhanced landscaping and streetscape features which would otherwise not occur absent this proposed CEF-M District and (ii) the relocation of the existing motor vehicle fueling facility to allow for the secondary public access road (see Section 7 below) serving also as a potential connection to the adjoining commercial properties to the west of the Site along with signalized access to such properties. (See attached **Exhibit "A"**, sheet 27 – Conceptual Service Station Landscape Plan.)

7. The proposed CEF District shall include enhancements as provided in Section 121.0.G. Enhancements shall be proportionate to the scale of the CEF development.

As set forth above and shown in greater detail on the Plan, the Applicant's proposed CEF District provides a variety of Community Enhancements under Section 121.0.G, all of which are beneficial to the community, the general public, and the County as a whole and far exceed those which would be required to be provided under the current development standards applicable to the several properties constituting the Site were they to be developed independently of each other. (For a detailed description of the proposed CEF-M enhancements see Exhibit "A", sheet 29 through sheet 44.)

The Site consists of an existing motor vehicle fueling facility and two undeveloped RC-DEO parcels located along Route 108. Under existing zoning, the RC-DEO parcels are capable of being developed at a residential density of one (1) dwelling per 4.25 acres – a total of approximately 14 residential dwelling units. Alternatively, the RC-DEO parcels could potentially be developed at a density of one (1) dwelling unit per 2 net acres using the density exchange option. Using the density exchange option, a total of approximately thirty (30) residential dwelling units could be developed. Under such a limited scheme of development, the road improvements required under either SHA design standards or the Howard County's Adequate Public Facilities Ordinance would be limited to nominal frontage improvements or fee-in-lieu payments and would not result in any immediate relief from traffic congestion to the residents of the area. In addition, the development of these parcels independent of each other would drastically limit the potential to present a unified streetscape presence in full conformity with the Clarksville Pike Streetscape Plan and Design Manual.

Under the Applicant's proposed CEF-M District, all of these underutilized subject properties are aggregated and integrated into a single well-connected design which allows for these several properties to be developed to a more appropriate and socially beneficial use while simultaneously allowing the Applicant to provide Community Enhancements under Section 121.0.G far in excess of those which would be possible without the implementation of the flexible standards of the CEF-M District. Specifically, the Applicant is proposing the following as Community Enhancements:

Streetscape Enhancements

- Streetscape enhancements along the entire frontage of Route 108 in accordance with the Clarksville Pike Streetscape Plan and Design Manual, including, but not limited to, a multi-use pathway with connecting crosswalks, seating areas, and flowering shade trees.
- A multi-use pathway extending from the Site to the northeast along Route 108 and extending to Meadow Vista Way opposite Trotter Road. In addition, a pedestrian crosswalk will be provided at the traffic signal serving River Hill High School and Clarksville Elementary School.
- Sidewalk extensions from the Site to the southwest connecting to existing sidewalks along the frontage of Clarksville Commons near Great Star Drive.

- Sidewalk extensions and sidewalk widening along the east side of Route 108 from the River Hill Garden Center extending southwest to Great Star Drive.

Transportation Enhancements (subject to SHA and Howard County final approval)

In order to satisfy CEF-M District requirements a substantial road improvement package is proposed. These proposed road improvements extend far-beyond what would be required if this project was a traditional by-right development. The proposed road improvements are detailed in the sections that follow.

Howard County's Adequate Public Facilities Ordinance requires road improvements if intersection analysis undertaken using the simplistic Critical Lane Volume (CLV) Methodology results in an unacceptable level of service during the AM or PM peak hour period. CLV only accounts for traffic volumes and lane configurations. It does not directly consider intersection delay, queuing, or other operational deficiencies that can occur on the road system. In addition, the analysis is limited to intersections of roadways that feature the classification of major/minor collector or higher. Local roads are excluded from the adequacy test.

APFO Improvements

When considering the Adequate Public Facilities Ordinance (APFO), the only intersection that would require improvements for this development is MD 108 at Sheppard Lane. To satisfy the criteria, a second lane along Sheppard Lane approaching MD 108 could be constructed. The lane could be as short as a few hundred feet in length. While this improvement would lessen delay for drivers turning right from Sheppard Lane onto MD 108, it would not address the larger operational concerns at the intersection that occur on a daily basis.

At the site access point, SHA would require the installation of auxiliary left and right turn lanes as well as an acceleration lane. The lengths of the lanes would be based on the speed limit of MD 108 and would be relatively short, serving the sole purpose of the development's traffic only. In addition, based on the number of daily trips projected for the site, Howard County would require a second access point. Without the construction of Proposed Public Access Road, the access point could potentially be designed as a right-in/right-out only along Sheppard Lane, again only serving the benefit of the property, not the larger community.

CEF-M District Road Network Enhancements

The proposed CCRC community will generate relatively few peak hour trips during the AM and PM peak periods, relative to the number of residents who will ultimately live there. As a result, the proposed road network improvements will serve as a community enhancement and benefit drivers, passengers, pedestrians and bicyclists within the MD 108 corridor by shortening delay, enhancing safety. Below the specific road network improvements are described in detail.

MD 108 at Sheppard Lane

Sheppard Lane currently intersects MD 108 at a 55 degree angle, which is substandard and has a negative impact on intersection operations. In addition, the Sheppard Lane approach features

just one single lane for traffic accessing MD 108. This geometric configuration results in additional delay for right turning drivers as they cannot proceed to the intersection if they are blocked by queued left turn traffic.

Finally, the existing left turn lane from eastbound MD 108 to Sheppard Lane is only 175 feet long which results in significant queuing that blocks the through lane and adds delay for drivers headed to the east along the roadway. The following improvements are proposed at this location:

- Realign Sheppard Lane to the west at an angle of a minimum of 70 degrees as acceptable to SHA – *this improvement will be coordinated with the redevelopment of the River Hill Garden Center.*
- Widen the Sheppard Lane approach to provide two lanes onto MD 108, including a separate right turn lane and separate left turn lane.
- Provide a continuous left turn lane along eastbound MD 108, approaching Sheppard Lane.
- Widen the westbound MD 108 approach to provide two thru lanes and a separate right lane.
- Reconstruct the traffic signal and provide pedestrian accommodations as required by SHA.
- Provide interconnection of the traffic signal along MD 108 to MD 32.

Not only do the proposed improvements at MD 108 at Sheppard Lane improve the level of service to acceptable levels as required by the APFO, but queuing is significantly reduced on all approaches. The queuing is an operations issue that is present under existing conditions and the reduction will provide significant benefits to all roadway users.

MD 108 at Linden Linthicum Lane/Proposed Public Access Road

The existing intersection of MD 108 and Linden Linthicum Lane features stop control for the minor approach. As a result, significant delays are encountered during the peak period for left turning traffic. Because of the circuitous road system in place on the south side of MD 108, drivers in that area can choose to access MD 108 via the signalized intersection at Great Star Drive which increases traffic volumes on that roadway. Signalization at Linden Linthicum Lane would therefore reduce minor street traffic on Great Star Drive.

The following improvements are proposed to mitigate delays and improve operations at the MD 108 / Linden Linthicum Lane intersection:

- Install traffic signalization once approved by SHA.
- Provide an extension of Linden Linthicum Lane (Proposed Public Access Road) on the north side of MD 108 to provide site access and potential future connections to commercial properties to the west.

- Convert the existing right turn lane along eastbound MD 108 to a shared thru/right lane.
- Convert the westbound MD 108 auxiliary lane to a shared thru/right lane.

The construction of these proposed improvements, including the Proposed Public Access Road on the north side of MD 108, will provide a significant community benefit. The new road will allow property owners on its west side to potentially have signalized access to MD 108. While the elimination of unsignalized access points is not recommended, drivers will have a choice to utilize signalized access to the MD 108 corridor, particularly during peak periods. In addition, the installation of the traffic signal at Linden Linthicum Lane is consistent with elements of the *Clarksville Pike Streetscape Plan* which was adopted by Howard County in 2016. The implementation of the signal will allow for synchronized traffic signals between Sheppard Lane and MD 32, which will significantly enhance operations providing a community benefit.

MD 108 at Site Access

The construction of the five lane section along MD 108 is consistent with the Clarksville Pike Streetscape Plan and will match the section of MD 108 to the west of Linden Linthicum Lane. This construction will provide a significant benefit to roadway users, as queuing for Sheppard Lane will no longer block thru traffic along MD 108.

MD 108 at River Hill High School Entrance

During school arrival and dismissal times, traffic accessing the school property occasionally spills onto MD 108. While this occurrence is limited to a very short time period during school days, it can create an impact to the community as drivers on MD 108 passing by the facility are impacted. To improve the condition, the existing right turn lane is proposed to be lengthened.

Other Public Enhancements

- Public use recreation area (playground).
- Public use outdoor amphitheater adjacent to Route 108.
- Public use covered pavilion.
- Public use of meeting space within the marketing/sales center.
- Public use dog park.
- Public use pickle ball courts.
- Public use 48 space parking lot.

These proposed Community Enhancements provide much needed infrastructure improvements aimed at alleviating existing issues relating to traffic congestion, signalization, and pedestrian safety along this section of the Route 108 corridor. The Community Enhancements set forth above would not be possible but for the implementation of the integrated design proposal set for in the Applicant's proposed CEF-M District and are proportionate to the scale of the development proposed by the Applicant hereunder.

8. The proposed CEF District shall meet the criteria of the purpose statement.

The CEF-M District was established to encourage the creative development and redevelopment of commercial and residential properties through flexible zoning so that the proposed development complements and enhances the surrounding uses and creates a more coherent, connected development.

As described and evaluated below, the Applicant's proposed CEF-M District satisfies each of the 6 stated purposes of the CEF District.

Purposes of the CEF Zoning District

8.1. Allow greater design flexibility and a broader range of development alternatives than the existing zoning district.

The Applicant's proposed CEF-M District is intended to provide a truly integrated continuing care retirement community experience within Howard County for people over the age of 62. As stated above, the CCRC proposed by the Applicant would result in 1,200 much needed independent living units and 240 health care units, consisting of assisted living, memory care, and skilled nursing facilities, resident amenity spaces and buildings, and accessory uses necessary for the operation of the community or for the benefit or convenience of the residents and their guests.

In addition, the proposed CCRC contains over 5 acres of public amenity space available for use to the general public at no cost and consisting of multi-use pathways for pedestrians and bicyclists, seating areas, an outdoor amphitheater, a play area, a dog park, pickle ball courts, a covered pavilion, and public use of community meeting space within the marketing/sales center. As stated above, the Site consists of an existing Freestate motor vehicle fueling facility and two undeveloped RC-DEO parcels located along Route 108. Under the Applicant's proposed CEF-M District, all of these underutilized properties are aggregated and integrated into a single connected design which fulfills a stated land use policy goal of the General Plan and allows for these sites to be developed to their highest and best uses while simultaneously allowing the Applicant to provide Community Enhancements under Section 121.0.G which are far in excess of those which would be possible without the implementation of the flexible standards of the CEF District.

8.2. Provide features and enhancements which are beneficial to the community in accordance with Section 121.0.G.

As set forth above and as shown in greater detail on the Plan, and in addition to those public benefits noted elsewhere herein, the Applicant's proposed CEF-M District will provide those Community Enhancements under Section 121.0.G stated in Section 7 above, all of which are beneficial to the local community and to Howard County as a whole.

8.3. Provide a higher quality of site design and amenities than is possible to achieve under the standard provisions of existing zoning district requirements.

The Applicant's proposed CEF District will result in an integrated CCRC community providing 1200 much needed independent living units, 240 health care units, consisting of assisted living, memory care, and skilled nursing facilities, resident amenity spaces and buildings, and accessory uses necessary for the operation of the community or for the benefit or convenience of the residents and their guests, all in a well-developed and coordinated campus like setting (See Applicant's Plan attached hereto). The site design proposed by the Applicant hereunder utilizes the entire Site and takes advantage of the existing topography and environmental features to create a vibrant interconnected senior community which would not be possible under the underlying zoning. In addition, the inclusion of the existing motor vehicle fueling facility within the Site, will allow this use to be redeveloped under modern standards (including, but not limited to, recessed lighting fixtures, modern environmental controls, and enhanced circulation and pedestrian safety features) with enhanced landscaping and streetscape features which would otherwise not be possible under the underlying zoning.

The development of the Site under an integrated design by consolidating three underutilized adjacent properties under the Applicant's proposed CEF-M District allows for the creation of amenity spaces and buildings, walkways and bike paths, gardens, and open space areas throughout the project on a scale which would not be possible under the underlying zoning.

8.4. Encourage creative architectural design with the most favorable arrangement of site features, based on physical site characteristics and contextual sensitivity to surrounding developments.

As shown and depicted on the Plan, the Applicant's proposed CCRC is sited in 2 development areas upon the eastern and western portions of the Site, consisting of a series of 1-5 story buildings and amenity spaces with internal roadways throughout. The separation of the improved areas of the Site into these 2 development areas integrates those stream and wetland features and buffers located through the middle of the Site as well as those specimen trees located throughout while simultaneously limiting the disturbance of those features in the development of the proposed CCRC. All residential buildings are linked together by a series of enclosed and environmentally conditioned pathways and bridges.

Furthermore, by providing underground parking in each of these two development areas for the vast majority of the parking needs, the Applicant's proposed CEF-M District takes an unprecedented approach to reducing impervious surfaces on site resulting from surface parking.

The architecture of the proposed CCRC buildings is proposed to acknowledge the traditional and diverse nature of the neighborhood aesthetic and will complement the surrounding residential and commercial uses.

8.5. Serve as a transitional area by providing a mix of uses compatible with the surrounding community.

As stated above, the Site, itself, is bordered to the southwest by a mix of B-1 and B-2 commercial properties, undeveloped RC-DEO agricultural land under preservation easements to the west and north, single-family detached dwellings across Sheppard Lane to the northeast, and the existing River Hill Garden and Landscape Design Center (currently undergoing renovations) and the Linden-Linthicum United Methodist Church to the immediate east. Although not adjoining the Site, a section of the Village of River Hill developed as single-family detached dwellings is also located to the east of the River Hill Garden and Landscape Design Center and Linden-Linthicum United Methodist Church properties approximately 400' from the boundary of the Site.

With the endorsement of the Design Advisory Panel, the Applicant has carefully provided either increased building setbacks or lower height buildings in areas along Route 108 and Sheppard Lane in order to minimize the visual impact of these structures when viewed from the roadway and from vicinal properties. As previously indicated, taller buildings have been strategically located further away from Route 108 and Sheppard Lane in order to take full advantage of the Site's significant drop in topography between its eastern and western boundaries. The Site's topography drops off nearly 80 feet from its frontage along Route 108 to the back of the Site along the western boundary of the Property. This significant drop in topography makes it possible for the Applicant to locate taller buildings in these lower elevation areas without having the buildings appear to be out of place when viewed from the public roads and neighboring properties.

The proposed use of the Site under this CEF District provides a mix of commercial and residential uses in a campus-like setting which serves as an appropriate transition between the surrounding mix of commercial, institutional, residential, and agricultural uses in terms of scale, height, mass, and architectural detail.

8.6. Encourage aggregation of underutilized properties.

See Section 8.1 above.

9. The proposed CEF Development does not comprise parcels which were added to the Planned Service Area to achieve Bay Restoration goals articulated in the Plan Howard 2030.

The proposed Site does not comprise such parcels.

NEIGHBORHOOD BOUNDARY – See **Exhibit “A”**, sheet 3 – Site Context.

The boundary of the neighborhood consists of the nearby commercial, institutional, residential, and agricultural use properties within the nearby vicinity of the Site. Generally, the neighborhood of the proposed CEF-M District includes those areas that are within ½ to 1- ½ miles from the subject property. These neighboring properties are composed of a mix of zoning classifications including: B-1, B-2, NT, R-20, and RC-DEO. The Applicant's proposed CEF-M

District includes properties that are currently within the RC-DEO and B-2 zoning districts. The limits of the neighborhood as set forth above reflect the mix of commercial, institutional, residential, and agricultural development in the surrounding and nearby area northeast and northwest of Route 32 along the Route 108 corridor. The limits of the neighborhood boundary are influenced not only by proximity to the site in terms of distance, but also by the presence of infrastructure promoting community connectivity. The neighborhood boundaries are also heavily influenced by the presence of opportunities to create additional infrastructure that will further enhance the community's connectivity in fulfillment of the recommendations set forth within the Clarksville Pike Streetscape Plan and Design Guidelines. Such community connectivity infrastructure includes but may not be limited to: existing and proposed bike lanes; existing and proposed sidewalks; proposed multi-use pathways, additional public access roads, and additional or expanded travel lanes within existing roadways.

CONCLUSION

Erickson Living's network of communities has been providing an unparalleled lifestyle to seniors for over 30 years. With 19 communities across 11 states, over 24,000 seniors now call our communities home. As one of the nation's most respected leaders in building and managing continuing care retirement communities, we've perfected our approach to helping seniors enjoy their independence and live a longer, happier, and healthier life.

The Applicant believes that this petition satisfies all of the criteria necessary to amend the zoning maps of Howard County in order to create a CEF-M District. We are very excited about the opportunity to bring our decades of experience in this industry to Howard County and look forward to working with community stakeholders and the Zoning Board through this CEF-M development process to make Erickson Living at Limestone Valley a reality.