



For DPZ Office use only:

BA CASE NO. BA-22-035C

Date Submitted 5/10/23

**CONDITIONAL USE PETITION
TO THE HOWARD COUNTY HEARING AUTHORITY**

(This application will only be accepted after a pre-submission meeting. See attached info.)

1. Conditional Use Request

Conditional Use Category Age-Restricted Adult Housing

Section 131.0.N. 1.a.

Specific Use Requested 63 age-restricted adult housing units.

2. Name of Petitioner Pleasants Development, LLC

Trading as (If applicable) _____

Mailing Address 24012 Frederick Road, Suite 200, Clarksburg, MD 20871

Phone Number(s) 301-428-0800 x 1013

E-Mail Address CWagner@pleasants.org

Name of Principal Contact (If different) Clark Wagner

3. Counsel for Petitioner Christopher DeCarlo, Talkin & Oh, LLP

Mailing Address 5100 Dorsey Hall Drive, Ellicott City, MD 21042

Phone Number(s) 410-964-0300

E-Mail Address cdecarlo@talkin-oh.com

4. Conditional Use Site Description

Address/Street for Property See attached list of properties.

Tax Map _____ Grid _____ Parcel _____ Lot _____

Department of Assessments and Taxation Account No. _____

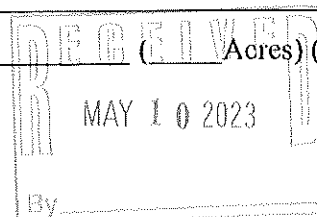
Total Land Area of Property ±14.33 (Acres) (_____ Square Feet) Check one.

Election District 1 Zoning of Property R-20

Subdivision Name and Plat No. (If Applicable) _____

Total Land Area of Use (If different than above) _____ (_____ Acres) (_____ Square Feet)

REVISED



ADDRESS 24012 Frederick Road, Suite 200, Clarksburg, MD 20871

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended:

The person(s) signing below hereby declare(s) that no officer or employee of Howard County, whether elected or appointed, has received prior hereto or will receive subsequent hereto, any monetary or material consideration, any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally in connection with the submission, processing, issuance, grant or award of the attached petition to the Hearing Examiner for a conditional use as requested.

I, we, do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my, our, knowledge, information and belief.

James McElvaine
Witness JAMES McELVAINE

Clark Wagner 5/9/23
Signature Clark Wagner Date

Witness

Signature Date

Witness

Signature Date

Application Fee: \$500.00 Poster Fee: \$25.00 per sign/poster

Make check payable to: Director of Finance.

For DPZ use only:	
Hearing fee:	\$ _____
Poster fee:	\$ _____
Total:	\$ _____
Receipt No. _____	

County Website: www.howardcountymd.gov

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

Please access the online application process for the pre-submission meeting by using the link below:

IN RE:	*	BEFORE THE
PLEASANTS DEVELOPMENT, LLC	*	HOWARD COUNTY
REQUEST FOR	*	HEARING EXAMINER
CONDITIONAL USE	*	Case No: BA-22-035C

**REVISED NARRATIVE SUPPLEMENT TO
CONDITIONAL USE PETITION**

8. Summary of Request

b. Details of the proposed use, including, where applicable: types of indoor and outdoor activities; hours of operation; number of employees, occupants, and/or customers; quantity and types of vehicles or equipment used; outdoor lighting to be used; quantities and capacities of materials stored; etc.

Petitioner is proposing 63 age-restricted adult housing (“ARAH”) units that will include 13 single-family detached (“SFD”) units with a 40’ x 60’ footprint and 50 single-family attached (“SFA”) units with a 28’ x 64’ footprint. All units will meet the 34’ height limit requirement. Each unit is to be occupied by households having at least one member who is 55 years of age or older.

The SFD units will be located along the western perimeter of the Subject Property closest to the residential uses to the west of North Rogers Avenue. The SFA units will be primarily located internal to the Subject Property and are significantly set back from residential uses to the north and east of the Subject Property. The Subject property is bordered to the south by I-70 and open space parcels owned by the Patapsco Crossing Homeowner’s Association and the Howard County Department of Public Works.

Indoor and outdoor activities and lighting will be as expected in a typical residential community and as shown on the accompanying Conditional Use Plan. As shown on the Conditional Use Plan, Petitioner is proposing a Community Green and Recreation Area internal to the site that will include a 1,980 square foot community center and an outdoor recreation area for amenities such as pickle ball or tennis.

Additional information may be presented at the hearing on this matter.

c. Any additional information which will be useful in the evaluation of whether the conditional use complies with the specific criteria for the conditional use category within Section 131.0.N.

Under Section 131.0.N.1.a (Age-Restricted Adult Housing, General) of the Howard County Zoning Regulations (the "Regulations"), a Conditional Use for Age-Restricted Adult Housing, General may be granted for a property located in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, or R-APT District provided that:

1. **Single-family detached, semi-detached, multi-plex, attached and apartment dwelling units shall be permitted, except that only detached, semi-detached, multi-plex and single-family attached units are permitted in developments with less than 50 dwelling units in the RC, RR, R-ED, R-20 and R-12 districts.**

The Subject Property is zoned R-20 and the proposed development is for SFD and SFA adult dwelling units.

2. **In the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, or R-APT Districts the development shall have a minimum of 20 dwelling units.**

Petitioner is proposing 63 ARAH units (13 SFD, 50 SFA). Therefore, this criterion is satisfied.

3. **Only detached and semi-detached units are permitted in the RC and RR Districts.**

The Subject Property is zoned R-20. Therefore, this criterion is not applicable.

4. **The maximum density for a proposed project with 50 or more units in the R-20 Zoning District shall be 5 units per net acre.**

As indicated on the Conditional Use Plan, the Conditional Use area is approximately 14.33 acres permitting 71 units. The Petitioner is proposing 63 ARAH units and, therefore, complies with this criterion.

5. **If the development results in increased density according to subsection (4) above, the site must have frontage on and direct access to a collector or arterial road designated in the General Plan.**

The Subject Property has frontage on and direct access to Old Frederick Road, which is a designated Major Collector Road in the General Plan.

6. **The landscape character of the site must blend with adjacent residential properties. To achieve this:**

- (a) **Grading and landscaping shall retain and enhance elements that allow the site to blend with the existing neighborhood.**

As shown on Sheet 2 of the Conditional Use Plan, there will be significant landscaping around the perimeter of the Subject Property that will buffer the project from the residential uses in the vicinity and allow the project to blend with the existing neighborhood.

Additional information regarding this criterion may be presented at the hearing on this matter.

(b) The project shall be compatible with residential development in the vicinity by providing either:

(i) An architectural transition, with buildings near the perimeter that are similar in scale, materials and architectural details to neighboring dwellings as demonstrated by architectural elevations or renderings submitted with the petition; or

(ii) Additional buffering along the perimeter of the site, through retention of existing forest or landscaping, enhanced landscaping, berms or increased setbacks.

As shown on Sheet 4 of the Conditional Use Plan, Petitioner is proposing ARAH units that are aesthetically compatible with the single-family detached residences in the surrounding neighborhood. The proposed units are similar in scale, material and architectural details as the neighboring dwellings. As noted above, the proposed SFD units will be located along the western perimeter of the Subject Property closest to the residential uses west of North Rogers Avenue. The SFA units will be primarily located internal to the project and are significantly setback from neighboring residential uses.

Also, as shown on Sheet 2 of the Conditional Use Plan, there will be significant landscaping along the perimeter of the Subject Property that will adequately buffer the proposed development from neighboring dwellings.

Additional information regarding this criterion may be presented at the hearing on this matter.

(c) For projects with less than 50 dwelling units in the RC, RR, R-ED, R-20 and R-12 Districts, setbacks from existing public streets shall be the same as the setback required for residential uses on adjacent properties.

This criterion is not applicable as Petitioner is proposing more than 50 dwelling units.

7. Bulk Requirements:

As shown on the Conditional Use Plan, the proposed development meets all the bulk requirements specified in Sec. 131.0.N.1.a(7) for single-family detached and attached ARAH units located in the R-20 Zoning District.

8. At least 50% of the gross site area in the RC, RR, R-ED Districts, at least 35% in the R-20, R-12, and R-SC Districts, and at least 25% in R-SA-8, R-H-ED, R-A-15 and R-APT Districts, shall be open space or open area in accordance with the Subdivision and Land Development Regulations. The open space or open area shall provide amenities such as pathways, seating areas and recreation areas for the residents, and shall be protective of natural features.

As shown on the accompanying Conditional Use Plan, the Petitioner is proposing 42.2% or 6.14 acres of open space.

9. Accessory uses may include social, recreational, educational, housekeeping, security, transportation or personal services, provided that use of these services is limited to on-site residents and their guests.

No accessory uses are proposed.

10. At least one on-site community building or interior community space shall be provided that contains a minimum of 20 square feet of floor area per dwelling unit, for the first 99 units with a minimum area of 500 square feet.

Petitioner is proposing 63 ARAH units requiring a 1,260 square foot community building. As shown on the Conditional Use Plan, Petitioner is proposing a 1,980 square foot community center located in the center of the proposed development and, therefore, complies with this criterion.

11. Loading and trash storage areas shall be adequately screened from view.

As indicated on the Conditional Use Plan, loading and storage areas will be adequately screened from view. It is anticipated that the proposed ARAH units will utilize standard household trash containers.

Additional information regarding this criterion may be provided at the hearing on this matter.

12. For a development that will be built in phases, open space areas, recreational facilities and other accessory facilities shall be provided in each phase to meet the needs of the residents. The developer shall provide a schedule for the installation of facilities at the time the Conditional Use is approved.

Petitioner does not intend to construct this development in phases. Therefore, this criterion does not apply.

13. The petition shall establish how the age restrictions required under the definition of this use will be implemented and maintained over time. If the development will not be a rental community under single ownership, an entity such as a condominium association or homeowners association shall be established to maintain and enforce the age restrictions in addition to County enforcement of zoning regulations.

As indicated on the Conditional Use Plan, the age restriction will be established, implemented and maintained through a Declaration of Covenants administered by the condominium or homeowners association.

Additional information regarding this criterion may be presented at the hearing on this matter.

14. All open space, common areas and related improvements shall be managed and maintained by a common entity, either the owner of the development, a condominium association, or a homeowners association.

The condominium or homeowners' association will also manage and maintain open space, common areas, and related improvements.

Additional information regarding this criterion may be presented at the hearing on this matter.

15. The development shall incorporate universal design features from the Department of Planning and Zoning guidelines that identify required, recommended and optional features. The petition shall include descriptions of the design features of proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

As indicated on the Conditional Use Plan, the proposed ARAH units shall include design features that are appropriate for the age-restricted population and will incorporate universal design principles to be accessible

or adaptable for residents with limited mobility and other age-related limitations. All units will have the following features:

- No-step front access to the front entrance.
- 36" wide front door with exterior lighting.
- All exterior doorways at least 32" wide.
- Hallways at least 36" wide.
- Complete living area including master bedroom and bath on first floor.
- Lever handles on interior and exterior doors.
- Blocking for grab bars in bathroom walls near toilet and shower.
- Slopes of ramps on the exterior of units shall be in accordance with current Howard County regulations.

16. At least 10% of the dwelling units in the RC, RR, R-ED, R-20, R-12 and R-SC Districts, and at least 15% in the R-SA-8, R-H-ED, R-A-15 and R-APT Districts, shall be Moderate Income Housing Units.

Petitioner agrees to comply with this criterion. If approved, specifics regarding the MIHU requirement will be addressed at the site development plan stage.

17. Housing for the elderly special exceptions uses approved by the Board of Appeals on or prior to July 12, 2001 and constructed under the Zoning Regulations in effect at that time, may convert the existing dwelling units to age-restricted adult housing uses, with respect to minimum age restrictions only, without being subject to further hearing authority review and approval under current Conditional Use requirements, provided that the dwelling units are made subject to the new covenants and other legal means of enforcing the age-restricted adult housing minimum age restrictions, and that a copy of the recorded new covenants is submitted to the Department of Planning and Zoning to be filed in the original special exception case file.

This criterion is not applicable.

18. **The Conditional Use plan and the architectural design of the building(s) shall have been reviewed by the Design Advisory Panel, in accordance with Title 16, Subtitle 15 of the Howard County Code, prior to the submission of the Conditional Use petition to the Department of Planning and Zoning. The Petitioner shall provide documentation with the petition to show compliance with this criterion.**

The Design Advisory Panel reviewed the Conditional Use Plan and the proposed architectural design at its meeting on November 16, 2022. The meeting summary is attached to the Petition.

This use also complies with the General Standards Required for Approval under Section 131.0.B. of the Regulations:

1. **The proposed Conditional Use plan will be in harmony with the land uses and policies in the Howard County General Plan which can be related to the proposed use.**

The proposed use is in harmony with the land uses and policies in the Howard County General Plan. It complies with Policy 9.2 which seeks to “[e]xpand full spectrum housing for residents at diverse income levels and life stages, and for individuals with disabilities, by encouraging high quality, mixed income, multigenerational well designed, and sustainable communities.”

It also complies with policy 9.4, which seeks to “[e]xpand housing options to accommodate the County’s senior population who prefer to age in place and people with special needs.

2. **The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the overall intensity and scale of the use(s) are appropriate for the site.**

The overall intensity and scale of the use is appropriate for the site. As indicated above, the Subject Property is zoned R-20, which permits 5 dwelling units per net acre for an ARAH Conditional Use with over 50 units. The Conditional Use area consists of approximately 14.33 acres and the proposed use is for 63 ARAH units which is under the maximum permitted density. The Petitioner is preserving 42.2% of the site as open space, which exceeds the open space requirement. Additionally, no variances are required as the proposed use complies with all the bulk regulations required in the specific conditional use criteria and the underlying zoning district.

The Subject Property has direct access and frontage on Old Frederick Road, a major collector. Additional access is provided via Sunell lane, a local road. Both access points provide safe egress and ingress and are appropriate road classifications to serve the proposed use.

3. The proposed use at the proposed location will not have adverse effects on vicinal properties above and beyond those ordinarily associated with such uses. In evaluating the proposed use under this standard, the Hearing Authority shall consider whether or not:

- a. The impact of adverse effects such as, but not limited to, noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions will be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning districts.

The proposed use consists of SFD and SFA units that are not known or expected to create any atypical adverse effects such as noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions after construction. As such, the proposed use will not cause greater adverse impacts at the proposed site than it would generally elsewhere in the R-20 Zoning District or other similar zoning districts.

Any proposed exterior lighting will be in accordance with Howard County regulations and will be shielded and directed to ensure it does not impact neighboring properties.

Petitioner does not expect there to be any atypical adverse noise effects impacting neighboring properties. If approved, a formal noise study will be conducted at the SDP stage. As shown on the Conditional Use Plan, Petitioner has identified a possible location for a noise attenuation wall in the event noise mitigation is required at the SDP stage.

Additional information regarding this criterion may be presented at the hearing on this matter.

b. The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.

The proposed use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the R-20 Zoning District or other similar zoning districts. The surrounding properties are zoned R-20 and consist of single-family detached dwelling units. As shown on the Conditional Use Plan, the height of all proposed structures complies with the height requirements in the R-20 Zoning District and the specific conditional use criteria. The proposed use also complies with all setback requirements. Further, Petitioner is proposing landscaping around the perimeter of the Subject Property that will buffer the proposed development from neighboring uses. Additional information regarding this criterion may be presented at the hearing on this matter.

c. The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.

Pursuant to Section 133.0.D.2.c.(1), Petitioner is required to have 2 parking spaces per dwelling unit and an additional 0.3 parking spaces per dwelling unit for visitor parking, resulting in a total of 148 required parking spaces. As shown on the attached Conditional Use Plan, Petitioner is proposing a total of 301 parking spaces. Each of the proposed ARAH units will have a 2-car garage providing 126 parking spaces. Each of the proposed ARAH units will also have a driveway providing an additional 2 parking spaces for visitors. There are additional surface parking spaces located throughout the proposed development and adjacent to the proposed community center. As such, the number of parking spaces proposed are appropriate to serve the proposed use.

Additionally, as indicated above, Petitioner is providing landscaping around the entire perimeter of the Subject Property that will appropriately buffer and screen the parking areas from adjoining properties.

d. The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate. For proposed Conditional Use sites which have driveway access that is shared with other residential properties, the proposed Conditional Use will not adversely impact the convenience or safety of shared use of the driveway.

The proposed use will have safe ingress and egress off of Old Frederick Road, a major collector. In response to the requests from the Fire Department and DAP, egress and ingress is also being provided via Sunell Lane, a local road. The estimated site distance provides adequate and safe sight distance for both access points. If approved, Petitioner will conduct a detailed site distance analysis for both stopping and intersection site distance at the SDP stage as required by the Subdivision and Land Development Regulations.

Additional information on this criterion may be provided at the hearing on this matter.

e. The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.

Environmental features on the site include wetlands and an intermittent stream. The environmental features and associated buffers are shown on the Conditional Use Plan. The proposed use is appropriately buffered from all environmentally sensitive areas on the Subject Property and in the vicinity and will not have a greater potential for adversely impacting those areas than it would elsewhere.

f. The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

As shown on the Conditional Use Plan, there are two historic structures, the Kendig House (HO 611) and the Eklof House (HO 612), located on the west side of N. Rogers Avenue. The Historic Structures are separated from the proposed use by N. Rogers Avenue. The closest proposed ARAH units are setback over 100 feet from the Historic Structures. Petitioner is also providing perimeter landscaping that will mitigate any potential negative visual impact to the Historic Structures.

In response to the Resource Conservation Division's ("RCD") comments, Petitioner has redesigned its project reducing the number of proposed units

to preserve the existing house located at 2605 N. Rogers Avenue. In addition, Petitioner has elected to appear before the Historic Preservation Commission ("HPC") to receive advisory comments regarding the potential historic structures located on the Subject Property that were identified by RCD. Petitioner intends to submit its HPC application for advisory comments before the end of May 2023.

Accordingly, the proposed use does not have the potential to diminish the character and significance of these or any other historic sites in the vicinity.

