

IN RE:	*	BEFORE THE
WAVERLY INVESTORS, LLC	*	HOWARD COUNTY
REQUEST FOR	*	HEARING AUTHORITY
CONDITIONAL USE	*	Case No.: BA-25-018C

SUPPLEMENT TO CONDITIONAL USE PETITION

GENERAL CRITERIA SECTION 131.0.B:

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 Age-restricted Adult Housing development use is in harmony with the land uses and policies in HoCo by Design. HoCo by Design highlights the need for housing designed for the County's aging adult population. See, HoCo by Design, Chapter 6, DN-60-62. Petitioner is proposing 26 units comprised of 1 single family detached unit, 10 single family semi-detached units, and 15 single family attached units providing missing middle housing for aging adults as emphasized by Policy Statement DN-12 and Implementing Actions 1 through 3.

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 proposed use is appropriate for the site. The Subject Property is zoned R-20, which permits 4 dwelling units per net acre for an age-restricted adult housing conditional use with between 20 and 49 units. The net acreage of the Subject Property is 6.74 acres. Petitioner is proposing 26 units which is approximately 3.3 units per acre of density. In addition, Petitioner is proposing to preserve approximately 5.35 acres of the gross site acreage as open space or area.

The Subject Property has direct access and frontage on Old Frederick Road. Old Frederick Road is a designated Major Collector Public Road which is an appropriate road classification to serve the proposed use.

In addition, no variances are required from the bulk regulations to accommodate the proposed use on the site.

Accordingly, 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 are appropriate for the site.

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 single family detached, semi-detached and attached units that are not known or expected to create any atypical adverse effects. Any adverse impacts would be those typical of a residential development in the R-20 zone.

Further, as shown on the accompanying landscape plan, the combination of setbacks and proposed and existing landscaping and vegetation will appropriately screen the proposed use from vicinal properties.

In addition, all outdoor lighting will be directed down and away from neighboring properties and will otherwise comply with any and all applicable Howard County lighting regulations.

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 or use of adjacent land. The surrounding properties are zoned R-20 and primarily consist of single-family detached dwelling units. As shown on the accompanying renderings and elevations, the architectural character, design, and height of the proposed units will be compatible, or capable of existing in harmony, with the surrounding homes and neighborhood. In addition, as shown on the accompanying landscape

plan, proposed and existing landscaping will buffer the proposed development from adjacent properties.

Accordingly, 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.

- 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.***

Petitioner is proposing a total of 110 parking spaces, which exceeds the parking requirement for the age restricted units and the community space. A detailed parking tabulation is provided in conditional use note 6 on the accompanying plan. The proposed parking spaces will be appropriately screened by existing and proposed landscaping and vegetation. Petitioner is not proposing a refuse area or dumpster.

- 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 from Old Frederick Road, which is a designated Major Collector Public Road. The proposed access point provides adequate and safe sight distance in both directions.

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

The proposed use is appropriately buffered from all environmentally sensitive areas 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.***

The Kefauver Boarding House (the “Kefauver House”), HO-283, is located on the Subject Property. At the suggestion of the Historic Preservation Commission, Petitioner is proposing to preserve the Kefauver House and repurpose 560 sf of the first floor for use as interior community space.

The William Thomas Farmhouse, HO-874; the Thomas Farm Tenant House, HO-582; and the Linwood or Cobb House, HO-570, are located on the other side of Old Frederick Road along Daniels Road. The setback distances, existing vegetation, and proposed landscaping will appropriately buffer the proposed use from the adjacent historic structures. As such, the proposed use will not have a greater potential of diminishing the character and significance of any historic sites in the vicinity than elsewhere.

SPECIFIC CRITERIA SECTION 131.0.1.A (AGE-RESTRICT ADULT HOUSING, GENERAL).

- 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.**

Petitioner is proposing 26 dwelling units comprised of single family detached, semi-detached, and semi-attached units complying with this criterion.

- 2. In the RC, RR, R-ED, PGCC, 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.**

As indicated above, Petitioner is proposing 26 dwelling units and therefore complies with this criterion.

- 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 does not apply.

4. **The maximum density of a proposed project with between 20 and 49 units in the R-20 Zoning District shall be 4 units per net acre.**

As indicated above, Petitioner is proposing 3.3 units per net acre.

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 site has frontage on and direct access to Old Frederick Road, which is a designated Major Collector Public Road in HoCo by Design.

6. **Site Design:**

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 the accompanying landscape plan, Petitioner is providing landscaping features that will allow the proposed project to blend with the existing neighborhood.

- (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 by the attached architectural renderings and elevations, the architectural design and character of the proposed units will be compatible, or capable of existing in harmony, with neighboring dwellings. In addition, the semi-detached units are primarily located along the perimeter of the site adjacent to the nearest residential structures. The single family attached units are located more internal to the site and setback further from adjacent residences.

Also, as depicted on the accompanying landscape plan, existing and proposed perimeter landscaping will buffer the proposed development from neighboring dwellings.

(c) For projects with less than 50 dwelling units in the RC, RR, R-ED, PGCC, 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.

Petitioner complies with the underlying R-20 setback as shown on the conditional use plan.

7. Bulk Requirements:

As shown on the accompanying conditional use plan, the proposed development meets all the bulk requirements specified in Sec. 131.0.N.1.a(7) for single family detached, semi-detached and attached age-restricted adult housing units located in the R-20 zone.

- 8. At least 50% of the gross site area in the RC, RR, R-ED, and PGCC 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, Petitioner is providing approximately 5.35 acres of open space or area, greatly exceeding the required 35%. The open space or area will include recreation and amenity spaces as shown on the accompanying plan.

- 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:**

- (a) 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 26 units requiring 560 square feet of interior community space. Petitioner is proposing to repurpose 560 sf. of the first floor the Kefauver House for interior community space and, therefore, meets this criterion.

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

Any loading and trash storage areas will be adequately screened from view. It is anticipated that the proposed units will utilize standard household trash containers.

- 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 is not proposing to construct this development in phases. Therefore, this criterion is not applicable.

- 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.

The age restriction will be established, implemented and maintained through a Declaration of Covenants administered by the condominium or homeowners association.

- 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 manage and maintain the open space, common areas, and related improvements.

- 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.**

The proposed 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. The features will include the following:

- No-step front access to front entrance.
- 36" wide front door with exterior lighting.
- All exterior doorways at least 32" wide.
- Hallways at least 36" wide.
- Lever handles on interior and exterior doors.
- Blocking for grab bars in bathroom walls near toilet and shower.
- Slopes of ramps for 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 PGCC, 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 MHIU 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 architectural design of the buildings on June 11, 2025 and July 23, 2025.

*Petitioner reserves the right to offer additional evidence and justification demonstrating compliance with the general and specific criteria at the hearing on this matter.