

IN RE:	*	BEFORE THE
3173 SAINT CHARLES PLACE	*	HOWARD COUNTY
REQUEST FOR	*	HEARING EXAMINER
CONDITIONAL USE	*	BA 25-019C

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NARRATIVE SUPPLEMENT TO CONDITIONAL USE PETITION



8. Summary of Request

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.

Petitioner is proposing a 62-unit Age-restricted Adult Housing conditional use, which consists of a single apartment building. Under the Howard County Zoning Regulations, Petitioner is permitted to have up to five ARAH units per net acre, which would allow up to 62 units for this 12.562 net acre site.

The proposed conditional use will be compatible with the surrounding residential development in part due to existing vegetative buffers and distance from neighboring parcels. Moreover, the proposed use will be accessed via the adjoining Route 40 state highway, which will not impact the neighboring residential community.

The age restriction will be established, implemented and maintained through a Declaration of Covenants administered by a property management company. The property management company will also manage and maintain open space, common areas, and related improvements.

Petitioner will be providing Universal Design Features in accordance with Howard County Department of Planning and Zoning's Universal Design Guidelines, including the following:

- No-step front access to the front access, if feasible, or
- No-step side or garage entry to the first floor.
- 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 on the exterior of units shall be in accordance with Howard County regulations.

For ARAH developments in the R-ED zone, 50% of the site must be Open Space. Under this criterion, Petitioner is required to maintain 6.53 as open space. As shown on the attached conditional use exhibit, Petitioner will provide 8.0 acres of open space.

The conditional use criteria require an on-site community building that is 20 square feet of space for every dwelling unit with a minimum of 500 square feet. Petitioner is proposing a 4,400 square foot community area within the apartment building, far exceeding the required 1,240 square foot requirement.

Age-restricted adult housing in the R-ED zone has a 10% MIHU requirement, which is met by providing 7 on-site units.

This use complies with the bulk regulations for Age-restrict Adult Housing, as indicated on the attached conditional use exhibit.

This proposal has been submitted and reviewed by the Design Advisory Panel. Minutes demonstrating the results of that review are attached.

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 Age-restricted Adult Housing development is consistent with HoCo By Design in providing apartment-style housing units, which diversify the existing age-restricted adult housing stock in accordance with Policy DN 12 (page DN-62). Howard County's General Plan emphasized the need for housing specifically designed for older adults and the need to provide smaller units when possible. Upon knowledge and belief, this would be one of the only ARAH conditional uses to include apartments.

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.

This proposal provides approximately 60% of the site as Open Space with Forest Conservation areas buffering the proposed development from neighboring residential. Moreover, the Property is accessed directly from a state highway. The nature and intensity of this use are appropriate for a Property adjoining a state highway at a signalized intersection.

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.

As indicated above, the adverse impacts from this use at this location are not likely to be greater at this site than they would anywhere else in the zone. Lighting on the site will be directed away from the nearby residential properties and will be buffered by existing and proposed landscaping.

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 and existing landscaping will buffer parking areas from surrounding residential properties. This proposal will not hinder or discourage the development of adjacent land in any way.

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 providing 112 parking spaces, which exceeds the 81 spaces required under the Zoning Regulations.

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.

Ingress and egress to the Property will be provided via Maryland Route 40. There is a signalized intersection abutting Petitioner's Property, which will be utilized for access to the site. Petitioner has safe and adequate sight distance in either direction. In the event Petitioner is not able to achieve access via Route 40, this project will not be developed.

The Howard County Design Manual would not require an acceleration or deceleration lane in either direction.

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

The Property includes forested areas and wetland buffers. Petitioner has designed the proposed ARAH project so as to avoid imposition on these environmental features. The proposed use at the proposed location will not have a greater impact on environmentally sensitive areas here than elsewhere. In fact, this development will facilitate the conservation of forested areas on site that will now be placed in forest conservation.

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 Terra Maria ruins are located within the neighboring subdivision. This proposed use will not diminish the historical relevance or viewshed of this historical resource.

Criteria under Section 131.0.C.2. for conditional use proposals on land included in the density calculation for a residential development:

2. The Hearing Authority may approve a Conditional Use on land which was included in the density calculation for a residential development, and which has development potential for at least one dwelling unit, if the Hearing Authority finds that:

a. The combination of uses within the development, including the residential, Conditional Use and open space uses, will result in an overall intensity of development which is in harmony with vicinal land uses and the policies of the Howard County General Plan.

As stated above, the proposed use is in harmony with the land uses and policies of the Howard County General Plan, HoCo by Design. An expressed objective of the General Plan is to provide more housing modalities for Howard County's aging population. This proposal for ARAH apartments fills a unique hole in the market.

Moreover, the proposed use adjoins a state highway. The basic tenets of land use policy suggest that a parcel at the corner of a signalized intersection on a state highway should be utilized for a high intensity use than a single family detached unit on 12 acres of land. By providing direct access from the highway, the proposed use puts the land to its highest and best use without imposing that intensity on the neighboring residential.

b. The Conditional Use will not infringe on open space or result in damage or lack of protection for environmentally sensitive areas of the development.

The Property was not a designated Open Space parcel for the Terra Maria development and do not harm environmentally sensitive areas of the development.

c. No more than 30% of the parcel on which the Conditional Use is located will be covered by structures or impervious surface, including roads, parking lots, loading or storage areas, and sidewalks.

The total impervious area of this proposed development is 2.1 acres, which is 16% of the parcel.