



IN RE:

ROCK REALTY, LLC

REQUEST FOR
CONDITIONAL USE
FOR AGE-RESTRICTED
ADULT HOUSING

BY: BEFORE THE

*
*
*
*
*
*
*

HOWARD COUNTY

HEARING EXAMINER

Case No: _____

***** ** ***** ** *****

**NARRATIVE SUPPLEMENT TO
CONDITIONAL USE PETITION**

Petitioner, Rock Realty, LLC, requests Conditional Use approval for a residential development for adults 55 years or older. The subject property of the proposed development, The Highlands (f/k/a Maple Highlands; Lyhus Property), is identified as Tax Map 40, Grid 24, Parcel 135/Buildable Bulk Parcel A (f/k/a Lots PAR 1, PAR 2, and PAR 3), Lyhus Property SP-17-010, known as 12170 Lime Kiln Road, Fulton, Maryland (the "Property"). The development will feature 63 Age-Restricted Adult Housing ("ARAH") units, designed as 62 single-family semi-detached ("SFSD") homes and one single-family detached ("SFD") home, all with a footprint of approximately 40 feet by 72 feet. Petitioner, formerly known as Rock Realty, Inc., received approval for 58 ARAH units at the Property in 2020 (BA-20-002C). Actual construction revealed the opportunity for slight revisions to the plan approved in BA-20-002C (the "Plan"), resulting in 5 additional ARAH units, thus necessitating the current Conditional Use Petition.

Conditional Use Petition General Criteria (Section 131.0.B.)

B. General Standards Required for Approval

The Hearing Authority shall have the power to permit Conditional Uses, provided the following general standards are met:

- 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 DN-12 Policy Statement to "provide a range of affordable, accessible, and adaptable housing options for older adults . . ." and to "encourage Age-Restricted Adult Housing (ARAH) developments to build small-to medium-scale housing units to include . . . townhomes . . . that allow senior to downsize and are affordable to low-and moderate-income households."

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 are appropriate for the site. The Property, at approximately 71.09 acres, is of a sufficient size to accommodate the proposed 63 ARAH units. The proposal does not exceed the base density and the amount of open space required exceeds the requirements. The Property has safe ingress and egress from Lime Kiln Road, a designated minor collector public road as determined previously. The addition of 5 lots does not alter the prior conclusion.

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 SFSD units and one SFD unit 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 RR-DEO 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. 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 RR-DEO Zoning District or other similar zoning districts. The surrounding properties are zoned RR-DEO and consist of single-family detached dwelling units. As shown on the Plan, the height of all proposed structures complies with the height requirements in the RR-DEO Zoning District and the specific Conditional Use criteria. The proposed use also complies with all setback

requirements. Furthermore, the entire perimeter of the Property will be buffered either by existing vegetation or additional landscaping that will appropriately buffer and screen the parking areas from adjoining properties.

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.

The Petitioner is required to provide 2.3 parking spaces per dwelling unit, resulting in a total requirement of 145 parking spaces. In addition, the Petitioner must provide 10 parking spaces per 1,000 square feet of community center space, yielding an additional requirement of 13 parking spaces. The combined parking requirement is therefore 158 spaces.

Each of the proposed ARAH units includes a two-car garage and a driveway that can accommodate two additional vehicles, providing a total of 252 parking spaces within the residential portion of the project. An additional 13 surface parking spaces are proposed in front of the community center. As shown on the attached Plan, the Petitioner proposes a total of 265 parking spaces. Accordingly, the proposed parking supply exceeds the required amount and is appropriate to adequately serve the proposed use.

Additionally, the entire perimeter of the Property will be buffered either by existing vegetation or additional landscaping 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.

As shown on the Plan, the proposed use will have safe ingress and egress from Lime Kiln Road, a designated minor collector public road. The proposed access provides adequate and safe sight distance. 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.

The environmentally sensitive areas on the Property consist of 7.26 acres of floodplain, 1.12 acres of steep slopes, two intermittent streams, and wetlands. The streams and wetlands will be protected by 100- and 25-foot buffers, respectively. Additionally, the proposed layout of the southern section results in 35.55 acres (50%) of open space.

The environmentally sensitive areas are likely to be disturbed by any type of development, given their location in the middle of the site and the location of the stream along the frontage of the Property. The proposed layout and configuration minimize the impact on these areas except for one stream crossing for the internal road, which is necessary for access to the Property. In the prior 2020 approval, the Development Engineering Division reviewed the proposed layout and commented that stormwater management will consist of 100-year and 2016 storm event peak flow management (approximately 1,000-year storm event).

Therefore, the proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than 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 closest historic site, Holly House Farm (HO-419), is approximately one-quarter mile to the southwest of the Property and is buffered from the proposed development by a significant distance and dense forest. Furthermore, the historic property has been subdivided, and the original outbuildings, including the tenant house, have all been demolished. The site has been improved with a neighborhood of single-family detached houses. Therefore, the proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

1. Age-restricted Adult Housing

a. Age-Restricted Adult Housing, General

A Conditional Use may be granted 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 District, for age-restricted adult housing, 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 Property is zoned RR-DEO and the Plan proposes 62 SFSD units and one SFD unit, therefore, this criterion is satisfied.

(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.

The Property is zoned RR-DEO and 63 dwelling units are proposed, which exceeds the minimum required for the zone.

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

As stated above, the property consists only of SFSD and SFD units.

(4) The maximum density for a proposed ARAH development with 20 or more units in the RR Zoning District is 1 unit per net acre.

As shown on the Plan, the net acreage of the Property is approximately 63.10 acres, permitting a maximum of 63 units. The Petitioner is proposing 63 ARAH units, at a density of 0.99 homes per net acre, and therefore, this criterion is met.

(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 Property has frontage on and direct access to Lime Kiln Road, which is a designated minor collector public road in the General Plan.

(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 Plan, SFD homes adjoin the Property on all sides, including north of the power transmission lines. The existing dense vegetation along the west property line will remain. Landscaping will be provided for the proposed community in accordance with the Howard County Landscape Manual. Perimeter landscape features and street trees are proposed. The proposed layout and landscaping will allow the development to blend with the character of the surrounding neighborhoods.

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

As shown on the Plan, buildings are designed to resemble SFD homes with an approximate footprint of 80 feet by 60 feet and will be separated vertically into two units. The buildings will be similar to adjacent single-family dwellings in scale, materials, and architectural details.

Also, as shown on Sheets 1 and 2 of the Plan, there will be significant landscaping along the perimeter of the 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.

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

This criterion is not applicable as the Petition complies with (i) above.

(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.

The Petition proposes 63 dwelling units, therefore this criterion does not apply.

(7) Bulk Requirements.

As shown on the Plan, the proposed development meets all the bulk requirements specified in Section 131.0.N.1.a(7) for SFSD and SFD ARAH units located in the RR-DEO Zoning District.

(a) Maximum Height

The maximum height of the proposed units will not exceed 34 feet, and accessory structures will not exceed 15 feet.

(b) Minimum structure and use setback

All buildings comply with the 40-foot setback from an external public street right-of-way and 40-foot setback from lots in the RR Zoning District.

*(c) Minimum structure setback from interior roadway or driveway for units with garages
.....20 feet*

All dwellings along the interior roadway contain garages and comply with the 20-foot setback.

(d) Minimum structure setback from lot lines for single-family detached or multi-plex units

Neither single-family detached nor multi-plex units are proposed and therefore this criterion does not apply.

(e) Minimum distance between single-family detached and/or attached dwellings

Neither single-family detached nor attached dwellings are proposed therefore this criterion does not apply.

(f) Minimum distance between apartment buildings or between apartment buildings and single-family dwellings

Apartments are not proposed; therefore, this criterion does not apply.

(g) Apartment buildings and groups of single-family attached units may not exceed 120 feet in length. However, the Hearing Authority may approve a greater length, up to a maximum of 300 feet in R-SA-8, R-A-15 and R-APT, or 200 feet in other districts, based on architectural design that mitigates the visual impact of the increased length.

Neither apartments nor single-family attached buildings are proposed; therefore, this criterion does not apply.

(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 Plan, the Petitioner is proposing 50% or approximately 35.55 acres of open space. Additionally, Petitioner is proposing a pathway/trail throughout the development that will be planned to limit impacts to existing trees and natural features to the maximum extent practicable.

(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, and

(b) 10 square feet of floor area per dwelling unit for each additional unit above 99.

Petitioner is proposing 63 ARAH units requiring a 1,260 square foot community building.

As shown on the Plan, Petitioner is proposing a 1,260 square foot community center located toward the center of the proposed development and, therefore, complies with this criterion.

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

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.

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 Plan and on the Design Advisory Panel exhibits, 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 are at least 32'' wide.
- Slopes of ramps on the exterior of units shall be in accordance with current Howard County regulations.

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

(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 MIHU requirements 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 (“DAP”) reviewed the Plan and the proposed architectural design of the 2020 proposal at its meeting on January 8, 2020. The meeting minutes and exhibits presented at the meeting are attached to the Petition. The Petitioner will proceed with the same architectural design that was approved at the January 8, 2020 DAP meeting and is therefore in compliance with this criterion.

Zoning History

Case No.: BA-20-002C

Petitioner: Rock Realty, Inc.

Request: 58 ARAH units.

Action: Approved with conditions, September 20, 2020