

Twigg Property – Conditional Use Petition Supplemental Narrative

Property Owner

SDAT identifies the owners of the Subject Property as:

Carolyn B. Twigg AND John M. Twigg SR.

SDAT does not identify John M. Twigg, JR as an owner of the Subject Property. However, he is the owner of a 25% undivided interest in the Subject Property by virtue of a Deed dated June 17, 2016, unto John M. Twigg, SR, and John M. Twigg, JR and recorded among the Land Records of Howard County in Liber 16937, Folio 371 on June 24, 2016.

Carolyn B. Twigg died 1/24/2024 (Estate No. 35738). Carol Lorraine Pfister is the PR.

John M. Twigg SR. died 2/8/2024 (Estate No. 35878). Donna Jean Twigg is the PR.

Accordingly, the current owners of the Subject Property are:

1. CAROL LORRAINE PFISTER, Personal Representative of the Estate of CAROLYN B. TWIGG
2. DONNA TWIGG, Personal Representative of the Estate of JOHN M. TWIGG, SR.
3. JOHN M. TWIGG, JR.

Background and Summary of Proposed Conditional Use

The Subject Property consists of a single parcel designated on Howard County Tax Map 22 as Parcel 109, Lot 2 (the “Property”). The Property is situated in the town of Ellicott City on the north side of Triadelphia Road approximately ½ mile east of Rosemary Lane. The Property is bounded on all sides by single-family detached residential development. The Property consists of 26.72 acres, all of which is included within the conditional use area. The Property is currently improved with three single-family detached dwellings and several accessory outbuildings. The majority of the Property (approx. 15.12 acres) is cleared and is used for residential and agricultural purposes. The existing residences and outbuildings on the Property will be removed at the time of development. The remaining 12.60 acres of the Property is forested and otherwise unimproved. The net acreage of the Property is 26.52 acres, excluding floodplain (0.20 acres). The Property, as well as all adjoining properties, is zoned RR-DEO. The Property is designated as Tier III on the Tier Map within the General Plan, HOCO By Design.

As set forth in detail below, the proposed use under this Petition is residential Age-Restricted Adult Housing (“ARAH”) dwelling units. These ARAH units will consist of 26 single-family detached condominium dwelling units, with an approximate 550 square foot community center. Each dwelling will have an approximate footprint of 40’ by 70’. Most dwellings will also have an attached front loading two car garage,. Dwellings located on Lot 3 and Lot 4 (at the intersection of the use-in-common driveway and the private road) will each be equipped with side-loading attached two car garages.

All ARAH units will have a maximum Building Height of 34' and will be constructed in accordance with the applicable Universal Design Guidelines as prescribed by the Howard County Department of Planning and Zoning.

Vehicular ingress and egress from Triadelphia Road to the proposed ARAH community will be provided by a 24' private road that will terminate in a linear cul-de-sac. A landscaped community parklet with a pathway and bench seating will be located within the interior area of the cul-de-sac. Internal vehicular circulation throughout the community will be achieved by a combination of the above-described private road and four (4) use-in-common driveways as shown on the Conditional Use Plan attached hereto.

§131.N.1.a.8 of the Howard County Zoning Regulations ("HCZR") requires a minimum of 50% (13.36 acres) of the gross site area of ARAH conditional uses located in the RR zoning district to be dedicated as open space. Nonetheless, the Petitioner is proposing to provide approximately 72.5% (19.36 acres) of open space within the conditional use area.¹ In addition, the ARAH project will have a system of paved pathways and a natural surface trail system as shown on the Conditional Use Plan. An on-site community/fitness center together with five (5) parking spaces will be centrally located on the Property. Six (6) additional overflow guest parking spaces are also provided internally adjacent to the private road and internal sidewalk. Other amenities include a picnic pavilion, bocce court, a community garden, and a meditation garden.

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.

Response: Age-Restricted Adult Housing is permitted within the RR-DEO District subject to those requirements set forth in §131.0. of the HCZR. As such, the Petitioner's request is presumed to be compatible with other developments within the RR-DEO. The development of the Property in this manner fulfills a number of the stated land use policies within the Howard County General Plan (HOCO By Design) and also satisfies a growing and well documented need within the County for active adult communities which afford the County's aging population the ability to age in place within the County and to downsize to more easily maintained and affordable housing units as they age.

Specifically, this Petition is in harmony with the following General Plan policies and Implementing Actions:

¹ The amount of open space provided is estimated to be 72.5% of the gross site area. A final calculation of the Open Space provided will be determined upon final site design. In no event will the amount of Open Space provided be less than 50% of the gross site area.

Policy DN-9: "Create opportunities to increase the diversity of home choices in the Rural West, especially missing middle housing types, that preserve the character of the Rural West."

Implementing Action No. 3. Determine if there are strategic locations in the Rural West where it is feasible to accommodate increased housing development on shared or community well and multi-use sewerage systems while balancing other priorities such as environmental concerns, historical context, and agricultural preservation goals, while maintaining rural character.

The proposed ARAH conditional use is in harmony with Policy DN-9 because it will increase the diversity of home choices in the Rural West by providing County residents with an opportunity to live in a condominium style ARAH community. The proposed community will afford active adults a diverse housing type that provides the ability to age in place and to downsize to more easily maintained and affordable housing units as they age.

In addition, the proposed ARAH community is in harmony with Implementing Action No. 3 by increasing housing development at a strategic location in the Rural West while utilizing shared or community wells and multi-use sewerage systems while balancing other priorities such as environmental concerns, historical context, and agricultural preservation goals, while maintaining rural character. The Property does not adjoin nor is it adjacent to any parcels that are subject to agricultural land preservation easements. The proposed ARAH community is to be served by a multi-use sewerage system and up to five (5) shared wells. It is strategically located to accommodate increased housing development while balancing other priorities such as environmental concerns, historical context, and agricultural preservation goals, while maintaining rural character. The proposed site is strategically located because it is in close proximity to several major highways including Route 32, Route 70, and Route 40. In addition, the proposed site is close to numerous amenities including a county library, a senior center, a community center, several parks, recreational facilities, medical service providers, and retail shopping centers, all of which serve the needs of active adults. Within a 5 mile +/- radius of the proposed site there are five golf courses including: Cattail Creek Golf Course, Willow Springs Golf Course, Turf Valley Golf Course, Waverly Woods Golf Course, and Hobbits Glen Golf Course. There are also numerous medical service providers including those located in the Waverly Woods Village Center and the River Hill Village Center. In addition, there are several grocery stores including Harris Teeter, Giant, and Safeway. Also, within this radius is the Gary J. Arthur Community Center, the Glenwood 50+ Center, the Glenwood Library, the Western Regional Park, Cedar Lane Park, and Centennial Park.

This Petition is also in harmony with General Plan Policy DN-10. This policy provides:

Facilitate the use of shared and/or multi-use sewerage system technologies to create more diverse housing options in the Rural West.

As discussed above, this petition is in harmony with policy DN-10 because it is located in the Rural West and it proposes to utilize a multi-use sewerage system and potentially up to five shared wells. It will provide a diverse housing option in the Rural West because unlike most housing in the Rural West, this community is designed as an ARAH community within a land condominium regime, and it provides current residents with a downsize option in a community of similarly aged residents with onsite amenities targeted for senior residents.

As set forth in greater detail throughout this Petition and associated exhibits, the Petitioner's proposed development of the Property will provide a total of 26 ARAH detached dwelling units. 10% of the ARAH dwelling units will be moderate income housing units (MIHUs). Alternatively, this MIHU requirement may be satisfied by a fee-in-lieu payment. All of the dwelling units will be designed and constructed under Universal Design Guidelines. This Petition provides active adult housing options for a targeted segment of the population recognized by the General Plan as needing the ability to downsize to more easily maintained dwelling units in order to permit them to age in place within the County.

2. The nature and intensity of the use, the size of the location 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 uses(s) are appropriate for the site.

Response: As set forth in the Conditional Use Plan and associated Landscape Plan, the nature and intensity of the proposed ARAH conditional use is appropriate in relation to the size of the site and in relation to the use. The ARAH conditional use regulations in the RR-DEO district permit one (1) dwelling unit per net acre. The conditional use site contains 26.52 net acres. Therefore, consistent with the regulations, a total of 26 ARAH dwelling units are proposed for this Property. In addition, the development provides approximately 19.36 acres or 72.5% of the gross area of the Property as open space, which exceeds the 50% or 13.36 acres requirement for open space under the zoning regulations. The ARAH dwelling units will have no effect on the total number of students in the area school system. ARAH dwelling units also generate significantly less peak hour vehicle trip generation on local roads as compared to non-age restricted single-family detached residential dwellings. The development will provide a 550 square foot community center, which exceeds the 520 square foot minimum requirement under the regulations. The community center will be focused on active adults' needs as an exercise, health center. The development has frontage and direct access to Triadelphia Road. The Functional Road Classification Map of HoCo By Design designates Triadelphia Road as a Major

Collector, which is an appropriate classification for the types and number of vehicles associated with the proposed ARAH use.

As shown on the proposed Landscape Plan, appropriate screening and landscaping will be installed and/or preserved along the perimeter of the Property. Existing adjacent communities are similarly improved with single-family detached residential dwellings. Therefore, the nature and intensity of the use, the size of the Property in relation to the use, and the location of the site, with respect to streets that provide access, are such that the overall intensity and scale of the proposed use are appropriate.

- 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.**

Response: The proposed Conditional Use is intended to accommodate the residents and guests associated with 26 ARAH dwelling units on approximately 26.72 gross acres. Like all human activities, the proposed Conditional Use will generate some physical conditions which would likely be discernable from abutting and vicinal properties. Once construction of the development is completed, however, the proposed Conditional Use will not generate any atypical amounts of dust, fumes, odors, vibrations, or other physical conditions that would be discernible from such properties. After completion of the construction phase of the project, the only physical conditions likely to be discernible from such properties would be small amounts of low intensity noise and lighting generally associated with residential communities of the type found elsewhere in the RR-DEO District. The levels of noise and lighting generated by the proposed Conditional Use would be *de minimis* and well below the limits permitted by the Howard County Noise Ordinance (Howard County Code §8.900) and HCZR §134.0 (governing outdoor lighting and light trespass). The proposed ARAH community will not create atypical adverse effects such as noise, dust, fumes, odors, vibrations, increased lighting, hazards, or other physical conditions that would be greater at the subject site than generally elsewhere in the RR-DEO zoning district.

- 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.**

Response: The proposed ARAH community will consist of 26 single-family detached dwelling units each having an approximate footprint of 40' by 70'. There will be a mix of one-story and two-story dwellings. Therefore, the appearance of the proposed ARAH dwellings will be quite similar to other residential dwellings commonly found throughout the RR-DEO district. No waivers or variances are proposed hereunder in connection with the height of any dwelling units within the community or the setbacks relating to such dwellings from external lot lines. The recently updated Howard County Landscape Manual requires a Type A landscape edge for single-family detached developments that are adjacent to other single-family detached land uses. The updated Landscape Manual does not require a landscape edge when single-family detached dwellings are adjacent to a roadway provided the front of the dwelling is oriented toward the roadway (street trees are still required, however). The proposed use fully complies with the requirements of the Landscape Manual by providing a Type A landscape edge along the perimeter of the community where it is adjacent to single-family detached uses. Although it is not required, the Landscape Plan for the ARAH community also proposes a Type B landscape edge along the perimeter of the community adjacent to Triadelphia Road. Based on the foregoing, the proposed ARAH community 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.

- 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.**

Response: As depicted on the Conditional Use Plan, there are a total of 115 +/- parking spaces proposed to serve the parking needs of the ARAH community. Each ARAH condominium unit shall be equipped with a two-car garage, plus two driveway parking spaces for a total of four (4) parking spaces per ARAH dwelling unit. The community building will be served by a parking area providing a total of 5 parking spaces. An additional 6 guest parking spaces are provided adjacent to the private road and internal sidewalk. The proposed parking exceeds the minimum parking requirements for this Age-Restricted Adult Housing use as set forth in HCZR §133.0 by 55 parking spaces. All driveways and parking areas serving the ARAH dwelling units and the

community center will be located within the interior of the development and will be screened or buffered from public roads and residential uses to minimize adverse impacts on adjacent 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.**

Response: Ingress and egress to the proposed development will be achieved by a 24' private road with a single access point onto Triadelphia Road. The proposed access point onto Triadelphia Road will provide safe access with adequate site distance. (See, attached Sight Distance Analysis). The need for acceleration/deceleration lanes has been evaluated and it has been determined that they are not necessary or appropriate at this location.

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

Response: The proposed Conditional Use Plan depicts the location of all proposed structures and use areas with respect to on-site environmental features. The structure and use areas associated with the Conditional Use have been carefully designed to minimize encroachment upon any environmental features or upon their associated buffers. There are two existing ponds on the site that are environmentally sensitive. Neither pond was constructed to modern day standards which oftentimes requires their removal due to safety reasons. The Howard County Soil Conservation District will evaluate the existing ponds for safety during the design phase. We expect at least one pond will be removed in exchange for a submerged gravel wetland. As designed, the proposed Conditional Use Plan will protect and preserve environmentally sensitive areas and 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 great potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.**

Response: The Howard County Historic Sites Inventory discloses the presence of two historic sites in the vicinity of the proposed ARAH community. The closest historic site to the proposed ARAH community is the Mary Selby Burgess House (HO-646). This historic structure is located approximately 0.55 miles north of the closest proposed ARAH dwelling unit. The second

historic site is known as Wavertree (HO-125). This historic site is located approximately 0.61 miles southwest of the closest proposed ARAH dwelling unit. The views of the ARAH project from the Mary Selby Burgess House and the Wavertree are obstructed by expansive forested areas, undulating topography, intervening developed parcels, and considerable distance. Therefore, the proposed Conditional Use will not have a greater potential to diminish the character and significance of historic sites in the vicinity than elsewhere.

Conditional Use Petition Specific Criteria

Response: Evaluation of Petition under HCZR §131.0.N.1.

1. Age-restricted Adult Housing

a. Age-Restricted Adult Housing, General

A Conditional Use may be granted 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, 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.

Response: The Property is zoned RR-DEO and is proposed to contain 26 single-family detached dwelling units as permitted by HCZR §131.0.N.1.a(1).

(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.

Response: The Property is zoned RR-DEO and it is proposed to contain 26 ARAH dwelling units. The number of proposed dwelling units therefore exceeds the minimum density prescribed by HCZR §131.0.N.1.a(2).

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

Response: The ARAH dwelling units proposed under this petition consist of single-family detached dwellings only. Therefore, the proposed Condition Use satisfies this criterion.

(4) *The maximum density shall be as follows: for RR zoned property [20 or more units], 1 unit per net acre.*

Response: The Property is zoned RR-DEO and consists of 26.52 net acres. Based on the zoning and net acreage of the site, a maximum of 26 dwelling units are permitted (1 DU x 26.52 ac = 26 DU). The Conditional Use proposal only contains 26 dwelling units. The number of proposed dwelling units therefore complies with the density restrictions prescribed by HCZR §131.0.N.1.a(4).

(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.*

Response: The Conditional Use site has frontage on and direct access onto Triadelphia Road, which is designated as a major collector in the General Plan. Therefore, the proposed Conditional Use satisfies this criterion.

(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.*

(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.

(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.*

Response: As demonstrated by the Conditional Use Plan and associated Landscape Plan, the landscape character and architectural transitions of the proposed Conditional Use ARAH

community will blend well with adjacent residential properties in compliance with HCZR §131.N.0.1.a(6). As set forth above, the proposed ARAH community will be developed with one story and two-story single-family detached homes quite similar to the single-family detached homes found on adjacent and nearby residential properties. In addition, Conditional Use Plan and Landscaping Plan provide appropriate setbacks, screening, buffering, and landscaping along the perimeter of the Property as it relates to adjacent and nearby residential properties.

(7) *Bulk Requirements*

(a) *Maximum Height:*

(i) *Apartments..... 40 feet*

Except in R-SA-8, R-A-15 and R-APT..... 55 feet

(ii) *Other Principal Structures 34 feet*

(iii) *Accessory Structures 15 feet*

(b) *Minimum Structure and Use Setback:*

(i) *From Public Street Right-of-way..... 40 feet*

(ii) *From residential lots in RC, RR, R-ED, R-20, R-12 or R-SC Districts:*

Apartments 100 feet

Single-family attached..... 75 feet

Single-family detached, semi-detached, and multi-plex..... 40 feet

(iii) *From open space, multi-family or non-residential uses in RC, RR, R-ED, R-20, R-12 or R-SC..... 30 feet*

(iv) *From zoning districts other than RC, RR, R-ED, R-20, R-12 or R-SC..... 20 feet*

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

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

(i) *Side 10 feet*

Except zero lot line dwellings..... 0 feet

A minimum of 10 feet must be provided between structures

(ii) *Rear 20 feet*

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

(i) *For units oriented face-to-face 30 feet*

(ii) *For units oriented side-to-side 15 feet*

(iii) *For units oriented face-to-side or rear-to-side..... 20 feet*

(iv) *For units oriented rear-to-rear 40 feet*

(v) *For units oriented face-to-rear 100 feet*

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

(i) *For units oriented face-to-face 30 feet*

(ii) *For units oriented side-to-side 15 feet*

(iii) *For units oriented face-to-side or rear-to-side..... 30 feet*

(iv) *For units oriented rear-to-rear 60 feet*

(v) *For units oriented face-to-rear 100 feet*

(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.*

Response: As demonstrated by the Conditional Use Plan and Landscape Plan, the proposed Conditional Use fully complies with all of the bulk requirements set forth in HCZR §131.N.0.1.a(7) as and where applicable.

(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.*

Response: As demonstrated by the Conditional Use Plan and the associated Landscape Plan, approximately 72.5% of the conditional use area is proposed to be maintained as open space or open area in accordance with the Subdivision and Land Development Regulations, thereby exceeding the required 50% open space requirement for the RR-DEO District. Further, the open space or open area is proposed to provide amenities including a club house/fitness center, pathways, and recreation areas for the residents. The locations of these amenities and open space and open areas are protective of the natural features of the site and will minimize impacts on the stream and the 100' stream buffer.

(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.*

Response: The proposed ARAH community satisfies this criterion by providing outdoor recreational areas, a pavilion, pathways, natural surface walking trails, and a community building for social gatherings, all of which is limited for use by on-site residents and their guests.

(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.

Response: A single-story ADA compliant community building/fitness center will be provided at the location shown on the Conditional Use Plan. This building will consist of a minimum of 550 square feet of space (exceeding the minimum 520 square feet required). Use of this facility will be limited to on-site residents and their guests and shall be fully accessible by all residents via the private road and sidewalk system shown on the Conditional Use Plan.

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

Response: Trash and recycling receptacles will be kept within the improvements of the proposed ARAH dwelling units and community building and will not be visible from surrounding areas. Trash pickup within the development will be curb-side pickup and no centralized trash storage area or dumpsters are proposed in connection with the dwelling units or community building under this Petition.

(10) 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.

Response: The proposed Conditional Use improvements are not proposed to be constructed in phases.

(11) 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.

Response: §103.0 of the HCZR defines Age-Restricted Adult Housing as follows:

Age-Restricted Adult Housing: A development that contains independent dwelling units, each with a full kitchen that is designed for and restricted to occupancy by households having at least one member who is 55 years of age or older. An exception is allowed for up to five years following the death or departure, due to incapacity, of a household member 55 years or older, provided a surviving household member who is at least 50 years old continues to live in the unit. Children less than 18 years of age shall not reside in a dwelling unit for more than a total of 90 days per calendar year. Age-restricted adult housing may include accessory structures or uses for the residents, such as social, recreational or educational facilities and housekeeping, security, transportation or personal services.

This Age-Restricted Adult Housing development is proposed to be a for-sale condominium community. Therefore, Petitioner will establish a condominium association and will subject the Property to a condominium regime including recorded covenants, conditions, and restrictions containing applicable age restriction provisions required under the definition of this use under the HCZR, as set forth above. The condominium association will be responsible for maintaining and enforcing the age-restrictions set forth above in perpetuity.

(12) 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.

Response: The proposed Conditional Use development is intended to be a for-sale ARAH condominium community. Therefore, all open space, common areas and related improvements will be managed and maintained in perpetuity by a condominium association to be established by the Petitioner.

(13) 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.

Response: In accordance with the Howard County Department of Planning and Zoning's Universal Design Guidelines, the proposed Age-Restricted Adult Housing development will incorporate the following design features:

- For single-family detached, attached dwelling units, and the community building a “no step” access to the front door entrance shall be provided. If a no-step front door entrance is not feasible, an alternate no-step side or garage entry will be provided.
- All dwellings including the community building will have a 36" wide front door with exterior lighting at the entrance (exterior doors shall be provided with an artificial light source located in the immediate vicinity of the exterior door; the illumination of the exterior light shall be controlled from inside the dwelling unit or community building. This requirement will not apply to lights that are continuously illuminated or automatically controlled.
- All interior doorways within all dwellings and the community building will have at least 32" clear width in the open position
- A 36" wide fully accessible route will connect throughout the first floor of the dwelling unit. The maximum vertical floor level change will be 1/4" inch, except when a tapered threshold is used, the maximum height is 1/2" inch.
- All dwellings shall contain a complete living area including a master bedroom and bath located on the first floor.
- All dwellings and the community building will have lever handles on interior and exterior doors.
- All dwellings will have clear floor space of 30" x 48" inches centered on all appliances and fixtures in the kitchen. These floor spaces can overlap in accordance with the Fair Housing Act.
- All dwellings will have reinforced walls to allow for the later installation of grab bars around the toilet, tub, and shower stall.
- All dwellings will have maneuvering space within the bathroom to permit a person using a mobility aid to enter the room, close and reopen the door, with a clear floor space of 30" x 48" outside of the door swing area. In addition, a clear floor space of 30" x 48" will be provided at each fixture and centered on each fixture. The aforementioned 30" x 48" floor spaces can overlap each other in accordance with the Fair Housing Act guidelines.
- All wall mounted light switches, electrical outlets, or environmental controls shall be mounted for a reaching range of a minimum of 15" off the floor and maximum 48" above the floor.

(14) 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.

Response: The proposed Conditional Use development is intended to be a for-sale ARAH condominium community. In compliance with the HCZR, a minimum of 10% of the ARAH units or (3) units will be Moderate Income Housing Units (“MIHUs). Notwithstanding the preceding, the Petitioner may elect to pursue the payment of a fee-in-lieu of such MIHUs as and where permitted.

(15) 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.

Response: The proposed Conditional Use project is a new project to be constructed after July 12, 2001. Therefore, the provisions of HCZR §131.0.N.a(15) are not applicable to this Petition.

(16) 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.

Response: On October 8, 2025, and December 17, 2025, (prior to the submission of this Conditional Use petition to the Department of Planning and Zoning) the proposed Conditional Use Plan and the architectural design of the improvements were reviewed by the Design Advisory Panel (DAP), in accordance with Title 16, Subtitle 15 of the Howard County Code. Documentation of such review by the DAP is attached to this Petition.