

IN RE:	*	BEFORE THE
	*	
ALMD UNLIMITED LLC	*	HOWARD COUNTY
	*	
REQUEST FOR	*	HEARING EXAMINER
CONDITIONAL USE	*	
FOR NURSING HOME	*	
	*	Case No: BA-26-018C
	*	

NARRATIVE SUPPLEMENT TO CONDITIONAL USE PETITION

Petitioner, ALMD UNLIMITED LLC, requests Conditional Use approval for the use of the subject property as a Nursing Home with 12 total beds. The subject property is currently zoned RC-DEO, is .96 acres, and is located at 11752 Clarksville Pike, Clarksville MD 21029, or Tax Map 29, Grid 14, Parcel 114, Lot 5 (“the Property”). A 733.8 square foot building addition is proposed to increase the total building area to 4,544.1 square feet.

The previous property owners were operating the space as a Nursing Home for 4 individuals, providing Section 103.N of the Howard County Zoning Regulations: “Any facility for the treatment and care of two or more persons suffering from illnesses, diseases, disabilities, or injuries not requiring the intensive care that is normally provided by hospitals; but who do require medical, nursing, convalescent or chronic care rendered by or under the supervision of a nurse”. (Exhibits A-F for reference). The facility was in the process of expanding the number of beds to 8, and various permits were obtained including a Residential Electrical Addition Alteration Permit (E25002642), and a Residential New-Addition SFD Sprinkler Permit (F24000111). The previous property owners sold the property to the Petitioner, who is now restarting/continuing the permit process for this Conditional Use.

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 Conditional Use plan is in harmony with the land uses and policies in the HoCoByDesign. Although neither HoCoByDesign nor Plan Howard 20230 specifically discuss nursing home conditional uses, the current zoning regulations were codified after Plan Howard 2030. Nursing Homes as a conditional use in the RR-DEO district was specifically included as an allowable use subject to meeting the conditional use criteria. Therefore, a proposal that satisfies the applicable criteria for a Nursing Home conditional use is presumed to be in harmony with the General Plan and in furtherance of its policies.

Additionally, DN-7 Policy Statement of Chapter 6: Dynamic Neighborhoods of HoCoByDesign provides an implementing action to offer additional incentives to encourage the production of more disability income housing units. At least some or all of the residents of this facility will suffer from disabilities.

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 nature and intensity of the proposed 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 uses are appropriate to the site. The use is primarily an indoor use. Even with the proposed expansion, the proposed building will be 4,544.07 SF, which is consistent with a residential building in both scale and character. The site is located on a major collector road with moderate volumes of traffic. The overall intensity and scale of the uses are appropriate to 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.*

There will not be greater adverse effects of this use at this proposed site than would exist anywhere else in the RC zone or applicable other zones. There is no potential for atypical impact from fumes, odors, vibrations or similar hazards.

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 RC-DEO 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.

The proposed parking being restricted to the residents of the facility (who ordinarily do not drive), 2 to 3 staff and 1 or 2 guests, additional parking is not necessary.

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 has safe ingress and egress from RT 108.

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

There are no known, off-site, environmentally sensitive areas in the vicinity.

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 nearest historic site in the Manakee Farm Tannant House at 11901 Route 108. Located approximately 0.35 miles away, the Manakee Farm Tannat House is not visible from the subject Property.

Conditional Use Petition Specific Criteria (Section 131.0.N.37)

N. Conditional Uses and Permissible Zoning Districts

The Hearing Authority may grant Conditional Uses in the specified districts in accordance with the following minimum criteria.

Section 131.0.N.37 - Nursing Homes and Residential Care Facilities

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, R-APT, R-MH, R-VH, CAC and TNC Districts for nursing homes and residential care facilities, provided that:

- a. The facility shall have 16 or fewer beds.*

The facility will have 12 beds.

- b. The minimum lot size for a new facility is one acre. An existing facility does not have to comply with this criteria.*

The current facility was a nursing home that provided care for 4 persons suffering from illnesses, diseases, disabilities, or injuries not requiring intensive care that is normally provided by hospitals; but who do require medical, nursing, convalescent or chronic care rendered by or under the supervision of a nurse. As an existing facility, there is no minimum lot size.

- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.*

Architectural elevations or renderings are submitted with this petition to demonstrate compatibility in scale and character with residential development in the vicinity.

- d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road rights-of-way. For sites utilizing buildings and parking areas existing prior to January 6, 2026, the Hearing Authority may reduce this setback if the petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or equivalent combination, that presents an attractive and effective buffer for neighboring properties. This setback may not be reduced or eliminated to accommodate expansions to buildings or parking areas made after January 6, 2026.*

This petition seeks an expansion to building and parking areas that existed prior to January 6, 2026. Petitioner requests that the 50' setback for all buildings and parking areas to adjoining residential properties be reduced or eliminated. The proposed building addition is 1,582.29 sq. ft. to the existing area of 2,961.78 sq. ft. The total building area will be 4,544.07 sq. ft.

- e. At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.*

At least 20% of the area within the building envelope are not used for buildings, parking areas or driveways.