

EXHIBIT C



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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TECHNICAL STAFF REPORT

*Petition Accepted on December 14, 2005
Hearing Authority Hearing of March 6, 2006*

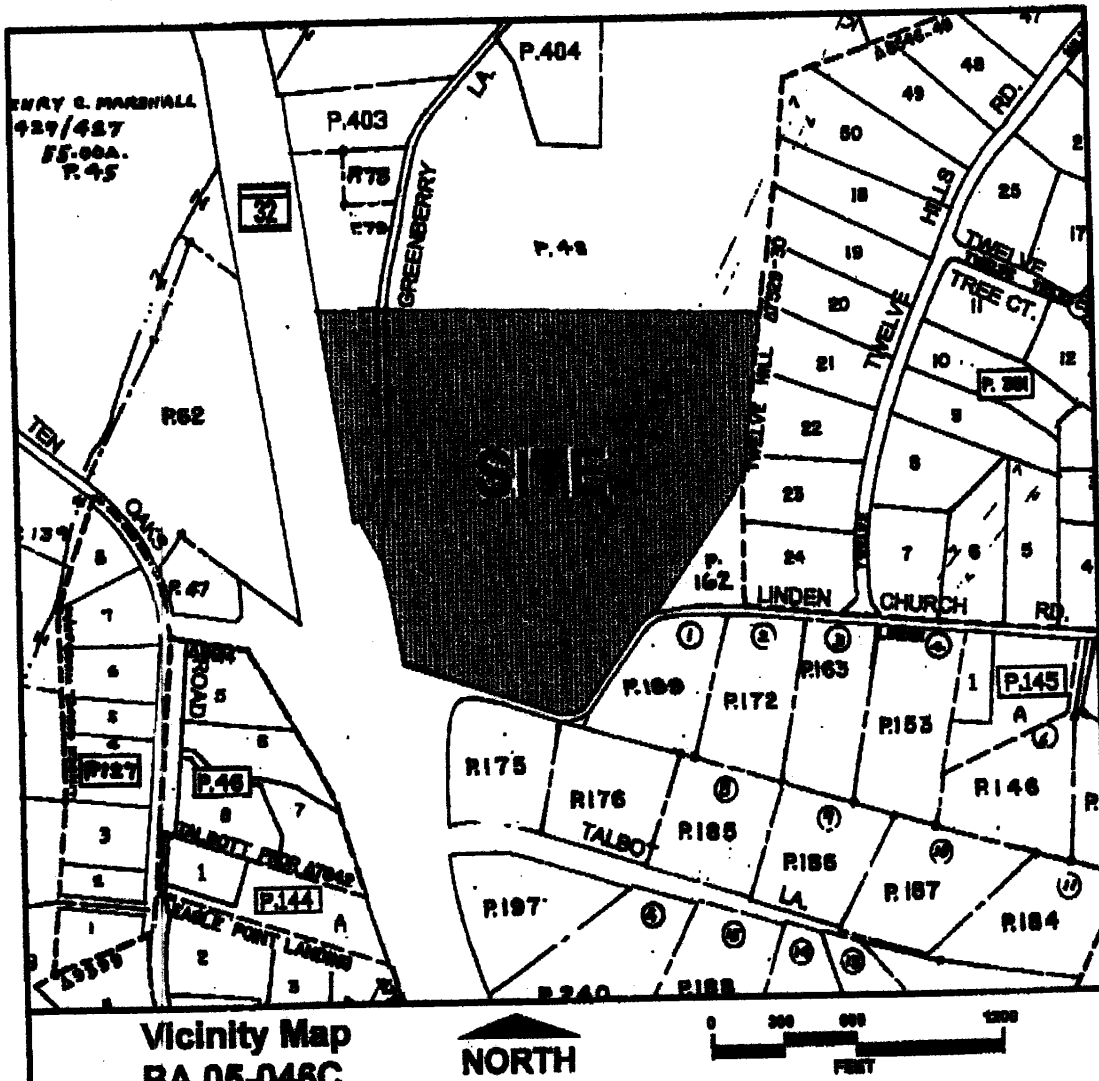
Case No./Petitioner: BA 05-046C – Robert B. Williams, Joanna K. Benedict, et. al.

Request: Conditional Use for Age-restricted Adult Housing for a condominium development with 50 single-family detached age-restricted dwellings (Section 131.N.1.)

Location: Fifth Election District
Generally northeast of the Greenberry Lane intersection with Linden Church Road;
Tax Map 28, Grid 9, Part of Parcel 48; Currently 13110 Linden Church Road (the "Site").

Area of Site: 50 acres

Zoning: RR-DBO (Rural Residential-Density Exchange Option Overlay)

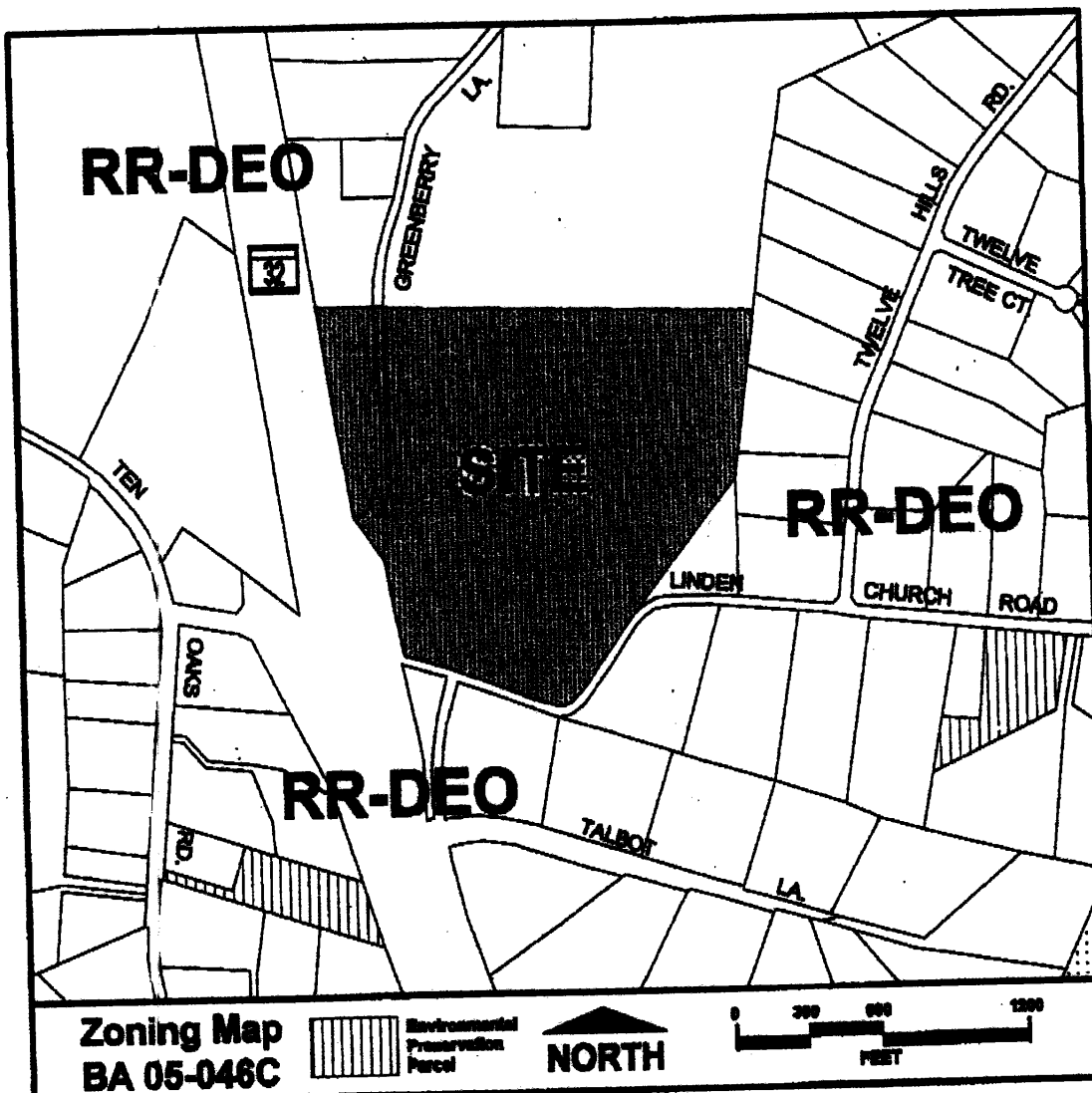


I. CONDITIONAL USE PROPOSAL

The current Parcel 48 is a farm property of approximately 127 acres. This petition indicates that the southern portion of Parcel 48 would be established as a 50 acre "Lot 1" to create the area of the Site. The Petitioner requests a Conditional Use for an Age-restricted Adult Housing development on the Site. As indicated in the petition, this would be a condominium development without individual lots for the dwelling units. The proposal is for 50 two-story, single-family detached dwellings with attached garages, individually fronting on an internal road. A wide entrance road with optional gate would extend to the east into the Site from Greenberry Lane to a point where a road to the left would extend generally 1,000 feet to the northeast, ending with a cul-de-sac, and a road to the right would extend first to the southeast and then turn to the northeast, ending with another cul-de-sac. This results in an elongated U-shaped pattern, keeping the dwellings to the west and east of a 50 foot wide gas easement which runs diagonally through the Site.

On the west side of the road to the west of the gas easement, the development would have a community center building of at least 1,000 square feet, and generally adjacent to that would be a swimming pool and tennis court area. A six-foot wide paved path/exercise trail system would extend from the community center area and run around much of the perimeter of the Site, with connections to the roads at several points. The Petitioner declares that 25 acres of the Site would be open space, although based on the plan it appears that the development may exceed that amount.

The parking for the development would be provided with two-garage parking spaces and two driveway parking spaces for each dwelling unit, or 200 parking spaces, plus a parking lot with 23 parking spaces in front of the community center. The Petitioner notes that the proposed dwellings "...will be compatible in scale and character with the residential development in the area", and would all incorporate universal design features as detailed in General Note No. 17 on the Conditional Use Plan. Five of the dwelling units would be Moderate Income Housing Units, but the location of these units is not specified in any way. The intention is to establish the development in a single phase.



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I. **CONDITIONAL USE PROPOSAL (continued)**

Much of the perimeter of the Site is shown as a Forest Conservation Easement; it is presumed that this would predominantly be for afforestation purposes because the Site is mostly open. An approximately 4.5 acre area at the northwest of the Site is delineated for a community septic area. A stormwater management facility is indicated to be provided at the west side of the Site.

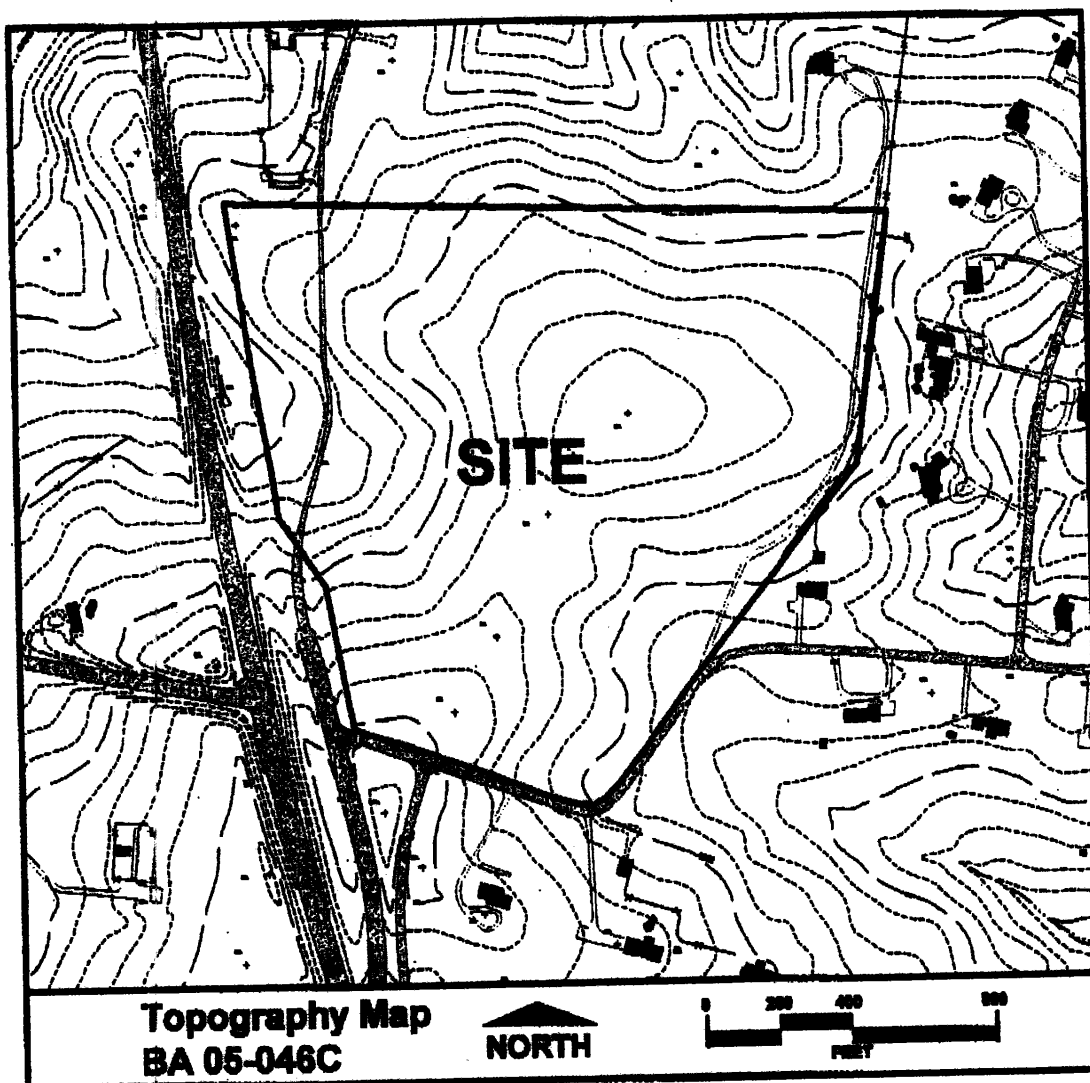
II. **BACKGROUND INFORMATION**

A. **Site Description**

The Site is currently predominantly open crop land with some narrow areas of perimeter vegetation, although the western areas adjacent to Greenberry Lane and MD 32 are wooded. Overall, the Site is very moderately sloped, with the higher points in the areas generally to the west of the gas easement. From these higher points the Site slopes down generally to the north, east and west, but mostly to the lowest areas in the west and northwest of the Site. The area of the Site appears to have no structures.

B. **Vicinal Properties**

To the north of the Site is the rest of Parcel 48, which based on the proposed area for the Site would be approximately 77 acres. This area is also a farm, and is the area with a principal dwelling, farm buildings, and a pond, with driveway access to Greenberry Lane. To the northeast of the Site is a Parcel 414, improved with a single-family detached dwelling accessed by a long driveway running along the east side of the Site to Linden Church Road; this Parcel 414 does not appear on the various maps but is depicted on the plan.



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II. BACKGROUND INFORMATION (continued)

B. Vicinal Properties (continued)

East of the Site are lots in the Twelve Hills Subdivision with generally two-story, brick, single-family detached dwellings fronting on Twelve Hills Road, and Parcel 162, which is a triangular-shaped parcel, and is improved with a one-story single-family detached dwelling and detached two-car garage, fronting on Linden Church Road. To the southeast of the Site, across Linden Church Road, is Parcel 189 which is currently unimproved. The properties to the south across Linden Church Road are Parcel 176 and Parcel 175, both improved with dwellings and other structures with driveway access to Linden Church Road. To the west of Parcel 175 is Broadwater Lane.

West of the Site is Greenberry Lane, and further west is the MD 32 right-of-way. To the northwest of the Site across Greenberry Lane are Parcels 78 and 79, which are sites of a gas pipeline transmission facility and an electric utility facility with a communications tower. All of the properties described above are also zoned RR-DEO.

C. Roads

The initial approximately 300 feet of Greenberry Lane north of Linden Church Road has two travel lanes and wide paved shoulders within a variable width right-of-way.

Linden Church Road has two travel lanes and approximately 22 feet of paving within a variable width right-of-way. The posted speed limit further the east of the Site is 25 miles per hour.

Sight distance along Linden Church Road is not a factor because there is no proposal for a driveway onto that road. Based on the existing alignment of Greenberry Lane, the estimated sight distance from the approximate location of the proposed driveway entrance is approximately 500 feet to the south past the Linden Church Road intersection, and approximately 300 feet to the north.

According to the most recent data available as determined by the State Highway Administration, the traffic volume on Linden Church Road east of MD 32 was 1,000 ADT (average daily trips) as of August, 1997. There is no data available for Greenberry Lane.

D. Water and Sewer Service

The Property is not in the Metropolitan District and is within the No Planned Service Area according to the Howard County Geographic Information System maps as of February 1, 2006.

The Site is proposed to be served by private community water and septic facilities. A 4.5 acre septic easement area is shown at the northwest corner of the Site.

E. General Plan

The Property is designated Rural Residential on the Policies Map 2000-2020 of the 2000 General Plan.

Greenberry Lane and Linden Church Road are depicted as local roads on the Transportation Map 2000-2020 of the 2000 General Plan.

F. Agency Comments

See attached comments on the proposal from the following agency:

1. Department of Inspections, Licenses and Permits
2. Bureau of Environmental Health

The following agency had no objections to the proposal:

1. Department of Fire and Rescue Services

No comments were received to date from the following agencies:

1. Department of Recreation & Parks

II. BACKGROUND INFORMATION (continued)

G. Adequate Public Facilities Ordinance

The petition is subject to the Adequate Public Facilities Ordinance. A site development plan for the proposed development is subject to the requirement to pass the test for adequate road facilities.

III. ZONING HISTORY

There is no record of any specific Board of Appeals, Zoning Board, or Department of Planning and Zoning cases for the Property.

IV. EVALUATION AND CONCLUSIONS

A. Evaluation of petition according to Section 131.B. of the Zoning Regulations (general criteria for Conditional Uses):

1. The proposed use is a 50 single-family detached, age-restricted residential development with associated community building, recreation facilities, roads and parking (the "Use"). The Use is predominantly residential in nature, with a low intensity of use, and although the density is above what is typical for the vicinity, it is still relatively low and does comply with the specific density criteria as noted below. The Site is quite large for the Use, with much open space and wide areas for buffers. The Site is located on low-volume local roads which do not go through to the north or to the east, and which only connect to a major road at a traffic signal at the intersection of Linden Church Road and MD 32. The residential nature of the Use will be in relative harmony with the Rural Residential land use and policies indicated in the Howard County General Plan, and will be in harmony with the General Plan policies encouraging housing for an aging population.
2. The Use is anticipated as being similar in character and operation as any relatively low-density, single-family detached neighborhood. There would be no inordinate noise, no generation of dust, fumes, odors, glare, or vibrations, and no creation of hazards.
3. All buildings would be of a complying height for the use category and the Use would have wide buffer areas separating the Use from the existing adjoining residential properties. The Use would not hinder or discourage the development and use of adjacent land and structures more at the subject Site than generally elsewhere.
4. Parking areas will be of adequate size for the particular use because the provided parking will significantly exceed the minimum parking requirements. The one parking lot will be well separated from all surrounding residential uses and will not be readily visible to the surrounding area due to the dwellings within the proposed development. The other parking spaces are at each individual dwelling unit, and will not affect surrounding properties in any way. There will not be a refuse area because each dwelling unit will have standard household containers and pick-up.
5. The ingress and egress drives will provide safe access with adequate sight distance. Acceleration and deceleration lanes are unnecessary in this location.

Based on the evaluations above, the proposed Use at the proposed location will not have adverse effects on vicinal properties above and beyond those ordinarily associated with age-restricted residential developments.

B. Evaluation of petition according to Section 131.N.1. (Specific Criteria for Age-restricted Adult Housing):

1. The official definition of the term "Age-restricted Adult Housing" is "A development that contains independent dwelling units with full kitchens that is designed for and restricted to occupancy by households having at least one member who is 55 years of age or older." As it is a separate use category, it is implied that Age-restricted Adult Housing is meant to have inherent distinctions from other by-right dwellings, such as single-family detached dwellings. These distinctions should be clearly evident based on building design and/or floorplans.

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IV. EVALUATION AND CONCLUSIONS (continued)

B. Evaluation of petition according to Section 131.N.1. (continued)

The proposed detached residential units as depicted on the plan have no apparent qualities that show any distinctions as Age-restricted Adult Housing from typical by-right single-family detached dwellings. With two full stories as depicted in the Schematic Footprint and Elevation on the plan, these units might contain 6,000 square feet of floor area. This appears to be quite excessive upon consideration of the intended "aging in place" purposes of universal design features and overall active-senior housing objectives for smaller, more easily maintained dwellings.

In the event the proposed dwellings are no different from many by-right single-family dwellings, this could be considered an exploitation of the Age-restricted Adult Housing Conditional Use category to significantly increase the density of a standard detached dwelling product over what could be achieved through a by-right residential subdivision, even one with receiving density. There needs to be clear evidence that the dwellings will have a specifically limited number of bedrooms to meet the Health Department concerns, and that the space within the dwellings will not be easily convertible to additional bedrooms. The Petitioner should present more detailed building plans and floorplans to prove that the dwelling units qualify as Age-restricted Adult Housing on the basis of building design.

2. The petition proposes 50 dwelling units, and therefore, the petition complies with Section 131.N.1.b.
3. The Site is declared to be 50 net acres, and the proposed 50 dwelling units equals one dwelling unit per each net acre. The petition complies with Section 131.N.1.c.
4. The principal structures comply with the maximum height requirement, and the proposed plan appears to comply with or exceed the minimum setback and separation distances of Section 131.N.1.d.
5. The proposed plan appears to exceed the minimum 50 percent open space requirement of Section 131.N.1.e., although the Petitioner only declares 25 acres as open space, which complies with the minimum open space requirement.
6. Recreational accessory uses are proposed, and this would comply with Section 131.N.1.f. provided that these recreational uses are limited to on-Site residents and their guests.
7. The development is under 100 dwelling units, so the development must include a community building of at least 20 square feet for each dwelling unit, or 1,000 square feet. The proposed community building is said to be 1,000 square feet at a minimum, so the petition complies with Section 131.N.1.g.
8. Section 131.N.1.h. is not applicable, because each dwelling will have individual household-style trash containers and individual pick-up, and not a community facility. There is no proposal for a loading area.
9. Although the general size of the dwelling units as depicted on the plan are larger than some of the existing residential development along Linden Church Road to the southeast, they are relatively compatible in size with the existing residential development along Twelve Hills Road to the east and northeast. A significant transition buffer area is provided along the perimeter of the Site with open space and forest conservation areas.
10. The Petitioner intends to establish the Use in one phase, but it is also stated that if there will be more than one phase, the recreation facilities will be established in the first phase. The petition complies with Section 131.N.1.j.
11. It is stated in Section 8.b. of the petition form that "The age restrictions will be a material inclusion of the Condominium Declaration." It is recommended that the Petitioner provide more details on how the age-restrictions will be maintained and enforced for the proposed Use.

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IV. EVALUATION AND CONCLUSIONS (continued)

B. Evaluation of petition according to Section 131.N.1. (continued)

12. In General Note No. 2.L. on the plan, it states that the common areas and community improvements will be maintained by the Condominium Association. The petition complies with Section 131.N.1.1.
13. A short list of universal design features to be provided within the proposed dwellings is given in General Note No. 17. However, no floor plans were submitted, and the Petitioner instead notes that "Specific floor plans meeting these requirements will be submitted as time of building permit application." Section 131.N.1.m. requires two basic things to be provided with the petition; a list of interior features, which is provided, and that the "...petition shall include floor plans or other material demonstrating that the proposed dwellings will be appropriate for the age-restricted population." In other words, something other than the required list must be provided, in addition to the list, in order to demonstrate compliance with this requirement.
14. The Petitioner declares that five dwelling units will be provided as Moderate Income Housing Units. It is recommended that the Petitioner provide more details to clarify how this requirement will be realized, because it is questionable that Moderate Income Housing Units would be practical based on the size of the proposed dwelling units.

V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request for a Conditional Use for Age-restricted Adult Housing be GRANTED, subject to the following conditions:

1. The Conditional Use shall be conducted in conformance with and shall apply only to the proposed Use as described in the petition and as depicted on the Conditional Use Plan for "Greenberry" submitted on November 16, 2005 and not to any other activities, uses, or structures on the Property.
2. The Petitioner shall present more detailed building plans and floorplans to prove that the dwelling units qualify as Age-restricted Adult Housing on the basis of building design; that the dwellings will have a specifically limited number of bedrooms to meet the Health Department concerns; and that the space within the dwellings will not be easily convertible to additional bedrooms.
3. It is recommended that the Petitioner provide more details on how the age-restrictions will be maintained and enforced for the proposed Use.
4. In addition to the list of the interior universal design feature, the petition shall include floor plans or other material demonstrating that the proposed dwellings will be appropriate for the age-restricted population.
5. It is recommended that the Petitioner provide further explanation about how five of the proposed dwelling units of the same general size indicated on the plan will be provided as Moderate Income Housing Units.


 Marsha S. McLaughlin, Director

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