JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits, Approvals & Inspections

July 30, 2025

Patricia A. Malone
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: Zoning Spirit and Intent Confirmation, Blakehurst Retirement Community, 1055 West Joppa Road, 6th Council District, 9th Election District

Dear Ms. Malone:

I am in receipt of your July 25, 2025 letter to the Zoning Review Office, in which you request written spirit and intent confirmation for the Blakehurst Retirement Community, 1055 West Joppa Road. Based on the information provided with your letter and a review of the available zoning records, the following has been determined:

Use of the property for purposes of the continuing care facility is governed by the zoning relief granted in Case # 1989-1989-XA. In that case, a special exception and other zoning relief was granted under former BCZR Section 432. That relief was amended in Case # 2015-0126-SPH. The facility is currently approved for 280 independent living units and 79 health center (assisted living and nursing home) related beds with a maximum of 457 total residents permitted to occupy the Blakehurst property.

As was explained in your letter, the health center portion of Blakehurst is licensed for 35 assisted living beds and 44 nursing home beds (for a total of 79 beds) and all of these 79 beds are currently located in single-occupancy rooms. Your letter also explained that Blakehurst is seeking to increase the total number of beds in the health center portion by an additional 7 beds, resulting in a new total of 86 beds in the health center portion of Blakehurst (37 assisted living beds and 49 nursing home beds).

Your letter also stated that Blakehurst is not requesting an increase in the total number of residents beyond the maximum 457 residents. Your letter also stated that there would be no additional construction or physical changes made to the property or facility and stated that the facility has more than enough parking spaces to accommodate the extra beds per the required calculation in Section 409, BCZR.

As proposed, the requested increase in the number of beds within the health center by 7 beds would be considered as being in the Spirit and Intent of the BCZR and the prior granted zoning relief. However, the Blakehurst Retirement Community will be required to Administratively update the plan notes and calculations in a Second Amended Final Development Plan (1st Amended FDP is the latest on file) to reflect the relevant changes, and that updated Second Amended Final Development Plan must include a verbatim copy of this response letter on the plan. In addition, a copy of your request letter, this response and the Amended FDP will be made a permanent part of the two zoning case files referenced above.

This letter is strictly limited to the application of the Baltimore County Zoning Regulations and Baltimore County Code and as applied to the inquiries presented in your letter, and does not represent confirmation for any other Local or State regulations that may apply to this property.

I trust that the information outlined in this response letter is sufficiently detailed and responsive to your request. If you need further information or have any questions, please feel free to contact me at 410-887-3391.

Sincerely,

Jeffrey Perlow

Jeffrey Perlow, Zoning Supervisor
Zoning Review Office, PAI

Disclaimer: THE FOREGOING IS MERELY AN INFORMAL OPINION. IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND IT IS NOT LEGALLY OR FACTUALLY BINDING ON BALTIMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF

25-0829 JP

280 I.L.U. 79 Beds

VENABLE LLP
210 W. PENNSYLVANIA AVENUE SUITE 500 TOWSON, MD 21204
T 410.494.6200 F 410.821.0147 www.Venable.com

(444 Residents)

370
91
461

Patricia A. Malone
Counsel

t 410.494.6206
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July 25, 2025

Jeffrey Perlow, Supervisor
Office of Zoning Review
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building
111 W. Chesapeake Avenue, Room 124
Towson, Maryland 21204

Re: **Request for Zoning "Spirit and Intent" Confirmation**
Blakehurst – 1055 West Joppa Road
6th Councilmanic District, 9th Election District

Dear Mr. Perlow:

I am writing on behalf of Chestnut Real Estate Partnership ("Chestnut"). Chestnut owns property located at 1055 West Joppa Road ("the Property"), which is home to Blakehurst Life Care Community ("Blakehurst"). Blakehurst is a continuing care (life care) facility that offers independent living, assisted living, and nursing care.

Use of the Property for purposes of the continuing care facility is governed by relief granted in Case No. 89-89-XA (special exception granted under former Baltimore County Zoning Regulation ("BCZR") Section 432). As reflected in the Consent Order issued by the Board of Appeals in 1988, the Board approved the "use of the property…for a continuing care facility having a density as agreed upon by the parties in the Restrictive Covenant Agreement." (The Consent Order incorporated a Restrictive Covenant Agreement, amended eight times between 1989 and 2014, which has since expired.)

Through execution of the Eight Addendum to Restrictive Covenant Agreement and relief granted in Case No. 2015-126-SPH (amending the prior zoning relief), the facility is currently approved for 280 independent living units and 79 health center beds (assisted living and nursing beds) with a maximum of 457 residents.

Within the Health Center, Blakehurst is currently licensed for 35 assisted living beds and 44 nursing home beds with one bed in each room (all single occupancy). Occasionally, Blakehurst has a resident in need of assisted living or nursing home level of care, but all existing Health Center rooms are full. In this situation, even if the resident would prefer to receive care at Blakehurst in a shared room, Blakehurst has had to arrange for services at another assisted living facility or nursing home. Blakehurst also occasionally has a couple who wants to occupy the same room but is not able to do so.

To reduce the need for outside placement (and to allow for the occasional couple to room together), Blakehurst is seeking to increase the total number of beds by an additional 7 beds for a total of 86 beds. Blakehurst has identified 2 assisted living rooms and 5 nursing home rooms that would meet the licensing requirements for double occupancy rooms. As proposed, these rooms would continue to be set up and used as single rooms until there is a need to use the room as a double occupancy room at which point a second bed would be brought in with the consent of both residents.

Blakehurst is not requesting an increase in the total number of residents beyond the maximum approved 457 residents. There would be no additional construction or physical changes made to the property or facility, and the facility currently has more than enough extra parking spaces to accommodate the extra beds per the required calculation in the BCZR. This request would have no impact on residents of the facility or the surrounding community.

Even though the Restrictive Covenant Agreement has expired, the facility continues to be governed by former Section 432 of the Baltimore County Zoning Regulations, which requires consultation with the Advisory Board established in accordance with Section 432.3.F. Blakehurst has shared this proposal with the Advisory Board. As indicated in the attached letter from William Meyers, the Advisory Board supports the proposal.

At this time, I am writing to seek written confirmation from you that the proposed increase in the number of beds within the Health Center is within the spirit and intent of the prior granted zoning relief and would not require any additional zoning relief. Based on our conversation, I understand that Blakehurst will be required to administratively update the zoning Final Development Plan to reflect this change.

With this letter, I have enclosed a check in the amount of $200.00 made payable to Baltimore County, Maryland to cover the administrative expense associated with this request. If you need any additional information in order to complete your review, please feel free to give me a call.

Very truly yours,



Patricia A. Malone

WILLIAM K. MEYER

ATTORNEY-AT-LAW

Admitted in Maryland
state and federal courts

July 14, 2025

BY EMAIL WITH LETTER TO FOLLOW

Patricia A. Malone, Esq.
Venable LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, MD 21204

Dear Patsy: I am writing as the attorney for the Section 432.3.F Advisory Board (established in conjunction with Zoning Case No. 1989-89-XA and CRG #8814IX-522) ("the Board"). The Board – and the immediate neighbors to Blakehurst – have reviewed your proposal as described below. In addition, Herb O'Conor and I toured the facility on July 10 and saw first-hand what you plan to do. After consultation, I can confirm that both the Board and the immediate neighbors support your proposal.

As you have explained, Blakehurst is currently licensed for 35 assisted living beds and 44 nursing home beds with one bed in each room (all single occupancy). Blakehurst is seeking the ability to have 37 assisted living beds and 49 nursing home beds.

This increase in the number of residents would be accomplished by allowing 7 rooms (2 assisted living beds and 5 nursing beds) to have two beds (double occupancy). The selected rooms meet the licensing requirements for double occupancy rooms.

As proposed, these rooms would continue to be set up and used as single rooms until there is a need to use the room as a double occupancy room at which point a second bed would be brought in with the consent of both residents. No additional construction or physical changes would be made to the property or facility to accommodate this change.

We understand that some amount of review of your proposal may be required by Baltimore County. In connection with any such process, you may use this letter as proof of support from the Board and the immediate neighbors for the proposal.

410.818.3892 | 626 Chestnut Avenue, Towson MD 21204 | wkmeyer@comcast.net

If it is necessary or helpful for me to attend any meetings with Baltimore County in order to confirm our support, please let me know. We appreciate the continued good relations with Blakehurst. Thank you

Sincerely,

William K. Meyer

William K. Meyer

cc: Herbert R. O'Conor

IN THE MATTER OF THE APPLICATIONS OF THE INSTITUTE OF MISSION HELPERS OF BALTIMORE CITY, INC., et al, FOR SPECIAL EXCEPTION AND VARIANCE Property located on South side of West Joppa Road, between Greenwood Road and Chestnut Avenue-9th Election District (Zoning Commissioner Case No. 89-89-XA)

and

IN THE MATTER OF APPEAL FROM CRG - TOWSON LIFE CARE COMMUNITY PLAN (CRG #8814IX-522)

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.:

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

CASES CONSOLIDATED

CONSENT ORDER

An appeal was filed with this Board on October 11, 1988, by the Chestnut Partnership ("Chestnut"), Petitioners, after the Zoning Commissioner of Baltimore County denied Chestnut's applications for certain special exceptions and variances by order dated September 13, 1988. The Petition for Special Exception sought permission to utilize a portion of the Mission Helpers' convent site for a continuing care (life care) facility (the "Community"), pursuant to Section 432.3 of the Baltimore County Zoning Regulations (BCZR) and approval of a density of 8.98 density units per acre. The Petition for Zoning Variance sought approval for a maximum height of sixty (60) feet in lieu of the permitted fifty (50) feet and for a distance of from twenty (20) to fifty (50) feet between certain

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& DINKELD
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SUITE 100
TOWSON, MARYLAND
21204
(301) 823-8000

garages and certain 60-foot high-residential buildings in lieu of the required seventy-five (75) feet.

On September 8, 1988, the Baltimore County Review Group (CRG) approved, at a public hearing, the Towson Life Care Community Plan (Case No. 8814IX-522), said Plan being submitted by Chestnut to the County for approval pursuant to the development process of Baltimore County.

The Ruxton-Riderwood-Lake-Roland Area Improvement Association, Inc. (the "Association"), the Advisory Board established in accordance with Section 432.3.F of the Baltimore County Zoning Regulations (the "Advisory Board"), and individual members of the Advisory Board, including Gail O'Donovan, individual adjacent property owner, have appeared both at the CRG meeting and the hearing held before the Zoning Commissioner in opposition to the Community as proposed by Chestnut. An appeal to this Board from the approval of the CRG plan was filed on October 6, 1988 by the Ruxton-Riderwood-Lake-Roland Area Improvement Association, the Advisory Board, and Gail O'Donovan. The opposition to the Community has centered upon the size and scope of the Community, as well as the potential negative impacts that the proposed Community facilities would have upon the surrounding property owners and community.

All parties have, by motion, requested this Board to consolidate the aforesaid appeal from the special exception and variance decisions of the Zoning Commissioner and the appeal

from the approval of the CRG plan. The Motion to Consolidate both issues before this Board is GRANTED.

The parties to these issues, being the Chestnut Partnership ("Chestnut"), the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. (the "Association"), the Advisory Board established in accordance with Section 432.3.F of the Baltimore County Zoning Regulations (the "Advisory Board"), Gail O'Donovan, individual, and the individual members of the Advisory Board (the "Neighbors") have met and negotiated in an effort to reach agreement on modification on the proposed continuing care ("life care") facility (the "Community") to reduce its size and scope and potential negative impacts upon the surrounding neighborhood. After additional meetings with the Director of Planning of Baltimore County, the parties advised this Board that they have successfully reached an Agreement, which they have reduced to writing in the form of a Restrictive Covenant Agreement dated October 13, 1988. It is the intent of all parties that this Agreement will be incorporated into any decision of the Baltimore County Planning Board and will be recorded among the Land Records of Baltimore County and run with and bind the subject land and all parties to the Agreement and their successors.

All parties to this case have requested this Board, pursuant to a proposed "Consent Order" jointly submitted to

adopt and incorporate the Restrictive Covenant Agreement dated October 13, 1988 between the parties into a Final Order of this Board.

Therefore, IT IS ORDERED by the County Board of Appeals this 25th day of October, 1988, that the use of the property involved in this case for a continuing care facility having a density as agreed upon by the parties in the Restrictive Covenant Agreement is hereby approved, and variances from the maximum height set forth in Section 1B02.2.A of the Baltimore County Zoning Regulations and from the minimum horizontal distances between buildings set forth in Section 1B01.2.C.1 of those regulations are hereby granted, subject to the following conditions and limitations:

1. The Continuing Care Facility hereby approved shall conform in all respects to the terms and conditions of the October 13, 1988 Restrictive Covenant Agreement and Exhibits between the parties, which is hereby incorporated as a part of this Order as if it were fully set forth herein.

2. The maximum building height for the continuing care facility shall be 60 feet.

3. THe minimum horizontal distance between any garage and the closest residential building shall be twenty (20) feet.

4. The special exceptions hereby granted shall expire five years after the date of this Order.

AND the appeal from the approval of the CRG Plan (Case No. 8814IX-522) is hereby determined in accordance with the terms

and conditions of the Restrictive Covenant Agreement as stated above.

COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY

CHAIRMAN, Thomas J. Bollinger

Lawrence E. Schmidt

Henry H. Lewis

ORDER RECEIVED FOR FILING
Date 10/25/88
By Kathi Feldmann

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - SE/Corner Greenwood Avenue & Joppa Road 9th Election District 4th Councilmanic District

The Institute of Mission Helpers of Baltimore City, Inc. Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-89-XA

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to use a portion of the herein described property, specifically, Tract B, containing 40.92 acres, for a continuing care (life care) facility, and to permit a residential density of 367.5 total units (8.98 density units per acre) in lieu of the maximum 654 total density units (16 density units per acre) permitted under Section 432.3 of the Baltimore County Zoning Regulations (B.C.Z.R.); and additionally, variances to permit a maximum height of 60 feet in lieu of the permitted 50 feet, and a distance between the construction of garages from 20 to 50 feet in lieu of the required 75 feet from certain 60-foot high residential buildings, all as more particularly described in Petitioner's Exhibits 2 and 3.

The Petitioner, by John B. Howard, Esquire, and Judith A. Armold, Esquire, appeared and testified. Thomas F. Mullan, III, General Partner with The Chestnut Partnership, the Contract Purchaser of the subject property, also appeared and testified on behalf of the Petition and was represented by Mr. Howard and Ms. Armold as well. The following individuals also appeared and testified in support of the Petition: George E. Gavrelis, Land Planner with Daft-McCune-Walker, Inc.; Glenn Cook, Traffic Planner with The Traffic Group, Inc.; George Frizzell, Land Appraiser with Lipman Frizzell & Mitchell; William T. Brown with Life Care Services Corporation; Thomas J. Carlson, Architect with Mapis and D'Aleo; and Thomas L. Peddy and Herb Fredericks with Foxleigh Enterprises, Inc., appeared on behalf of the Petition but did not testify. The following individuals appeared and testified as Protestants and were represented by J. Carroll Holzer, Esquire: Dr. and Mrs. Charles O'Donovan III, Mr. Alexander T. Daignault, Jr., Mr. Frances Huber, Ms. Phyllis D. Roos, Dr. Gordon Shelton, Mr. Howard Ritter, Jr., and Officer Patrick M. Rooney of the Baltimore County Police Department.

The Zoning Commissioner heard nearly six and one-half hours of testimony concerning the development of the proposed Towson Community Life Care Facility as depicted in Petitioner's Exhibits 2 and 3. In order to conserve text in this opinion, the testimony presented by all witnesses will not be recanted in duplicate ad nauseam. However, a more condensed finding of facts supported by either one or many of the witnesses will be presented herein.

The Petitioner proposes to develop a very sophisticated and ambitious joint venture for the purposes of constructing a completely enclosed, community-form of housing for the elderly, specifically referred to as a "continuing care facility" as that term is defined in the B.C.Z.R. The proposed facility would consist of residential units, a convalescent or nursing care unit, and numerous facilities developed for common useage and supply of services. The Petitioner intends to develop this property pursuant to the authority granted under Section 432 of the B.C.Z.R., and more specifically, in accordance with the provisions of Section 432.3. The property is currently owned by The Institute of Mission Helpers of Baltimore City, Inc., which qualifies as a standing institutional use as a convent. Pursuant to the authority established within

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Section 432 of the B.C.Z.R., the Petitioner has developed a continuing care facility that would require the razing and demolition of the majority of the existing buildings on the subject site to allow for the construction of an entirely new facility in accordance with Petitioner's Exhibits 2 and 3. There would be a new convent and associated facilities constructed on a 4.9 acre portion of the subject site to the northeast quadrant located at approximately the intersection of Chestnut Avenue and Joppa Road. The remaining 40 acres would be developed as a continuing life care facility with approximately 367 density units, with a ratio of 8.98 density units per acre, and 324 dwelling units. Approximately 68% of the site would be retained as open space and the life care facility would basically be an enclosed elderly care community.

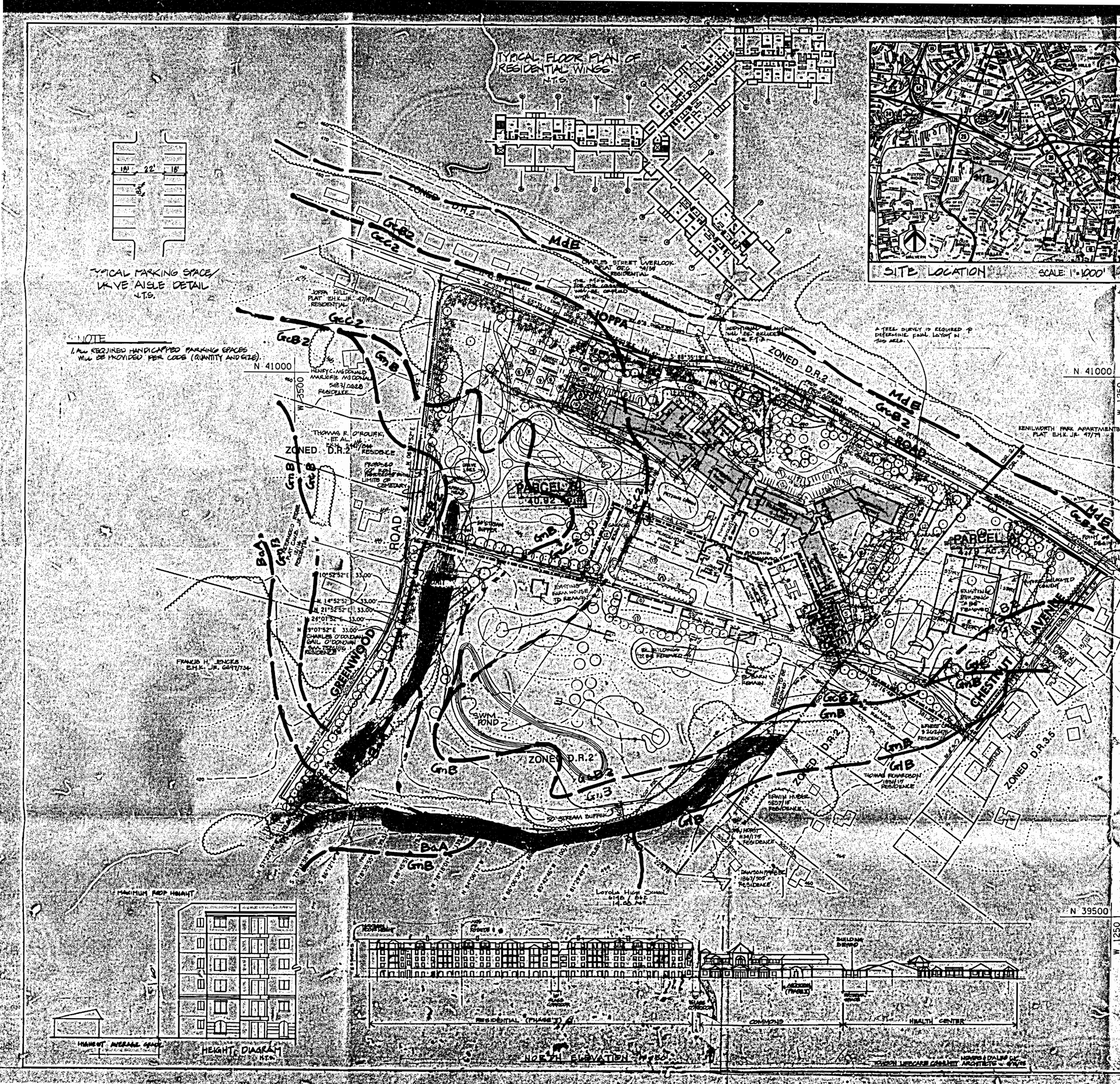
Testimony indicated that the proposed project would be developed as a joint venture with the nation's largest life care developer, Life Care Services, Inc., which is currently developing the Mt. Wilson project known as the North Oaks Community. The subject site contains approximately 45 acres, of which 40 acres will be developed as the continuing life care facility and approximately 4.9 acres would be retained for the convent. The property is bounded on the west by Greenwood Avenue, on the North by Joppa Road and on the east by Chestnut Avenue. The southern and southeast property boundaries either adjoin the Loyola High School property or private, residential properties. The property is currently zoned D.R. 2 and would accommodate approximately 91 single family dwellings if developed in a standard residential manner. The property is currently improved with a large primary structure used by the Nuns of the Institute of Mission Helpers as their residence, chapel area, and convalescent home. The entire property is developed with approximately 60,000 sq.ft.

TYPICAL FLOOR PLAN OF RESIDENTIAL WINGS
N.T.S.

TYPICAL PARKING SPACE/ DRIVE AISLE DETAIL
N.T.S.

NOTE
ALL REQUIRED HANDICAPPED PARKING SPACES WILL BE PROVIDED PER CODE (QUANTITY AND SIZE).

A TREE SURVEY IS REQUIRED TO DETERMINE FINAL LAYOUT IN THIS AREA.


N 41000
N 39500
W 3500
W 1250
ZONED D.R.2
ZONED D.R.3.5
MdE
GnB2
GcC2
GnB
GrB2
GrB
BaA
GcB2
GcB
GlB
GlB2
GrC2
GrC
GnC2
GnC
JOPPA ROAD
GREENWOOD AVENUE
CHESTNUT AVENUE
PARCEL 'A'
40.02 Ac.±
PARCEL 'B'
4.79 Ac.±
CHARLES STREET OVERLOOK APTS.
JOPPA HILL PLAT E.H.K. JR. 47/143
RESIDENTIAL
HENRY C. MCDONALD MARJORIE MCDONALD 5683/0688 RESIDENCE
THOMAS F. O'ROURKE, ET. AL 5683/0688 RESIDENCE
FRANCIS H. JENCKS E.H.K. JR. 6697/734
CHARLES O'DONOVAN GAIL O'DONOVAN 5417/096 RESIDENCE
LIMITS OF CEMETERY
KENILWORTH PARK APARTMENTS PLAT E.H.K. JR. 47/79
INTERSECTION OF JOPPA ROAD & CHESTNUT AVENUE
EXISTING FARM HOUSE TO REMAIN
EXISTING BARN TO REMAIN
EXISTING SWIM POND TO BE REMOVED
EXISTING SWIM POND TO BE REMOVED
SWM POND 2
50' STREAM BUFFER
W STORM BUFFER
ERWIN HUBER 5827/18 RESIDENCE
THOMAS RICHARDSON 1804/17 RESIDENCE
JAN HORST #541/178 RESIDENCE
DAWSON TYRRELL 1867/305 RESIDENCE
Loyola High School 41.48 ± Ac.
PROPOSED LOCATION OF RELOCATED GARDEN
EXISTING SWM POND TO BE REMOVED
EXISTING BUILDING TO BE REMOVED
EXISTING BUILDING TO BE REMOVED
EXISTING BUILDING

LEGEND

- EXISTING TREES
- PROPOSED EVERGREEN TREES
- EXISTING CONTOURS
- PROPOSED CONTOURS

Trees to be removed for proposed Joppa Road right of way are all between 18" and 40" in diameter.

Landscape Planting:

Required =
280 D.U. x 1 Tree/Unit = 280 Trees (140 Maj. Dec.)
750 L.F. RTA Buffer ÷ 4 = 182.5 Evergreen Trees
" " TOTAL = 462.5 Trees (162 Maj. Dec.)

Proposed =
280 Trees (140 Maj. Dec.)
182.5 Evergreen Trees (RTA Buffer)

A credit will be sought on the final landscape plan for existing trees saved within the developed area.

All planting will be in accordance with the Baltimore County Landscape Manual. Rears of units will be screened from public roads with evergreen trees calculated at 1 tree/4 L.F.

A TREE SURVEY IS REQUIRED TO DETERMINE FINAL LAYOUT IN THIS AREA.

ADDITIONAL PLANTING WILL BE INCLUDED IN THE R.T.A.

JOPPA ROAD

PROPOSED 40' ROAD WIDTH
PROPOSED 60' R/W
PROP. C & G

S 61°50'19" E 600.83'
S 54°20'19" E 131.74'
S 62°35'19" E 340.58'
S 68°50'19" E 131.42'
S 65°35'19" E 245.71'
S 72°35'19" E 120.08'
S 71°42'38" E 85.41'

EX. 8" S DWG. #70-0553
EX. 8" S DWG. #70-0551
EX. 8" S DWG. #70-0554
EX. 12" W
EX. 8" W
EX. 6" W
EX. 6" S
EX. 8" W
EX. 8" S
EX. 8" W
EX. 8" W
EX. 8" W

of floor area. The proposed development would include approximately 168,000 sq.ft. of floor area, excluding the new buildings for the convent. A new road system and parking scheme would be developed for the project, and included in the parking scheme are numerous garages for the residents.

The development as indicated on Petitioner's Exhibit 2 is considered a complete development enabling services to be provided to all segments of the over-60 years of age life care market, thereby restricting the need for any future development. The building layout indicates that the assisted care and nursing care facility will be a single story structure to the western most portion of the site, along Joppa Road. The buildings immediately adjoining that structure will be primarily two-story buildings with common areas and common facilities. The remaining buildings surrounding that area will primarily be six-story residential apartment buildings with inner-connecting walkways to permit access by all residents to the common areas and other facilities. The 12 smaller buildings shown to the southern portion of the property will be developed as 12 villas containing either two or four (apartment) units in primarily one and two-story structures. The garage structures, which are spread throughout the campus, will be developed as one-story buildings.

The Petitioner has spent a great deal of time in both argument and testimony substantiating their claims that the six-story structures are absolutely necessary in order to develop an economically feasible project on this site. There was extensive testimony concerning the requirements for economies of scale and the development of an economically feasible and financially self-supporting facility. The Petitioner argued extensively for the development of the six-story structures in order to

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accommodate enough residential units to reach the appropriate threshold of viability for the project.

This issue is one of the primary objections of the Protestants. The Protestants have gone to great length to indicate that they are not opposed to a continuing care or life care facility for the elderly at this site. However, they vigorously oppose the requested variances for 60-foot structures and the accompanying six-story residential apartment units.

There was extensive testimony by Mr. Frizzell that in his opinion, the proposed project will not reduce or be detrimental to the economic values of any of the adjoining residential properties. There was a great deal of testimony by Mr. Frizzell as to how he developed his comparative studies and the information contained in his opinion. The issue of diminution of property values in the greater community, and specifically, along Chestnut Avenue, Greenwood Avenue and Joppa Road, is an issue that the Protestants strenuously debate with the Petitioner.

Another issue of extensive debate between the Petitioners and the Protestants on which absolutely contradictory testimony and evidence were presented concerns traffic flow and congestion of the three primary streets involved in this matter. Mr. Cook testified that there would be no appreciable detrimental affect from the additional 1100 daily trips projected to be generated by the proposed project. Mr. Cook testified that in his opinion, the subject site would be primarily serviced by Joppa Road and would not generate any appreciable traffic flow, especially during peak hours in the mornings and afternoons along both Greenwood and Chestnut Avenues. He indicated that he believed no more than 60 morning peak hour trips and 90 evening peak hour trips would be generated. He stated that in his opinion, if the property was developed as single-fami

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ly homes, there would be an approximately 900 daily trips in comparison to the projected 1100 daily trips for the proposed life care facility. Mr. Cook also indicated that he found no site line problems of any significance with the entrance on Joppa Road. That the intersections at both Greenwood and Chestnut Avenues were more than adequate to handle the additional traffic which will be generated by this facility onto Joppa Road. He admitted he has never visited either of these intersections. It was Mr. Cook's opinion that most of the additional employee traffic expected to be generated by this project would not be in the form of individual automobiles but would result in car-pooling and mass transit use. Mr. Cook, therefore, was of the opinion that there would be very little intrusion of the proposed project from a vehicular standpoint into the community south of Joppa Road.

All of the Protestants took serious issue with the statements rendered by Mr. Cook in support of this project. There was extensive testimony concerning the inadequacy of both Chestnut and Greenwood Avenues to handle additional traffic and the extremely poor conditions of the intersections of Chestnut Avenue at Charles Street, Chestnut Avenue at Joppa Road, and Greenwood Avenue at Joppa Road. Additional extensive testimony was received from Officer Rooney of the Baltimore County Police Department and the members of the community concerning numerous accidents which have occurred at these intersections and the constant problem experienced by the community as a result of speeding and reckless driving on the very small, narrow, and poorly improved above-mentioned roads.

There was extensive testimony provided by Mr. Gavrelis, expert land planner, who indicated that the subject property and improvements thereon are not historical in nature and are not listed on any historical

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landmarks record or area listing. Mr. Gavrelis continued to testify as to the requirements of Section 502.1 and the delineated requirements found in Section 432.3 of the B.C.Z.R. He specifically addressed the issue of adverse impact on the community and his belief that this particular project does not in any way adversely affect the community. He supplied extensive testimony concerning the requested increased density and his opinion that the development of this plan is consistent with the regulations found in Section 432 of the B.C.Z.R. Mr. Gavrelis further testified concerning the suitability of the subject property for development of a life care facility in the form of a continuing care facility and described the remaining uses to be developed other than the buildings for both open space and recreational uses. He testified at great length as to his opinion concerning whether or not this development would be detrimental to the use, peaceful enjoyment, economic value, or development of the surrounding properties and the general neighborhood. Mr. Gavrelis also supplied extensive testimony concerning the wetlands and slope issues, and the development of this property as compared to an overall single-family development.

The Protestants disagree with most of what Mr. Gavrelis said about community impact and detrimental effects upon the general neighborhood.

The Protestants' primary thrust revolves around four principle issues; traffic; environmental issues which are adversely impacted by the size and scope of the project; development which is inconsistent with the general rural character of the neighborhood; and finally, a development which is too large with too large of a population which clearly tends to overcrowd the land.

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As alluded to above, the Protestants took serious issue with the Petitioner's traffic report and the Petitioner's opinion concerning the ability of Greenwood and Chestnut Avenues to handle the additional traffic. The Protestants specifically object to the east/west bisecting road between Greenwood and Chestnut Avenues. They claim there will be through-traffic for commercial and non-residential uses. They believe this bisecting road, if available, will lead to additional traffic and will further lend itself to the project being serviced by the more inadequate residential streets off of Greenwood and Chestnut Avenues. The Protestants do not believe there is adequate parking on the site for the large number of units being developed. That the traffic patterns developed for the residences, even if a system of restricted gates is used at both Chestnut and Greenwood Avenues, will cause a large number of vehicles to attempt to access Joppa Road from poorly designed and inadequate Chestnut and Greenwood Avenues. The volume and wealth of testimony concerning the Protestants' disagreement over the line of site distance problems and traffic congestion is clearly set forth in the record.

There was extensive testimony by many of the Protestants challenging the Petitioner's ascertion that this project is environmentally sound and preserves the major environmental benefits that the site currently enjoys. Specifically, there are a large number of specimen trees which will be destroyed or have the potential to be destroyed by the development of this project. There will be a tremendous loss of mature vegetation along Joppa Road as a result of the improvements. There was also extremely strong opinion among the Protestants that the subject development is too large in both floor area footprint and gross floor area. There will be a tremendous increase in storm water management problems which will

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result in a destruction of the wetlands to the south of this property and on the southern portions of the subject site. The environmental concerns cover both basic storm water management and pollution issues. Additional environmental issues were raised with the destruction of wildlife habitat on the southern portion of the property and the loss of the beneficial environmental open space areas by the development of the villas and parking garages on the southern half of the project.

The Protestants want the storm water management pond removed and the development of an underground storm water management infiltration and ponding system. There was also extensive testimony concerning the dissatisfaction of the Protestants with the storm water management system which allows all of the runoff from the parking lots to be directed onto the neighboring properties, primarily along the eastern side of the subject site, and is not directed into the storm water management pond.

The Protestants are unanimous in their belief that this project is an overcrowding and overintensified use of the land and that the project is being developed in such a manner as to completely dominate the subject site with development. The Protestants believe that the property should be developed with no more than 240 dwelling units and a density ratio of an appropriate number to correspond with an appropriate mix of various units. They believe that development along these lines will lend the proposed project to become a more acceptable, physically aesthetic and community-conducive development.

The Protestants' desire to have no development below the east/west bisecting road and to retain that entire portion of the property in open space. The Protestants also wish for all of the buildings to be less than six stories tall and do not want them to dominate the horizon and

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sky-line. Most of the Protestants argued for extensive vegetative buffers around the entire perimeter of the site and a retention of the large, mature trees and vegetation already existing on the site. They consistently requested that the overall size and scope of the project be reduced to accommodate a more conducive development which would be consistent with the open, rural characteristics of the neighborhood.

Issue has been raised concerning this Petition for Special Exception on several legal fronts. First and foremost, there is an argument that the subject site does not comply with the requirements of Section 432.3.A.1 for an institutional site where the existing institutional use will be continued on a portion of the site and the elderly housing facility will be developed on the remainder. As stated during the open hearing on this matter, it is the opinion of the Zoning Commissioner that the term "site" as used in Section 432.3.A.1 does not require the current existing institutional use to remain in the currently existing building and does permit the development of the elderly housing facility, so long as a portion of the institutional site remains in that institutional use. Clearly, this project meets the letter of this regulation by the development of a new convent facility on the 4.9 acre parcel and the development of the elderly housing facility on the remaining 40 acres. The concept of "site" as defined in the B.C.Z.R. includes land made suitable for building purposes by dividing into lots, laying out streets, and providing facilities. A site is not a lot of ground, but a full development.

Issue was also taken by the Protestants in the form of a Motion to Dismiss to the Petitioner's filing a second Petition. As ruled from the bench, the Petition for Special Exception in this case is the Petition as it appears in the official file and the same was advertised and posted.

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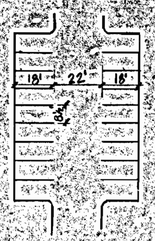
There has been no amendment of the Petition from the Petition originally posted and advertised. There is no detriment to the general public from a lack of notice or opportunity to be heard as is evidenced by the particular and spirited challenge to the Petition heard by the Zoning Commissioner on September 12, 1988.

The Protestants' Counsel moved for a Dismissal on constitutional grounds pursuant to six different concepts. Above, I have addressed the issue of Section 432.3.A.1. As to the other challenges of vagueness and unconstitutional transfer of power, I find that the legislative authority to delegate certain zoning decisions to an administrative hearing officer, such as the Zoning Commissioner, is a fundamentally sound and legally recognized grant of authority. I find no reason to grant any of the Protestants' Motions to Dismiss on constitutional grounds.

Clearly the facility sought to be developed is a continuing care facility as defined under Section 101 of the B.C.Z.R. That definition states that: "A building or group of buildings that contains dwellings facilities for assisted living, and facilities for convalescent or nursing care on the same site, where occupancy of the facility is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older." All of the elements of this definition are satisfied by the various facilities and activities to be employed and developed on the subject site.

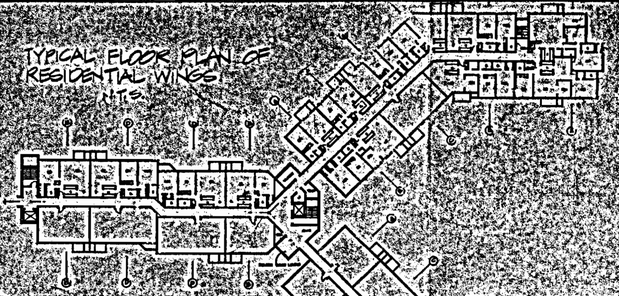
As delineated above, it is my opinion that the subject site is an institutional use as defined in Section 432.B for development as elderly housing facilities to allow for changes in the maximum residential density. Specifically, the institutional use on this site is a convent and that use shall continue.

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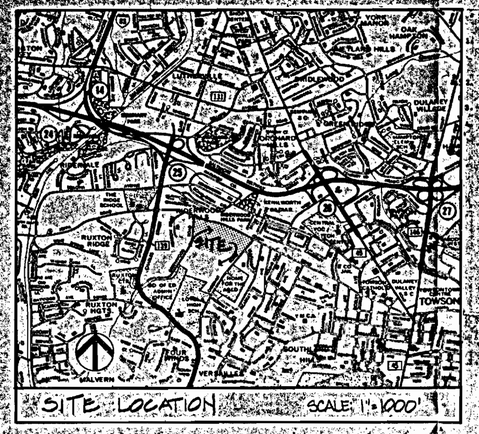


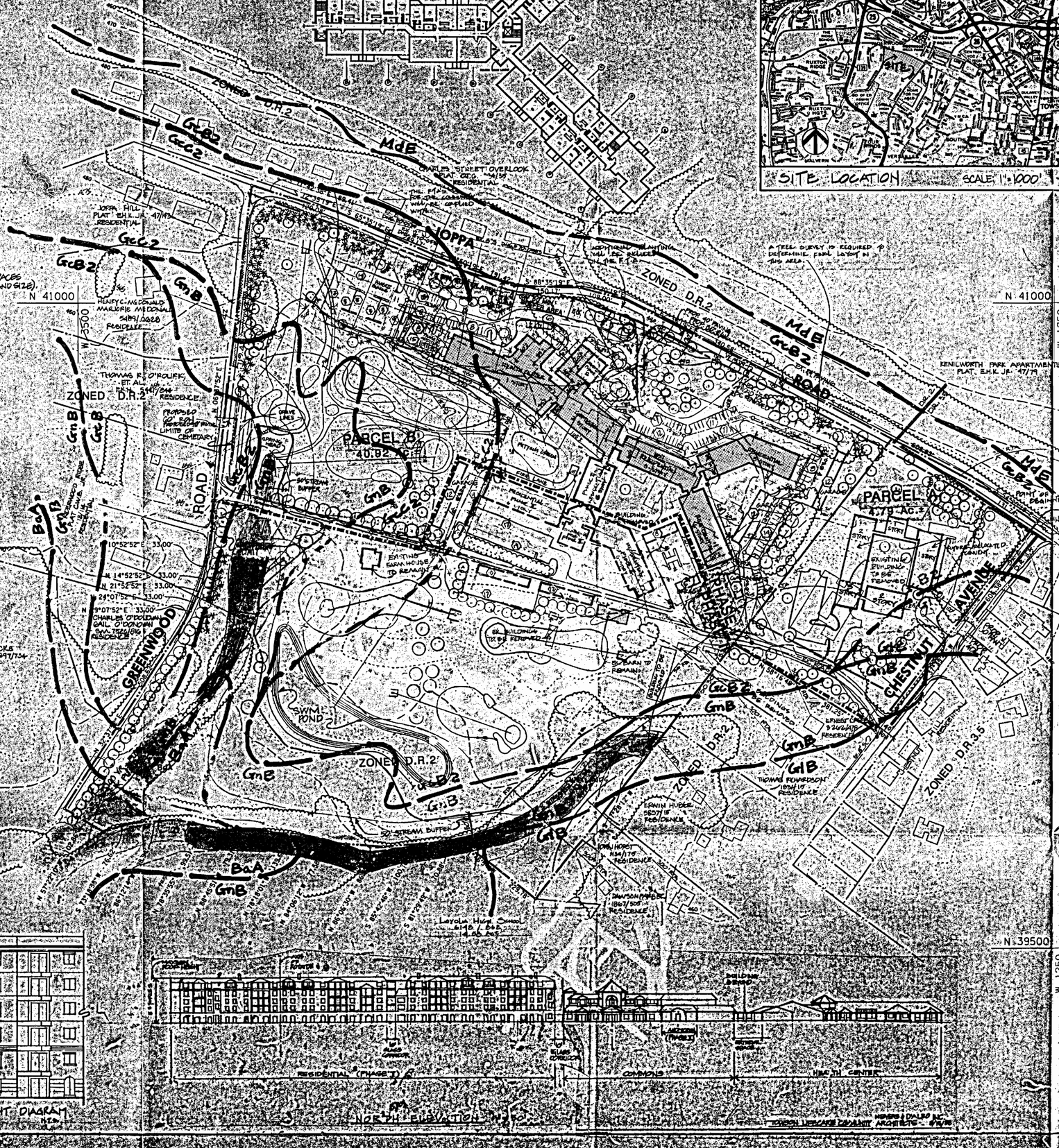
TYPICAL PARKING SPACE/ DRIVE AISLE DETAIL
N.T.S.

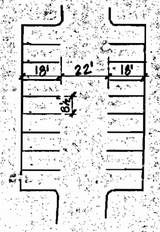
NOTE
1. ALL REQUIRED HANDICAPPED PARKING SPACES WILL BE PROVIDED PER CODE (QUANTITY AND SIZE).



TYPICAL FLOOR PLAN OF RESIDENTIAL WINGS
N.T.S.

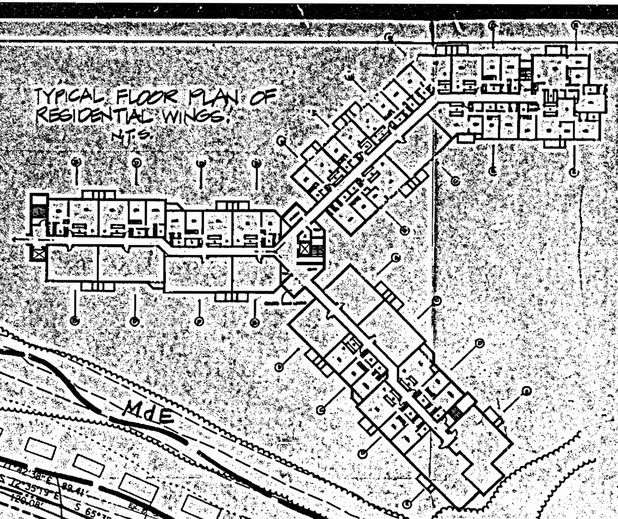


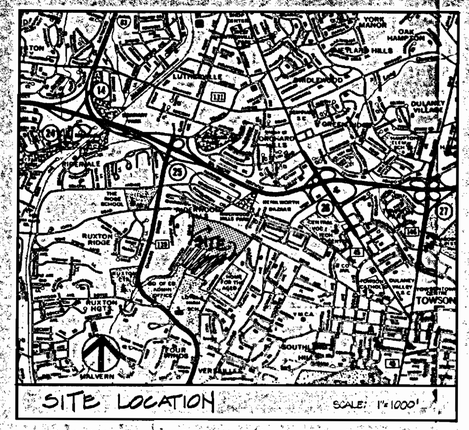

ZONED D.R.2
ZONED D.R.3.5
MdE
GnB2
GcC2
GnB
BaA
JOPPA ROAD
GREENWOOD
CHESTNUT AVENUE
PARCEL B
40.92 Ac.±
PARCEL A
4.79 Ac.±
N 41000
N 39500
W 3500
W 1250
JOPPA HILL PLAT, E.H.K.JR. 47/93
KENILWORTH PARK APARTMENTS PLAT, E.H.K. JR. 47/79
HENRY C. MCDONALD MARJORIE MCDONALD 5483/0028 RESIDENCE
THOMAS R. O'ROURKE, ET. AL. 4th/244 RESIDENCE
PROPOSED RELOCATED LIMITS OF CEMETERY
CHARLES O'DONOVAN GAIL O'DONOVAN 5414/0616 RESIDENCE
FRANCIS H. ENCKS E.H.K. JR. 6041/754
EXISTING FARM HOUSE TO REMAIN
BARN TO REMAIN
SWM POND #1
SWM POND #2
50' STREAM BUFFER
EXISTING FARM HOUSE TO BE REMOVED
EXISTING BUILDING TO BE REMOVED
EXISTING BUILDING TO BE RENOVATED
CANOPY
CRAFTS STREET OVERLOOK PLAT 5610/99 RESIDENTIAL
ADDITIONAL PLANTING WILL BE REQUIRED PER F.C.P.
A TREE SURVEY IS REQUIRED TO DETERMINE FINAL LAYOUT IN THIS AREA.
ERWIN HUBER 1931/19 RESIDENCE
THOMAS RICHARDSON 1931/19 RESIDENCE
WM. HORST 1934/19 RESIDENCE
DAWSON MANSION (1867) SOME RESIDENCE
Loyola House Council 4.05 Ac.±
PROPOSED ENTRANCE
PROPOSED ENTRANCE
PROPOSED ENTRANCE



TYPICAL PARKING SPACE/ DRIVE AISLE DETAIL
N.T.S.

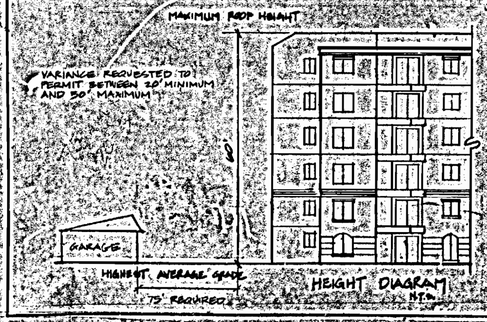
NOTE:
1 ALL REQUIRED HANDICAPPED PARKING SPACES WILL BE PROVIDED PER CODE (QUANTITY AND SIZE).





PETITIONER'S EXHIBIT 3





HEIGHT DIAGRAM
N.T.S.

GENERAL NOTES

1. Election District 9, Council District 4.

2. All driveway and parking surfaces shall be provided with a durable, dustless and properly drained surface maintained so as to not create any undesirable conditions. Widths are as shown.

3. Project Data &

Parcel A: Relocated Convent
Existing Zoning: DR-2
Gross Area: 4.79 Acres±

Parcel B: Elderly Care Facility
Existing Zoning: DR-2
Gross Area: 40.92 Acres±

Proposed Unit Type		Phase I D.U.	Phase I Dn.U.	Phase II D.U.	Phase II Dn.U.	Total D.U.	Total Dn.U.
1 Bedroom	x 0.75	52	39.00	35	26.25	87	65.25
2 Bedroom	x 1.00	86	86.00	60	60.00	146	146.00
2 Bedroom & Den	x 1.50	32	48.00	35	52.50	67	100.50
Villas - 2 Bedroom	x 1.50	0	0.00	24	36.00	24	36.00
Exstg. 3 Bdrm. (to be removed in Phase II) House	x 1.50	1	1.50	(-1)	(-1.5)	0	0.00
Subtotal		171	174.50	153	173.25	324	347.75
Nursing Beds	x 0.25	49 (beds)	12.25	30 (beds)	7.50	79 (beds)	19.75
TOTAL			186.75		180.75		367.50

Density:

Parcel A: Relocated Convent

1 Dn.U. ÷ 4.79 Ac Gross = 0.21 Dn.U./Ac

Parcel B: Elderly Care Facility

367.50 Dn.U. ÷ 40.92 Ac Gross = 8.98 Dn.U./Ac

Parking:

Required =

Unit Type	Phase I	Phase II	Total
Continuing Care	171 D.U. x 1 = 171 spaces	154 D.U. x 1 = 154 spaces	325 spaces
Nursing Beds	49 beds ÷ 3 = 16 spaces	30 beds ÷ 3 = 10 spaces	26 spaces
TOTAL	187 spaces	164 spaces	351 spaces

Proposed =

Phase I = 197 spaces
Phase II = 184 spaces
TOTAL = 381 spaces

All spaces will be 8-1/2' x 18'

5. Site-landscaping and screening shall be in compliance with landscape manual.

6. All site lighting and any fixture use to illuminate parking areas shall be arranged to reflect light away from adjoining residential premises and public streets.

7. On-site stream and drainage courses are as shown.

8. Continuing Care Component: The site plan and building footprints are based on preliminary architectural plans which are subject to modification as final plans are developed. Accordingly, site and building plans may be modified if in compliance with the terms of this Special Exception and all applicable zoning standards as are modified by this petition.

9. All existing buildings to be removed unless noted.

10. Accessory uses will include common dining facilities, beauty and barber shop facilities, a small branch bank or automated bank teller machine, a small gift shop or necessities shop, guest rooms and other accessory uses permitted under Section 432.1.A of the Zoning Regulations.

11. All uses within residential transition areas will comply with Section 1B01.1.B.1.b of the Zoning Regulations.

12. The typical floor plan shown is based on preliminary architectural plans which are subject to modification as final plans are developed.

13. A special exception for a continuing care facility is being requested under County Council Bill No. 36-88. That bill defines a continuing care facility "as a building or group of buildings that contains dwellings facilities for assisted living, and facilities for convalescent or nursing care on the same site, where occupancy of the facility is restricted to persons 60 years or age or older or couples where either the husband or wife is 60 years of age or older." The proposed continuing care facility will comply with all requirements of Bill No. 36-88.

DAFT McCUNE WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS | SURVEYORS
200 EAST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
TELEPHONE: 301-296-3333

TOWSON LIFE CARE COMMUNITY

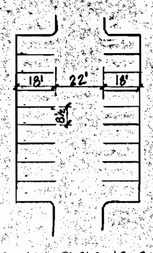
PLAN AND PLAT TO ACCOMPANY ZONING PETITIONS

SCALE: 1"=100'
JOB ORDER NO. 86039 A1
ISSUE DATE JUNE 21, 1988

DATE	REVISIONS

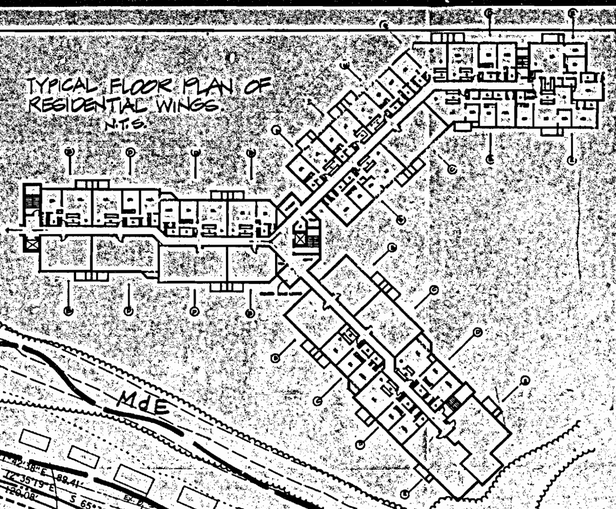
SHEET 1 OF 1

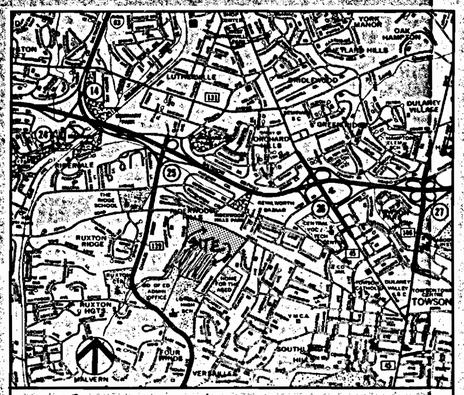
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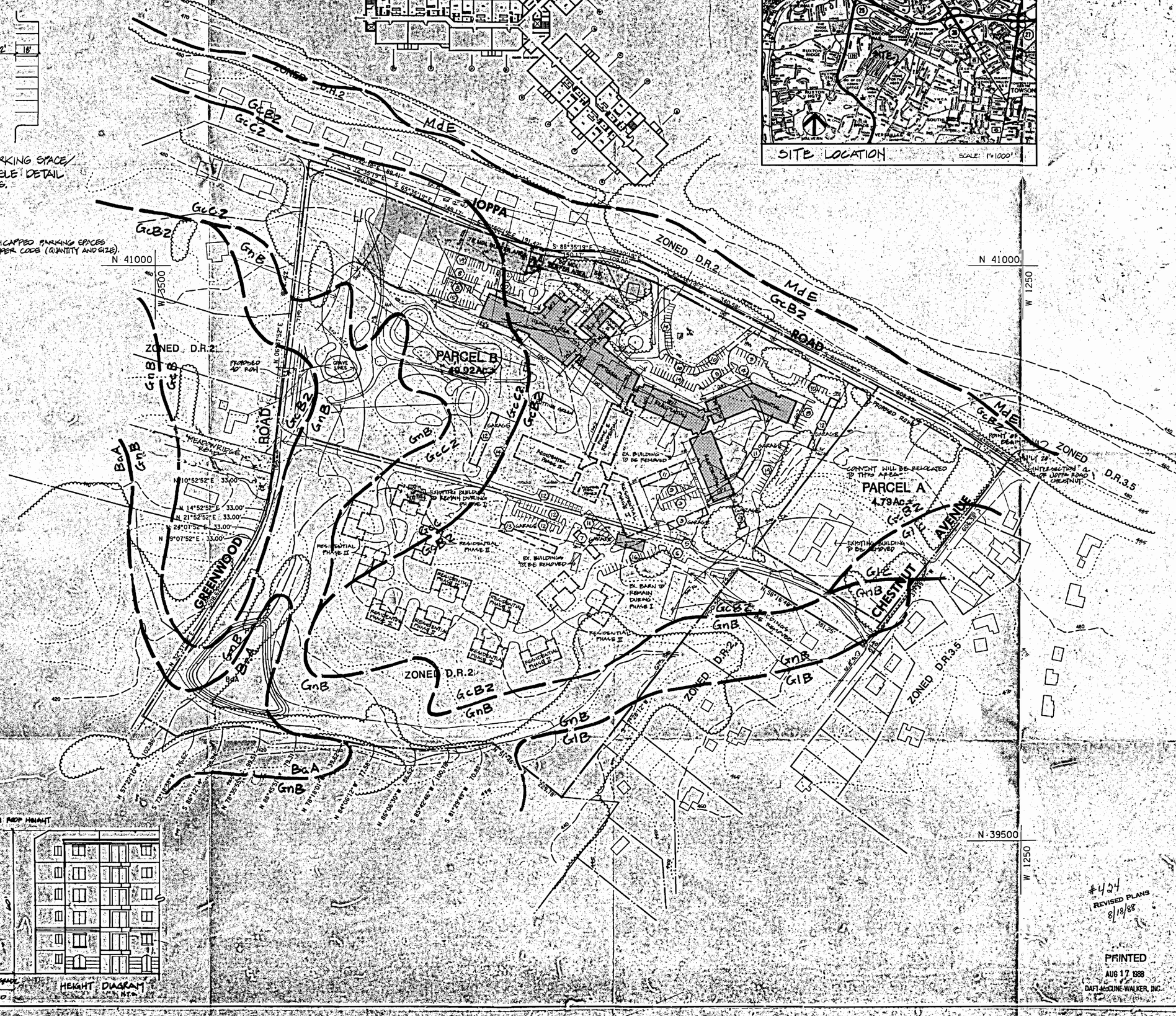


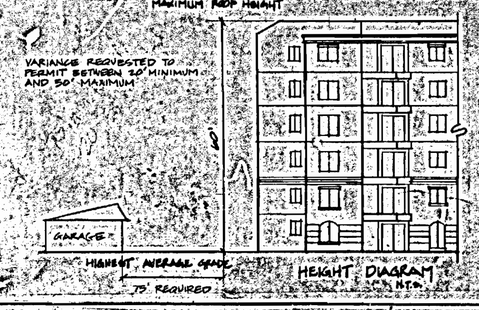
TYPICAL PARKING SPACE/ DRIVE AISLE DETAIL
N.T.S.

NOTE:
1. ALL REQUIRED HANDICAPPED PARKING SPACES WILL BE PROVIDED PER CODE (QUANTITY AND SIZE).









VARIANCE REQUESTED TO PERMIT BETWEEN 20' MINIMUM AND 50' MAXIMUM

HEIGHT DIAGRAM
N.T.S.

GENERAL NOTES

1. Election District 9, Council District 4.
2. All driveway and parking surfaces shall be provided with a durable, dustless and properly drained surface maintained so as to not create any undesirable conditions. Widths are as shown.
3. Project Data

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Existing Zoning: DR-2
Gross Area: 4.79 acres±

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Existing Zoning: DR-2
Gross Area: 40.92 Acres±

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TOTAL			186.75		180.75		367.50

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367.50 Dn.U. ÷ 40.92 Ac Gross = 8.98 Dn.U./Ac

4. Parking:

Required =

Unit Type	Phase I	Phase II	Total
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TOTAL	187 spaces	164 spaces	351 spaces

Proposed =

Phase I = 197 spaces
Phase II = 184 spaces
TOTAL = 381 spaces

All spaces will be 8-1/2' x 18'

5. Site-landscaping and screening shall be in compliance with landscape manual.
6. All site lighting and any fixture use to illuminate parking areas shall be arranged to reflect light away from adjoining residential premises and public streets.
7. On-site stream and drainage courses are as shown.
8. Continuing Care Component: The site plan and building footprints are based on preliminary architectural plans which are subject to modification as final plans are developed. Accordingly, site and building plans may be modified if in compliance with the terms of this Special Exception and all applicable zoning standards as are modified by this petition.
9. All existing buildings to be removed unless noted.
10. Accessory uses will include common dining facilities, beauty and berber shop facilities, a small branch bank or automated bank teller machine, a small gift shop or necessities shop, guest rooms and other accessory uses permitted under Section 432.1.B of the Zoning Regulations.
11. All uses within residential transition areas will comply with Section 1B01.1.B.1.b of the Zoning Regulations.
12. The typical floor plan shown is based on preliminary architectural plans which are subject to modification as final plans are developed.
13. A special exception for a continuing care facility is being requested under County Council Bill No. 36-88. That bill defines a continuing care facility "as a building or group of buildings that contains dwellings facilities for assisted living, and facilities for convalescent or nursing care on the same site, where occupancy of the facility is restricted to persons 60 years or age or older or couples where either the husband or wife is 60 years of age or older." The proposed continuing care facility will comply with all requirements of Bill No. 36-88.

#4 24
REVISED PLANS
8/18/88

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AUG 17 1988
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DAFT McCUNE WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS SURVEYORS
200 EAST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
TELEPHONE: 301-296-3333

TOWSON LIFE CARE COMMUNITY

PLAN AND PLAT TO ACCOMPANY ZONING PETITIONS

SCALE: 1"=100'
JOB ORDER NO. 86039 A.
ISSUE DATE JUNE 21, 1988

DATE	REVISIONS

SHEET 1 OF 1

86039.PLA

PETITIONER'S EXHIBIT 2

HEALTH CENTER EXPANSION (FUTURE)

ADDITION (30 BEDS)

10 @ 8.5' X 18'

6 @ 8.5' X 18'

5 @ 8.5' X 18'

12 @ 8.5' X 18'

EDGE OF PAVING FOR PHASE I H.C.

75' BUFFER LINE

JOPPA ROAD

GREENWOOD AVENUE

CHESTNUT AVENUE

RESIDENTIAL PHASE

COMMONS PHASE

AUDITORIUM PHASE 2

PUTTING GREEN

LIMIT OF WETLANDS

N 51° 36' 54" W 229.78'

N 10° 52' 52" E 433.00'

N 14° 52' 52" E 33.00'

N 1° 52' 52" E 33.00'

N 24° 01' 52" E 33.00'

N 29° 01' 52" E

S 71° 42' 38" E 85.41'

N 06° 37' 52" W 101.58'

S 18° 01' 52" E 101.58'

S 71° 35' 59" E 150.00'

S 18° 01' 52" E 101.58'

S 71° 35' 59" E 245.11'

S 61° 51' 08" E 264.87'

S 54° 00' 19" E 131.14'

S 77° 39' 41" W 606.38'

S 77° 39' 41" W 606.38'


GREENWOOD AVENUE
CHESTNUT
LIMIT OF WETLANDS
N 10°52'52" E 33.00'
N 14°52'52" E 33.00'
N 21°52'52" E 33.00'
N 24°07'52" E 33.00'
N 29°07'52" E 33.00'
N 32°37'52" E 508.62'
N 57°22'10" W
S 73°18'38" W
S 86°12'14" W
N 78°35'55" E
N 88°45'51" E
N 78°18'01" W
N 84°06'12" W
N 86°06'30" W
S 85°42'46" W
S 81°29'49" W 70.88
N 51°46'54" W 229.78'
S 71°42'29" W 390.31'
N 51°46'54" W 381.25'
DAFT McCUNE WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS SURVEYORS
200 EAST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
TELEPHONE, 301-296-3333
ILLUSTRATIVE SITE PLAN
TOWSON LIFE CARE COMMUNITY
JOINT VENTURE BY
THE CHESTNUT PARTNERSHIP
SCALE 1" = 50'
JOB ORDER NO. 86039 A
ISSUE DATE 7/1/88
DATE
REVISIONS

The Petition for Special Exception was filed consistent with Section 432.1.A.2. The Petition clearly indicates that the facility will be developed with an advisory board as required in Section 432.3F and that the subject facility is not being developed within any Baltimore County historical district in accordance with Section 432.1.A.3.

The evidence and testimony tends to indicate that the subject development is consistent with the uses delineated in Section 432.1.B.1 through 5. There does not appear to be any particular uses developed on the site which are inconsistent with those permitted by the regulations.

The proposed project complies with all of the Residential Transition Area (RTA) requirements set forth in Section 1B01.1.B.1.b.2 and as required by Section 432.1.C.2 of the B.C.Z.R. The development also complies with the requirements of Section 432.3.D and F. Issue now turns to the requirements of Section 432.3.C.1 through 4 of the B.C.Z.R.

The subject property is suitable for the type of development requested on Petitioner's Exhibits 2 and 3. However, the size and scope of the project is inconsistent with the peaceful use and enjoyment of the surrounding neighborhood. The proposed development clearly negatively impacts upon the traffic on Greenwood and Chestnut Avenues and especially at the intersections of those streets with Joppa Road. Furthermore, there is extensive evidence to indicate that the proposed development would so predominate the area as to negatively impact the peaceful use and enjoyment of the adjoining residential properties and the surrounding neighborhood and community, all of which is in contradiction to Section 432.3.C.3 of the B.C.Z.R.

The subject project is inconsistent with the spirit and intent of Section 432 of the B.C.Z.R. in that the development overcrowds the land

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Date 9/13/88
By Kathi Weidenhammer

leading to severe environmental problems for the entire wetlands and the two stream systems supported by this property. The spirit and intent of this legislation was to enable the development of life care facilities which were consistent with and conducive to the surrounding communities. The communities and neighborhoods which surround the subject property are predominately half-acre and larger residential lots with single-family dwelling units. Most of the structures are less than 40 feet in height and do not normally contain an area or bulk of more than 10,000 sq.ft. The proposed project is much too large and represents an overcrowding of the land inconsistent with the requirements of Section 502.1.d, as well as Section 432.3.C.3. Furthermore, the development is clearly inconsistent with the requirements of Section 502.1.b concerning the congestion of the roads, streets and alleys. The evidence and testimony fill the record. Finally, the evidence presented is extremely debatable as to whether or not the subject property would comply with Section 502.1.h concerning impermeable surfaces and vegetation retention requirements and appropriate land use and environmental practices.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 2 zone by special exception. However, it is also equally clear that the proposed use would be detrimental to the primary uses in the vicinity.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 and Section 432 of the B.C.Z.R. The Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances show that the proposed use at the particular location described by Petitioner's Exhibit 1 would

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Date 9/13/88
By Kathi Weidenhammer

have an adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will be detrimental to the health, safety, and general welfare of the locality, will tend to create congestion in roads, streets, or alleys therein, will be inconsistent with the purposes of the property's zoning classification, and be inconsistent with the spirit and intent of the B.C.Z.R.

It is also clear from the testimony that if the variances requested were granted, such use as proposed would be contrary to the spirit of the B.C.Z.R. and would be detrimental to the public health, safety and general welfare. After reviewing all of the testimony and evidence presented, it appears that the special exception and variances should be denied.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special exception and variance should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of September, 1988 that the Petition for Special Exception to use a portion of the herein described property, specifically, Tract B, containing 40.92 acres, for a continuing care (life care) facility, and to permit a residential density of 367.5 total units (8.98 density units per acre) in lieu of the maximum 654 total density units (16 density units per acre) permitted under Section 432.3 of the B.C.Z.R.; and additionally, the Petition for Zoning Variance to permit a maximum height of 60 feet in lieu of the permitted 50 feet, and a distance between the construction of garages from 20 to 50 feet in lieu of the required 75 feet

ORDER RECEIVED FOR FILING
Date 9/13/88
By Kathi Weidenhammer

from certain 60-foot high residential buildings, in accordance with Petitioner's Exhibits 2 and 3, be and are hereby DENIED.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 9/13/88
By Kathi Weidenhammer

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

September 13, 1988

John B. Howard, Esquire
Judith A. Armold, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
S/corner Greenwood Avenue and Joppa Road
9th Election District - 4th Councilmanic District
The Institute of Mission Helpers of Baltimore City, Inc. - Petitioner
Case No. 89-89-XA

Dear Mr. Howard and Ms. Armold:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:cjs

cc: Mr. Thomas F. Mullan, III
The Chestnut Partnership, 2330 W. Joppa Road, Suite 210,
Lutherville, Md. 21093

Mr. William T. Brown
Life Care Services Corp., 800 Second Ave., Des Moines, Iowa 50309

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105, Towson, Md. 21204

People's Counsel
File

#474

Revised

PETITION FOR ZONING VARIANCE

89-89-XA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.2.A to permit a maximum height of sixty (60) feet in lieu of the permitted fifty (50) feet and from Section 1B01.2.C.1 and Section 1B01.2.C.6 to permit the construction of garages from 20 to 50 feet in lieu of the required 75 feet distant from certain 60-foot-high residential buildings.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

MAP NW11A
3C
9H
DATE 6-20-89
200 DF
1000 AF
DP

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
The Chestnut Partnership
(Type or Print Name)
Signature By: Thomas F. Mullan, III
General Partner
Address 2330 W. Joppa Road, Ste. 210
Lutherville, Maryland 21093
City and State

Legal Owner(s):
The Institute of Mission Helpers of Baltimore City, Inc.
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
John B. Howard
(Type or Print Name)
Signature
210 Allegheny Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 823-4111

1001 W. Joppa Road 823-8585
Address Phone No.
Towson, Maryland 21204
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard
Name 210 Allegheny Avenue
Towson, Maryland 21204 823-4111
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of July, 19 88, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of September, 19 88, at 8:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
Date 9/13/88
By Kathi Weidenhammer

#474

Revised

PETITION FOR SPECIAL EXCEPTION

89-89-XA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use

a portion of the herein described property (Tract B containing 40.92 acres) for a continuing care (life care) facility and to permit a residential density of 367.5 total density units (8.98 density units per acre) in lieu of the maximum 654 total density units (16 density units per acre) allowable under Section 432.3 of the Zoning Regulations on Tract B.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
The Chestnut Partnership
(Type or Print Name)
Signature By: Thomas F. Mullan, III
General Partner
Address 2330 West Joppa Road, Ste. 210
Lutherville, Maryland 21093
City and State

Legal Owner(s):
The Institute of Mission Helpers of Baltimore City, Inc.
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
John B. Howard
(Type or Print Name)
Signature
210 Allegheny Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 823-4111

1001 W. Joppa Road 823-8585
Address Phone No.
Towson, Maryland 21204
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard
Name 210 Allegheny Avenue
Towson, Maryland 21204 823-4111
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of July, 19 88, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of September, 19 88, at 8:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

9/13/88 Kathi Weidenhammer

Z.C.O.—No. 1 (over)

A Board of Advisors has been established in accordance with Section 432.3.F of the Zoning Regulations. Six members have been selected for the Board of Advisors by the Board of Governors of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc., which represents the surrounding communities.

DAFT-McCUNE-WALKER, INC.

200 East Pennsylvania Avenue
Towson, Maryland 21204
Telephone: 301—296-3333
Land Planning Consultants
Landscape Architects
Engineers & Surveyors

#424

Description

45.433 Acre Parcel, Southwest Side of Joppa
Road Between Chestnut Avenue and Greenwood Avenue,
Part of the Land of The Institute of Mission
Helpers of Baltimore City
Ninth Election District, Baltimore County, Maryland

Beginning for the same at the intersection of the center of Joppa Road and the northwest side of Chestnut Avenue, forty feet wide, said point being distant 20.00 feet measured northwesterly along the center of Joppa Road from its intersection with the centerline of Chestnut Avenue, thence leaving said point of beginning and running and binding on said northwest side of Chestnut Avenue, (1) South 37 degrees 39 minutes 41 seconds West 606.38 feet thence leaving the northwest side of Chestnut Avenue and running the 29 following courses and distances, viz: (2) North 58 degrees 16 minutes 48 seconds West 381.25 feet, thence (3) South 37 degrees 28 minutes 12 seconds West 750.30 feet, thence (4) North 51 degrees 46 minutes 54 seconds West 229.78 feet, thence (5) South 81 degrees 29 minutes 49 seconds West 70.88 feet, thence (6) South 85 degrees 42 minutes 46 seconds West 100.78 feet, thence (7) North 86 degrees 06 minutes 30 seconds West 86.52 feet, thence (8) North 84 degrees 06 minutes 12 seconds West 77.58 feet, thence (9) North 78 degrees

18 minutes 01 second West 139.62 feet, thence (10) North 88 degrees 45 minutes 51 seconds West 79.31 feet, thence (11) North 78 degrees 35 minutes 55 seconds West 99.51 feet, thence (12) South 86 degrees 12 minutes 14 seconds West 98.94 feet, thence (13) South 73 degrees 18 minutes 38 seconds West 76.62 feet, thence (14) North 57 degrees 22 minutes 10 seconds West 102.86 feet to the centerline of Greenwood Road, thence binding on said centerline the following seven courses and distances, viz: (15) North 32 degrees 37 minutes 52 seconds East 508.62 feet, thence (16) North 29 degrees 07 minutes 52 seconds East 33.00 feet, thence (17) North 24 degrees 07 minutes 52 seconds East 33.00 feet, thence (18) North 21 degrees 52 minutes 52 seconds East 33.00 feet, thence (19) North 14 degrees 52 minutes 52 seconds East 33.00 feet, thence (20) North 10 degrees 52 minutes 52 seconds East 33.00 feet, and thence (21) North 06 degrees 37 minutes 52 seconds East 872.42 feet, thence leaving said centerline and running and binding in said center of Joppa Road as formerly located, the nine following courses and distances, viz: (22) South 71 degrees 42 minutes 38 seconds East 89.41 feet, thence (23) South 72 degrees 35 minutes 19 seconds East 120.08 feet, thence (24) South 65 degrees 35 minutes 19 seconds East 249.17 feet, thence (25) South 68 degrees 50 minutes

19 seconds East 191.42 feet, thence (26) South 88 degrees 35 minutes 19 seconds East 150.17 feet, thence (27) South 75 degrees 20 minutes 19 seconds East 109.00 feet, thence (28) South 62 degrees 35 minutes 19 seconds East 340.58 feet, thence (29) South 61 degrees 50 minutes 19 seconds East 608.83 feet, and thence (30) South 54 degrees 20 minutes 19 seconds East 131.74 feet to the point of beginning; containing 45.433 acres of land, more or less.

NOTE: THIS DESCRIPTION IS INTENDED FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONVEYANCE.

DMJ Project Number: 86039-A (L86039A)

August 11, 1988

STATE OF MARYLAND ROBERT E. BOOTHBY No. 8306 REGISTERED PROPERTY LINE SURVEYOR

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 8.30.88

Dennis F. Rasmussen
County Executive

Mr. Thomas F. Mullan, III
The Chestnut Partnership
2330 W. Joppa Road, Suite 210
Lutherville, Maryland 21093

Re: Petitions for Zoning Variance and Special Exception
CASE NUMBER: 89-89-XA
S/S Joppa between Greenwood and Chestnut Avenues
9th Election District - 4th Councilmanic
Petitioner(s): The Institute of Missions Helpers of Baltimore City, Inc.
HEARING SCHEDULED: MONDAY, SEPTEMBER 12, 1988 at 8:30 a.m.

Dear Mr. Mullan:

Please be advised that $154.15 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Failure on your part to return the sign and post set(s), there shall be added the above fee for each set not

...ner of

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 058916
DATE 9/9/88
ACCOUNT R01-615-000
(Mr. Howard)
RECEIVED Mission Helpers
AMOUNT $ 154.15
FOR Posting + Adv.
9/12/88 Issue
B 122****154.15:a $126F 89-89-XA
VALIDATION OR SIGNATURE OF CASHIER
PINK - AGENCY YELLOW - CUSTOMER

333

ZONING COMMISSIONER FOR BALTIMORE COUNTY

111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Ruxton-Riderwood Improvement Assn., Inc.

Vs.
Towson Lifecare Community & Chestnut Partnership

Case Number 89-89 XA

Please Process in accordance with Zoning Commissioner's Rule XIV (c)

SUBPOENA

TO: (Name, Address, County)
Sgt. John Lang Balto. County Police Dept. 308 Washington Ave. Towson
at Room 106, County Office Bldg. Towson, Md.
(Place where attendance is required)

on Monday the 12th day of September, 1988,
at 8:30 a.m./~~p.m.~~

YOU ARE COMMANDED TO appear and produce the following documents or objects: All information, documents and reports related to Chestnut Avenue Radar Information

Subpoena requested by (X)Petitioner; ( ) Respondent; and any questions should be referred to:
J. Carroll Holzer, Esquire, 305 W. Chesapeake Ave., Towson, 825-6960
(Name of Party or Attorney, Address and Phone Number)

Date Issued Sept. 7, 1988

J. Robert Haines
Zoning Commissioner

SHERIFF/PRIVATE PROCESS

(✓)-Served and copy delivered on date indicated below.

( )-Unserved, by reason of _____

Date: 9-8-88 C7M

SHERIFF OF BALTO. CO., MD.

333

ZONING COMMISSIONER FOR BALTIMORE COUNTY

111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Ruxton-Riderwood Improvement Assn, Inc.

Vs.
Towson Lifecare Community & Chestnut Partnership

Case Number 89-89 XA

Please Process in accordance with Zoning Commissioner's Rule XIV (c)

SUBPOENA

TO: (Name, Address, County)
Officer Anthony Hopp Balto. County Police Dept. 308 Wash. Ave. Towson
at Room 106, County Office Bldg. Towson
(Place where attendance is required)

on Monday the 12th day of September, 1988,
at 8:30 a.m./~~p.m.~~

YOU ARE COMMANDED TO appear and produce the following documents or objects: All information, documents and reports related to Chestnut Ave. radar information

Subpoena requested by (X)Petitioner; ( ) Respondent; and any questions should be referred to:
J. Carroll Holzer, Esq., 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number)

Date Issued Sept. 7, 1988

J. Robert Haines
Zoning Commissioner

SHERIFF/PRIVATE PROCESS

(✓)-Served and copy delivered on date indicated below.

( )-Unserved, by reason of _____

Date: 9-8-88 C7M

SHERIFF OF BALTO. CO., MD.

333

ZONING COMMISSIONER FOR BALTIMORE COUNTY

111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Ruxton-Riderwood Improvement Assn., Inc.

Vs.
Towson Lifecare Community & Chestnut Partnership

Case Number 89-89 XA

Please Process in accordance with Zoning Commissioner's Rule XIV (c)

SUBPOENA

TO: (Name, Address, County)
Officer Patrick Rooney Balto. County Police Dept. 308 Wash. Ave. Towson
at Room 106, County Office Bldg. Towson
(Place where attendance is required)

on Monday the 12th day of September, 1988,
at 8:30 a.m./~~p.m.~~

YOU ARE COMMANDED TO appear and produce the following documents or objects: All information, documents and reports related to Chestnut Ave. Radar Information

Subpoena requested by (X)Petitioner; ( ) Respondent; and any questions should be referred to:
J. Carroll Holzer, Esq., 305 W. Chesapeake Ave. Towson 825-6960
(Name of Party or Attorney, Address and Phone Number)

Date Issued Sept. 7, 1988

J. Robert Haines
Zoning Commissioner

SHERIFF/PRIVATE PROCESS

(✓)-Served and copy delivered on date indicated below.

( )-Unserved, by reason of _____

Date: 9-8-88 C7M

SHERIFF OF BALTO. CO., MD.

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE
SE Corner Greenwood & Joppa Rds.: OF BALTIMORE COUNTY
9th Election District
4th Councilmanic District :

THE INSTITUTE OF MISSION : Case No. 89-89-XA
HELPERS OF BALTIMORE CITY, INC.,
Petitioner :

: : : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 11th day of August, 1988, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner; and Thomas F. Mullan, III, General Partner, The Chestnut Partnership, 2330 W. Joppa Rd., Suite 210, Lutherville, MD 21093, Contract Purchaser.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-89-XA

District 9th
Date of Posting August 22, 1988
Posted for: Variance
Petitioner: The Institute of Mission Helpers of Baltimore City, Inc.
Location of property: S/W/S Joppa, between Greenwood and Chestnut Rds.
Location of Sign: South east corner of Joppa and Greenwood Rds. on property of subject property
Remarks:
Posted by S.J. Arata (Signature)
Number of Signs: 2
Date of return: August 26, 1988

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 25, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 25 1988

$48.75

THE JEFFERSONIAN,

5.2cts

Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Zoning Variance and Special Exception
Case number: 89-89-XA
S/W/S Joppa between Greenwood and Chestnut Roads
9th Election District
4th Councilmanic District
Petitioner(s): The Institute of Missions Helpers of Baltimore City, Inc.
Hearing Date: Monday, Sept. 12, 1988 at 8:30 a.m.

Variance to permit a rear yard setback of 40' in lieu of the required 60 feet and to permit the construction of garages less than 50 feet in lieu of the required 75 feet distant from certain 60-foot high residential buildings.

Special Exception to use a portion of the property zoned B.L. containing 45.433 acres, for a continuing care life care facility and to permit a density of not more than 27.5 and normally more than 22.27 dwelling units per acre in lieu of the maximum 15.0 total dwelling units per acre permitted by the regulations on said B.L. zoned property.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

Case No. 89-89-XA
Appeal Cover Letter
Page 2

William T. Brown, Life Care Services Corp.
800 Second Avenue, Des Moines, Iowa 50309

George Gavrelis, Daft, McCune & Walker
200 E. Pennsylvania Avenue, Towson, Md. 21204

Thomas J. Carlson, Mapis & D'Aleo
1106 N. Charles Street, Baltimore, Md. 21201

George Frizzell, Lipman, Frizzell & Mitchell
8422 Bellona Lane, Towson, Md. 21204

Glen Cook, The Traffic Group
414 E. Joppa Road, Towson, Md. 21204

J. Carroll Holzer, Esquire (On behalf of the Protestants)
305 W. Chesapeake Avenue, Suite 105, Towson, Md. 21204

Gail B. O'Donovan
600 Greenwood Road, Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

89-89XA

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
John B. Howard	210 Allegheny Ave., Towson, MD 21204
Sylvia A. Arnold	"
George E. Gavrelis	DMW 200 E. Pennsylvania 21204
Thomas J. Carlson	Mapis & D'Aleo 1106 N. Charles St. Balt. 21201
William T. Brown	Life Care Services Corp 800 Second Ave Des Moines, Ia 50309
Thomas L. Peddy	Foreign Enterprises (0749 Falls Rd. 21093
THOMAS MULLAN	"
GEORGE FRIZZELL	Lipman Frizzell & Mitchell Towson MD
Glenn Cook	The Traffic Group - 414 E. Joppa Rd. 21204
HANS FREDERICKS	FOREIGN ENTERPRISES

89-89XA

PLEASE PRINT CLEARLY — PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Gail B. O'Donovan	600 Greenwood Rd 21204.
Louise M. Schultz	7820 Bellston Rd 21204
Phyllis M. Rapp	1103 N. Joppa Rd 21204
Charles O'Donovan III	600 Greenwood Rd 21204
Mary R. Woeste	602 Chestnut Ave. 21204
Gordon Shelton	500 Greenwood Rd 21204
Alexander J. Dawgmalis Jr.	606 Chestnut Ave 21204
Dr. & Mrs. J. King & E. Deegan Jr.	610 Chestnut Ave. 21204
Frances G. Hubbard	600 Chestnut Ave. 21204
Emma Hubbard	620 CHESTNUT AVE 21204
John Hodge-Williams	608 Chestnut Ave 21204
Edwin A. Lee	619 Chestnut Ave 21204
Patricia S. Farber	614 Chestnut Ave. 21204
Evelyn W. Hurst	616 Chestnut Ave 21204
[illegible]	616 Chestnut Ave 21204
Duncan I. Farber	614 CHESTNUT AVE 21204
Floyd M. Howard	623 Chestnut ave 21204
Howard Ritter Jr.	623 CHESTNUT AVE 21204
Willard Fredrick	315 N. Joppa Rd 21204
Jean E. Fredrick	315 N. Joppa Rd. 21204
Herbert Mittenthal	507 Chestnut Ave, 21204
Betty Hyatt	1101 W. Joppa Rd 21204
Gary S. Grant	629 CHESTNUT AVE. 21204
Elizabeth H. Sexton	600 Chestnut Ave 21204
[illegible]	520 Chestnut Ave 21204
Off. Clifford M. Cooney	BCoPD Central Traffic
Off. Audrey J. Hopp	BCoPD Central Traffic

JOINT EX NO 3

RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT (the "Agreement") is entered into as of the 13th day of October, 1988, by and between THE CHESTNUT PARTNERSHIP ("Chestnut"), party of the First Part, and the RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC. (the "Association"); the ADVISORY BOARD established in accordance with Section 432.3.F of the Baltimore County Zoning Regulations (the "Advisory Board"); and the members of the Advisory Board whose names are subscribed hereto as individual property owners (the "Neighbors"), parties of the Second Part.

RECITALS:

A. The Institute of Mission Helpers of Baltimore City, Inc. (the "Mission Helpers") is a non-profit religious Order and the legal owner of a tract of land (the "Land"), containing approximately 45.71 acres, located on the south side of West Joppa Road, between Greenwood Road and Chestnut Avenue, in the Fourth Councilmanic District of Baltimore County, Maryland, which tract is more particularly described in a deed recorded among the Land Records of Baltimore County in Liber 5060, folio 0334. The Land is currently improved, consisting of the convent and associated facilities of the Mission Helpers.

B. The Land is currently zoned DR 2 in its entirety.

LAW OFFICES HOLZER, MAHER & DEMILIO 305 W. CHESAPEAKE AVENUE SUITE 105 TOWSON, MARYLAND 21204 (301) 321-0600

C. The Mission Helpers have contracted to sell approximately 40.92 acres of the Land ("Parcel B") to Chestnut, so that Chestnut may develop thereon a continuing care facility (the "Community").

D. The Mission Helpers will retain approximately 4.79 acres of the Land ("Parcel A" on Exhibit A) for the construction of a new convent and associated facilities that will continue to serve as the headquarters of the Order. Chestnut has entered into a contract with the Mission Helpers, provisions of which include the responsibility of Chestnut to determine the compatibility of the new convent to be constructed with the Community. The parties have met with the Planning Director of Baltimore County and have been advised that it is his recommendation that the convent facility not to exceed 50,000 square feet nor shall the facility exceed two stories in height except on the southern side of said buildings due to the sloping nature of the ground, a third story would be acceptable. He has further determined that a 75 foot setback consistent with RTA requirements would be appropriate for the convent site. As a result, Chestnut has agreed that construction of a new convent facility in excess of 50,000 gross square footage and two stories as defined above would be incompatible with the Community and would so exercise that judgment in their Agreement in their contract with the Mission Helpers.

E. In pursuance of its intention to develop the Community on Parcel B, Chestnut filed petitions for Special Exception and Zoning Variance with the Zoning Commissioner of Baltimore County. The Petitions for Special Exception and Variance, authorized by Baltimore County Council Bill No. 36-88, sought approval to locate a continuing care facility in a DR zone and approval of a residential density of approximately nine (9) density units per acre as well as a height variance. The parties of the Second Part appeared in opposition to the Petitions. The Petitions were denied by the Zoning Commissioner on September 13, 1988. Chestnut filed an appeal from that decision to the Board of Appeals of Baltimore County on October 11, 1988.

F. On September 8, 1988 the Baltimore County Review Group (CRG) approved at a public hearing, the Towson Life Care Community Plan (88141X-522) over objection of the parties of the Second Part. The parties of the Second Part filed an appeal to the Baltimore County Board of Appeals on October 6, 1988. In addition to the matters pending before the Baltimore County Board of Appeals, this project is currently scheduled for a hearing before the Baltimore County Planning Board.

G. The Association is an incorporated association of Baltimore County residents interested in the character and quality of life of residential areas in the vicinity of the

Community, and the Advisory Board is a body established in accordance with Section 432.3.F of the Baltimore County zoning Regulations (as amended by County Council Bill No. 36-88) to provide for a system of community participation in connection with the Community. The Association, the Advisory Board, and certain individual members of the Association and/or the Advisory Board protested the CRG Plan, as well as the Petitions for Special Exception and Zoning Variance, for the reasons expressed during the hearing.

H. The parties of the Second Part are all willing to support the Community if Chestnut agrees to the covenants and restrictions set forth herein.

AGREEMENTS:

NOW, THEREFORE, in consideration of the mutual agreements and understandings contained in this Agreement, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Community Scope. The Community shall be limited in scope, size and location, as set forth on the site plan, Exhibit A, which is attached to and hereby made a part of this Agreement, as follows:

a. The Community shall contain no villa units.

b. The Community shall contain no more than two hundred eighty (280) residential living units (exclusive of health care center beds and convent units). The parties

understand that a new convent will be constructed on Parcel A, Exhibit A and they agree that if, at some future date within the term of this Agreement, the Mission Helpers cease to use the new convent and Parcel A, Parcel A may be added to the Community in accordance with the approved CRG Plan and converted into a maximum of forty (40) additional residential living units.

c. The Community shall contain no more than four hundred forty-nine (449) residents based upon a factor of 35% double occupancy rate (including residents of the health care center, but not including residents of any convent units). Upon conversion of Parcel A to additional residential living units, the maximum number of residents shall be increased by a total of sixty-two (62).

d. The two Phase I residential buildings fronting on Joppa Road shall not exceed a height of five (5) stories as designated on Exhibit A.

e. The remaining one Phase I building and the three Phase II residential buildings shall not exceed a height of six (6) stories not to exceed 60 feet, as designated on Exhibit A.

f. Reasonable adjustments in the location of buildings, parking and other features of the Community shall be permitted upon the direction and approval of the Director of Planning for Baltimore County, it being the intention of all

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 25, 19 88

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 24, 19 88

$75.40

TOWSON TIMES,

S. Zade Osborn
Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Zoning Variance and Special Exception
CASE NUMBER: 89-89-XA
SE Corner Greenwood and Joppa
9th Election District - 4th Councilmanic
Petitioner(s): The Institute of Missions Helpers of Baltimore City, Inc.
HEARING SCHEDULED: THURSDAY, SEPTEMBER 29, 1988 at 10:00 a.m.

Variance to permit a maximum height of 60' in lieu of the permitted 50 feet and to permit the construction of garages from 18 to 30 feet in lieu of the required 75 feet distant from certain 60-foot-high residental buildings. Special Exceptions: For a continuing care (life care) facility and to permit a residential density of 339.25 total density units (11.75 density units per acre) in lieu of the maximum 481 total density units (16 density units per acre) allowable.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204
494-3211

P. David Fields
Director

June 28, 1988

RECEIVED ZONING OFFICE
DATE: 6/29/88

Dennis F. Rasmussen
County Executive

John Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P. O. Box 5517
Towson, MD 21204

Re: Mission Helpers Site
Joppa Road

Dear John,

Thank you for the "guided tour" around the Mission Helpers site yesterday. It certainly helped me obtain a better understanding of the issues involved.

As I said yesterday, I have four concerns about the proposed development.

1. The proposal must meet the requirements of the legislation to the satisfaction of the Zoning Commissioner. To that end it would be beneficial to show the total site area and proposals on all development plans.

2. An area "traffic circulation plan" should accompany any request for a Special Exception so that neighbors and the County can effectively assess egress and ingress to the site.

3. The siting of the southeastern 6-story residential block in Phase II could be improved.

4. My major concern is the planned removal of what appears to be a fine collection of specimen trees along the Joppa Road frontage. There really is no justification for removing these trees for parking and a driveway, especially on a site which is well over 30 acres. I am sure that the entrance can be reconfigured to keep most, if not all, of the trees. I would find it most difficult to support a Special Exception unless these trees were kept.

I hope this clarifies my position with respect to the proposed development, which otherwise seems to be a project appropriate for the site and which would fill a proven need in the County.

If you have any further questions, do not hesitate to call me.

Yours truly,

P. David Fields
Director

PDF:pat

cc: The Honorable Barbara Bachur; Ed Hayle, Daft, McCune & Walker;
J. Timothy Fagan, J. Robert Haines, Tim Dugan, Joe Maranto

#474

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

December 9, 1987

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204

RE: Property of Institute of Mission Helpers of
Baltimore City, Inc.
9th Election District

Dear Mr. Howard:

At our meeting of December 3, 1987, I advised you that I would withhold comment regarding density requirements for the proposed institute building. This building is to house a chapel, offices, meeting center and living quarters for the order of Little Sisters of the Poor.

After due consideration it is my opinion that in this instance, the principal use of this building is that of a religious institution and as such the living quarters for the order of Little Sisters of the Poor are accessory in nature and are not subject to a density count.

Very truly yours,

James E. Dyer

JAMES E. DYER
Zoning Supervisor

JED:kkb

Re Mission Helpers
(Dyer opinion that new convent would not be subject to density count)

- 11 plats
- 1 200 scale Zon Map plotted
- Paving type

Mission Helpers

Information needed in application:

1. S.432.3.A.1 - "... The Z.C. may grant a density increase that takes into account the density and use by the existing institution" what does he take into account? No Info! (1 unit convent?)

2. S. 432.3.A.2 - "..... The Z.C. may grant a Density increase only if existing institutional or historic buildings are incorporated in the plat accompanying the petition" Unless "for any such ex. bldgs. that are not incorporated in the plat, the petitioner establishes that the buildings are unsuitable for adaptive reuse"
   - Either include the existing bldg into the plan or don't include them into the plan and show that they cannot be re-used.
   * Specifically removing + replacing the institution with another institution building is not addressed.
   * Should be addressed in petition.

3. What will happen to the additional Property owned and not included in the petition? Acreage? Reason for not including all property in petition. Conflict with S. 432.3.C.2?

4. If the existing building is claimed not to be reusable then what historical, Archt., Struct., Functional, Economic factors should be considered? Need Info. (2C)

5. Is the Bldg. on the historical list? If not, what info. will be provided so that he (2.C.) can make a determination on the historical or Arch. significance?

6. Specify the max. allowed density increase by petition. (16) + permitted normally.

7. Definition of "Continuing Care" on plat.

8. List Accessory Uses anticipated (432.1.B)

9. Facing windows 20' minimum distance? (432.1.D)

10. List building separation distances requested. 18, 20, 22, 26, 27, 30 and distance between the (2) 15 unit garages (if necessary)
    * "within 75'" is unclear as if to permit a 75' setback!

11. Parking - show typical space, dimensions, Isles inside and outside.

12. Floor plans of housing units (typicals) (Bldg connection details)

13. Variance for ex. dwelling setbacks to new division lines. OPB setbacks DR-2

14. Does description encompass 28.87 Acres?

15. RTA Note "All offsite....." Show compliance with S. 1B01.1.B.1.b or ask for a relaxation in the request.

#474

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Zoning Variance and Special Exception
CASE NUMBER: 89-89-XA
SW/S Joppa between Greenwood and Chestnut Avenues
9th Election District - 4th Councilmanic
Petitioner(s): The Institute of Missions Helpers of Baltimore City, Inc.
HEARING SCHEDULED: MONDAY, SEPTEMBER 12, 1988 at 8:30 a.m.

Variance to permit a maximum height of 60' in lieu of the permitted 50 feet and to permit the construction of garages from 18 to 30 feet in lieu of the required 75 feet distant from certain 60-foot-high residental buildings. Special Exceptions: For a continuing care (life care) facility and to permit a residential density of 339.25 total density units (11.75 density units per acre) in lieu of the maximum 481 total density units (16 density units per acre) allowable.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: John B. Howard, Esq.
Sister Pamela Murphy
The Chestnut Partnership

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O'C. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICH, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONOR, III
THOMAS L. HUDSON
C. CAREY DEELEY, JR.
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JUDITH A. ARNOLD
DEBORAH C. DOPKIN
KATHLEEN GALLOGLY COX
J. MICHAEL BRENNAN
H. BARRITT PETERSON, JR.
KATHRYN L. KOTZ
JAMES R. MACALISTER
REGAN J. R. SMITH
NEWTON B. FOWLER, III
MARK E. SMITH

JAMES D.C. DOWNES
(1906-1979)

July 19, 1988

Hand Delivery

J. Robert Haines, Esquire
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
JUL 20 1988
ZONING OFFICE

Re: Petitions for Special Exceptions and Variances
The Chestnut Partnership (Item No. 89-474)

Dear Mr. Haines:

We respectfully ask that you expedite the proceedings on the referenced petitions and schedule a hearing before the end of August, 1988. Although we again apologize for the "rush", we have received indications that the surrounding community would prefer that the issues raised here be resolved through the petition process, instead of through the 1988 Comprehensive Map process, and thus we believe that all parties would support a prompt hearing.

The referenced petitions have been submitted in accordance with County Council Bill No. 36-88, as an alternative to the contract purchaser's earlier request for rezoning on the County's 1988 Comprehensive Zoning Maps. While the contract purchaser feels confident that it can achieve an acceptable degree of flexibility to accommodate its future development plans through the petitions, it does not feel that it can abandon its concurrent map request until it is assured of favorable action on the petitions and that there will be no appeal from such action.

As you know, the County Council will be taking its final action on 1988 map issues in October, 1988. This means that the petitioners would like to have a final decision on the referenced petitions, if at all possible, by the end of August (to allow for the 30-day appeal period).

J. Robert Haines, Esquire
Zoning Commissioner
July 19, 1988
Page 2

Please be assured that we stand ready to assist in any way we can to see that there is a full and prompt hearing on these petitions. If we can answer any questions or supply any additional information you may need, do not hesitate to contact me, or Rob Hoffman or Judy Armold of my office.

Sincerely,

John B. Howard

JBH:JAA:bw
cc: Thomas F. Mullan, III
John A. Luetkemeyer, Jr.
William T. Brown

6. Parking
a. Absolutely no off-site parking will be allowed.
b. Parking lots must be constructed in such a way that they are buffered from adjacent properties' sight.
c. Parking lots must be constructed in such a way that there is no water runoff.

7. Traffic and Roads
a. Joppa Road
1) Traffic light at Joppa entrance to site.
2) Extra lane for Westbound traffic on Joppa so those making left-hand turn into Life-Care will not tie up traffic.
3) Dramatic speed limit signs along Joppa.
4) No widening of Joppa Road on South side by Greenwood Road. These 3 homes have a necessary buffer of trees which must not be removed.
5) All traffic for site must use Joppa Road entrance - staff, visitors, residents, and delivery, maintenance, and emergency vehicles.
b. Chestnut Avenue
1) Traffic flow study must be done during school day, during busy hours - 7-9 A.M. and 4-6 P.M.
2) Traffic bumps must be installed.
3) Installation of 3-way stop signs at:
Chestnut and Trafalgar
Chestnut and Joppa
Chestnut and Piccadilly
Chestnut and Loyola Drive
4) Installation of Traffic Light at Charles Street and Chestnut Avenue.
5) Installation of dramatic speed limit signs.
6) Usage by residents only. This will be watchdogged.
7) Construction usage forbidden.
c. Greenwood Road
1) Any road widening on East side only.
2) No widening of ingress/egress on West side of Greenwood Road.
3) Installation of traffic bumps.
4) Usage by residents only - This will be watchdogged.
5) Installation of dramatic speed limit signs.
6) Construction use forbidden.

THE RUXTON - RIDERWOOD - LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.
Box 204
Riderwood, Md. 21139

File

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E. Richard Watts, Jr.
Frances P. Seybolt
Ex Officio

September 1, 1988

J. Robert Haines
Zoning Commissioner
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case #89-89-XA

Dear Commissioner Haines:

Please accept this letter as the Resolution adopted by the Zoning Committee of the Ruxton- Riderwood-Lake Roland Area Improvement Association, Inc. The Zoning Committee has adopted as its position the Mission Helper's Advisory Board's position.

The Advisory Board of the Towson Life Care Community was duly appointed by the Board of Governors of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. on April 25, 1988.

The position of the Ruxton-Riderwood-Lake Roland Area Improvement Association is contained in the attached letters of August 15, 1988 and August 30, 1988 from Mrs. Charles O'Donovan to Mr. John Luetkemeyer, Jr. and the Chestnut Partnership respectively. Mrs. O'Donovan will more fully expound on their position at the hearing.

Very truly yours,

Robert E. Scott, Jr.
President

Enclosures (3)

RECEIVED
SEP 6 1988
ZONING OFFICE

d. Cemetary Road
1) Emergency use only for residents.
2) Installation of barrier gates at Chestnut and at Greenwood. These are to be closed from dusk to dawn.
3) Planted buffer strip next to Cross residence must be maintained.

e. Resident automobiles and shuttle busses
1) No more than 1 automobile per apartment or villa - this includes private nursing help.
2) Increased numbers of shuttle busses at Life-Care site.

8. Improvements
a. Chestnut Avenue - no widening, no sidewalks, no curb and gutter.
b. Greenwood Road - no widening, no sidewalks, no curb and gutter.
c. Joppa Road - widening, sidewalks, curb and gutter permissable on South side only and not past Greenwood Road or Chestnut Avenue.

9. Utilities and Services
a. All utility and cable lines for site are to be placed underground.
b. Entire development site must be on one sewer system from existing one on Joppa or Chestnut.
c. Entire development site must be on one water system from existing one on Joppa Road.
d. Maintenance of adequate water pressure for all.

10. Ambiance
a. Entire perimeter must be buffered with trees and shrubbery - this includes convent on Chestnut.
b. No pets allowed.

11. New Convent
a. Must see a blue print of this structure and site plan. The convent and its land are an integral part of the total picture of this project and its impact. Therefore, we cannot proceed until we have full knowledge of their intent.

12. Real Estate Taxes
We want a guarantee from the county that this development will not increase real estate taxes for the surrounding property owners. It is a Life-Care facility and should be taxed as such and not used for comparative assessment of adjacent properties.

THE RUXTON - RIDERWOOD - LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.
Box 204
Riderwood, Md. 21139

Board of Governors
Frances P. Seybolt President
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John Riggs Orrick
Carol Rose Palmer
Roy C. Parsons
Gordon B. Shelton
Marge Sinton
E. Richard Watts, Jr.
Robert W. Locke Ex Officio

April 27, 1988

Mr. John A. Luetkemeyer, Jr.
Continental Realty Corporation
17 W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Jack:

Since you are required to include a statement that a Board of Advisors to the facility has been established along with your petition for special exception (Bill 36-88, p9 line 23), we are sending you the following statement.

At the April 25, 1988 Board of Governors meeting of the Ruxton-Riderwood-Lake Roland Area Improvement Association, the following individuals were selected to serve on the Board of Advisors to the Life Care Facility which West Joppa Road Limited Partnership plans to build on the Mission Helpers' property:

Mr. Dawson L. Farber, Jr.	614 Chestnut Avenue
Mr. Erwin W. Huber	620 Chestnut Avenue
Mr. Herbert B. Mittenthal	507 Chestnut Avenue
Mrs. Charles O'Donovan, III	600 Greenwood Road
Mrs. Carlton C. Sexton	600 Chestnut Avenue
Dr. Gordon B. Shelton	500 Greenwood Road

These individuals were selected because they are all concerned responsible individuals and because they are adjacent property owners and therefore, have a vested interest in this particular life care facility.

We look forward to working with you to make this transition from convent to life care as smooth and pleasant as possible for the surrounding community. We have every wish that once you are established, your life care will be a real asset to the community and that we will continue to iron out with you any problems that may arise in the future.

Sincerely,

Gail B. O'Donovan

Gail B. O'Donovan
Zoning Chairman

cc: Members of Advisory Board
Mr. Timothy Mullan
Barbara F. Bachur

August 15, 1988

Mr. John A. Leutkemeyer, Jr.
Continental Realty Corporation
17 West Pennsylvania Avenue
Towson, Maryland 21204

Dear Jack,

All of the adjacent property owners on Joppa Road, Chestnut Avenue and Greenwood Road were asked to report to me, in writing or by telephone, their opinions regarding your Life-Care project on the Mission Helpers property.

The results are as follows:

1. It was almost unanimous that a Life-Care facility was the best reuse of the land.

2. The facility, as presented, is too large in both size and population and must be reduced.

a. Reduce the total number of living quarters to 275.

b. Reduce resident population by 150.

c. Reduce height of the apartment buildings to 5 stories.

3. An Environmental Impact Study must be made of the proposed facility. This should include a reassessment of the existing wetlands - hydric soil - by an independent consultant.

4. An agreement in writing from the developers must be made stating that no shops or commercial enterprises will be allowed except for the exclusive use of the residents and staff. No commercial activity open to the public ever.

5. Covenants with the community must be made guaranteeing:

a. The open space as presented on the site plan.

b. The retention of existing trees as presented on the site plan.

c. The planting of new trees and shrubbery as presented on the site plan.

d. An acceptable site traffic flow pattern.

e. A Life-Care Facility as the only future reuse.

13. Property values of adjacent and surrounding properties

There is a grave concern that the impact your project will have on the community will have a detrimental effect on the property values of the private homes in the area.

14. Demolition and Construction Periods

a. All traffic must be on Joppa Road.

b. No work on weekends and holidays.

c. Work not to begin before 7 A.M.

As you can see, this is a rather long list of "demands, concerns and recommendations". However, it was created by intelligent and concerned property owners who feel very strongly that their rights as residents and property owners must be respected. They have accepted the fact that barring the reuse as estate lots of 15-plus homes, a Life-Care facility seems to be the best reuse of the property. However, they have grave concerns regarding the impact a development of this size will have on them individually and on the community as a whole. They bought their homes in this area because of the rural country setting it provided, and the real estate values of their homes reflect that rural characteristic. They know far better than any developer, lawyer, politician, county official, or land planner what will alter the quality of the surrounding environment. For this reason not only must they be heard, but their "demands, concerns and recommendations" must be respected.

We want this Life-Care concept to work on this property. It can and it will if the aforesaid conditions are met. Remember, if you try to change the quality and character of this community, you will be defeating the primary purpose of your selecting it for your Life-Care facility in the first place. Potential Life-Care residents are not going to pay the hand-some price tags you are placing on your units, if the rural neighborhood setting declines.

Sincerely,

Gail B. O'Donovan

Mrs. Charles O'Donovan, III
600 Greenwood Road
Baltimore, Maryland 21204

cc: Members of the Advisory Board
Adjacent Property Owners
Barbara F. Bachur
Robert Haines

August 30, 1988

The Chestnut Partnership
2330 West Joppa Road
Lutherville, Maryland 21093

RE: Towson Life Care Community

Dear Jack & Tim:

Thank you for the additional informative letter from William T. Brown of L.C.S. 8/24/88, the drawings of the new convent and the additional verbal information you gave me pertaining to size and legally binding agreements and/or covenants. Using my August 15, 1988 statement to you and your August 22, 1988 response to me with its August 23, 1988 verbal explanations, along with what you gave me yesterday, we were able to have a very informative and productive Advisory Board meeting.

At your request, I am writing this letter to provide a summary of items to be included in a legally binding agreement and/or covenant which your legal counsel will draw up. For the purpose of clarification, the first section includes all those points which I believe we have already agreed upon. The second section includes all those points which have only been partially resolved and/or are still open for resolution.

A. Items already agreed upon by both parties

1. Environmental Impact Study

a. D-M-W Environmental Services, Inc. is to prepare an Environmental Impact Study of the environment both on and off the site. (J.L. 8/22/88)

b. In addition the Army Corps of Engineers, the E.P.A. and the Baltimore County Department of Environmental Protection and Resource Development will review and file reports regarding the site. (G.B. O'D., J.L. verbal 8/23/88)

c. The S.W.M. Pond will receive both stream beds on site. (G.B.O'D., J.L., T.M. verbal 8/24/88)

2. On-site commercial uses

We agree that Bill No. 36-88 properly addresses the restrictions of commercial use on-site for the exclusive use of the residents and staff. (J.L. 8/23/88 p. 1)

3. Parking

a. No off-site parking will be permitted (W.T.B. 8/24/88 p. 2)

b. There will be no "No Parking" signs on the surrounding neighborhood streets because you will not create a situation that requires such a measure of control. (W.T.B. 8/24/88 p. 2)

c. Parking lots will be buffered/screened to minimize any visual impact on adjacent properties. (J.L. 8/22/88 p. 2)

d. There will be no increase in the peak rate of water runoff from the parking lots and there will be no discharge from any parking lot onto adjacent properties. (J.L. 8/22/88 p. 2)

4. Traffic and Roads

a. We are in complete agreement with you that we are to work together to keep the roadways as close to their present capacity, character and speed limit as possible.

b. You will apply for waivers from improvements on Joppa Road, Greenwood Road and Chestnut Avenue. (J.L. 8/22/88 p. 2 and G.B.O'D., J.L., T.M. verbal comments 8/23/88)

c. We will together request the traffic aides which do not fall into waiver and improvement categories. (J.L. 8/22/88 p. 2 and J.L. and T.M. verbal 8/23/88) So there is documentation these points are listed below by street. (amended G.B.O'D. 8/15/88 p. 2 & 3)

1) Joppa Road

a) Traffic light at Joppa entrance to site

b) Extra land for Westbound traffic on Joppa so those making a left hand turn into Life-Care will not tie up traffic.

c) Dramatic speed limit signs along Joppa

d) No widening of Joppa Road on South side by Greenwood Road. These 3 homes have a necessary buffer of trees which must not be removed.

e) All staff, visitor, delivery, maintenance and emergency vehicles will use the Joppa Road entrance.

2) Chestnut Avenue

a) Traffic flow study must be done during school day, during busy hours - 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.

b) Installation of 3-way stop signs at:

Chestnut and Trafalgar
Chestnut and Joppa
Chestnut and Piccadilly
Chestnut and Loyola Drive

c) Installation of traffic light at Charles Street and Chestnut Avenue.

d) Installation of dramatic speed limit signs.

e) Usage by residents only. This will be watchdogged.

f) Construction phase usage - only South lane to Cemetery Road may be used.

g) No widening of ingress/egress on East side of Chestnut Avenue.

3) Greenwood Road

a) No widening of ingress/egress on West side of Greenwood Road.

b) Usage by residents only - this will be watchdogged.

c) Installation of dramatic speed limit signs.

d) Construction use forbidden.

4) Cemetery Road

a) Security gates will be placed at Greenwood Road and Chestnut Avenue. These will be electronically controlled with pass cards and in operation 24 hours a day. Only residents will be in possession of the security pass cards. (J.L. 8/22/88 p. 3 and T.M. verbal 8/23/88)

b) The planted buffer strip next to the Cross residence will be maintained as long as it does not conflict with the County's development requirements. (J.L. 8/22/88 p. 3) If there has to be any removal of existing shrubbery, it will be replaced with new edging of adequate size to provide the Cross residence with immediate privacy. (G.B.O'D. & J.L. & T.M. verbal 8/23/88)

5) Resident Automobiles and Shuttle Busses

The Life-Care will strongly urge the use of shuttle busses and will provide increased numbers as needed. (J.L. 8/22/88 p. 3 and J.L., T.M. verbal 8/23/88)

5. Improvements

a. Waivers from County requirements for improvements to Chestnut Avenue, Greenwood Road and Joppa Road will be obtained. There will be no widening, no sidewalks, no curb and gutter on Chestnut and Greenwood. Widening sidewalks, curb and gutter are permissible on the South side of Joppa and not past Greenwood Road and Chestnut Avenue. (J.L. 8/22/88 p. 3 and J.L. & T.M. verbal 8/23/88)

6. Utilities and Services

a. All utility and cable lines for site are to be placed underground subject only to government or physical impediment. (J.L. 8/22/88 p. 3)

b. You will make sure there is maintenance of adequate water pressure for all. (J.L. 8/22/88 p. 4)

7. Ambiance

a. You will buffer the entire perimeter of the site and of the convent site with trees and shrubbery. You will enhance the existing vegetation with further screening. (J.L. 8/22/88 p. 4 & C.R.G. plan 8/22/88)

b. Life-Care Services Management Division will use discretion in allowing any pets into the community. If a facility or a resident pet is permitted, the management will abide by the County laws regarding domestic pets. (W.T.B. 8/24/88 p. 1, marked p. 2 in corner)

8. New Convent

The new convent and its land are an integral part of the total picture of this project and its impact. Therefore, the sisters must be required to keep both the developers and the Advisory Board fully informed of their plans as they progress. (J.L. & T.M. verbal 8/23/88)

9. Real Estate Taxes

The developers will write the State of Maryland and Baltimore County that the life care facility should not be taxed as anything but a life care facility and that its assessment should not be used as a comparative assessment with respect to adjacent properties. (J.L. 8/22/88 p. 4 & J.L & T.M. verbal 8/23/88)

10. Demolition and Construction Periods

a. All traffic will be on on Joppa Road. If this is an impossibility for certain vehicles, then the Southbound lane on Chestnut Avenue to Cemetery Road may be used. (J.L. 8/22/88 p. 4)

b. Every effort will be made to be as unobtrusive as possible and to keep work hours after 7:00 a.m. and only on weekdays. (J.L. 8/22/88 p. 4 & J.L. 8/23/88 verbal)

B. Areas of Concern which have only been partially resolved or are still open for resolution.

1. Size

a. We accept your reduction of 25 units (J.L. & T.M. verbal 8/24/88) in place of our request for 49 leaving you with a total of 299 units. We desire that this reduction be effectuated in regard to the villas, thereby effectively eliminating all of the villas. If that is done, we will agree to raise the total units to 300. If this is done we will also not challenge the height of the apartment buildings and the size of the resident population. The land south of the Cemetery Road where the villas are placed on the plat is to remain as open space and as part of the total facility and not to be sold as a separate parcel at a later date.

2. Ambiance

a. You will retain the existing trees as presented on the 8/22/88 C.R.G. plan in addition to any valuable trees you may have been planning to remove when placing the villas.

b. You will retain the open space as presented on the 8/22/88 C.R.G. plan in addition to the open space where the villas would have been.

3. Utilities and Services

a. The entire site will be on one sewer system from the existing one on Joppa or Chestnut.

b. The entire site will be on one water system from the existing one on Joppa Road.

4. Demolition and Construction Periods

If work must begin early in the morning, before 7:00 a.m., then no loud work will be allowed, i.e., jackhammering, truck hauling, before that time.

5. Traffic and Roads - Resident Automobiles

Although we would like to believe Mr. Brown's letter of August 24, 1988 that is not necessary to restrict the number of automobiles to one per apartment, including private duty nurses and maids, we find it very

difficult to do so. We do not want you to overbuild parking either. However, we feel there has to be further study of the whole parking question before we can feel comfortable with what you propose. We will not under any circumstances accept your overflow on our streets, nor will we accept increased traffic flow because no restraints are placed on the number of cars allowed for each living unit/apartment.

6. You still have not addressed the parking for Life-Care vehicles and maintenance equipment.

7. Future Use

There has to be a way that we can covenant the future use of the site to be only a life care facility. We feel this could be a covenant that runs with the land.

8. Property values of adjacent and surrounding properties

The manner in which this was addressed (J.L. 8/22/88 p. 4) leads us to believe that L.C.S. knows the neighborhood will deteriorate. We feel that if the impact is kept to a minimum by instituting the aforesaid conditions and requirements, and by increasing the open space by removing the villas, then the rural character of the neighborhood will be retained. Therefore, the neighborhood will not decline and the property values will not be affected detrimentally.

I know you want to resolve all the issues by September 1, 1988. We would very much like to do so as well. I only wish you had not pushed everything up so fast. As you can see, it seems to take each side a full week before they can respond to the other side's correspondence.

I am sure you understand that until a satisfactory binding agreement and/or covenant is executed, we will be required to keep open all of our legal options.

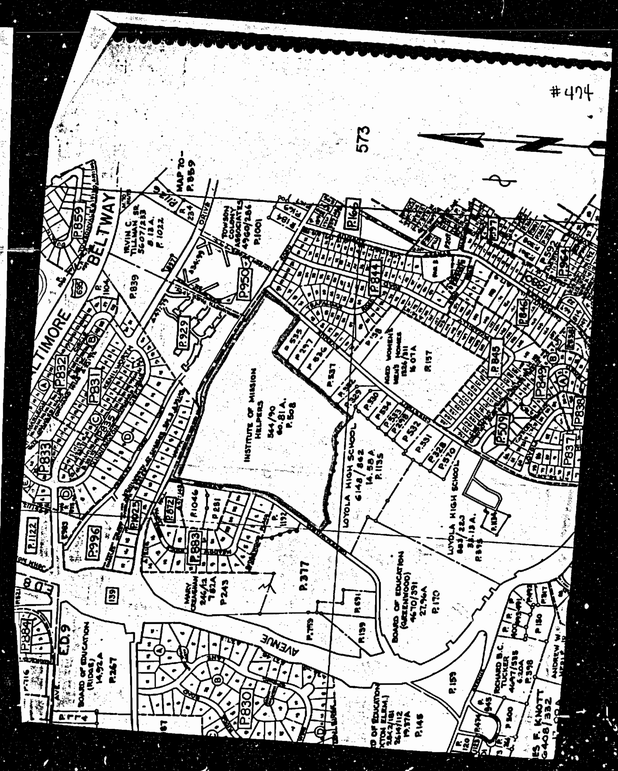
I do believe we are running out of weeks, Gentlemen!

My best regards to you both,

You.

Mrs. Charles O'Donovan, III
600 Greenwood Road
Baltimore, Maryland 21204

cc: The Honorable Barbara Bachur
Members of the Advisory Board



89-89-XA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
13th day of July, 19 88.

J. Robert Haines
ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Institute of Mission Helpers of Baltimore City, Inc.
Petitioner's Attorney: John B. Howard

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

September 1, 1988

Mr. John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 474 - Case No. 89-89-XA
Petitioner: The Institute of Mission Helpers of Baltimore City, Inc.
Petition for Zoning Variance and Special Exception

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer/dt

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

cc: Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue
Towson, Maryland 21204

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

August 19, 1988

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Item No. 474 - ZAC - Meeting of July 12, 1988
Property Owner: Institute of Mission Helpers of Baltimore City, Inc.
Location: SE Corner of Greenwood & Joppa
Existing Zoning: D.R.-2

Dear Mr. Haines:

1) 400 feet sight lines should be shown along Joppa Road.

2) Sight lines are to be drawn from the centerline of the proposed access at a point 10 feet behind the extension of the main road curb line to the center line of the nearest approach lane on the main road.

3) Areas between the sight line and the curb line must be cleared, graded, and kept free of any obstructions. All subsequent plans must note this also.

Very truly yours,

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/lab

RECEIVED
AUG 25 1988
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

July 12, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

Re: Property Owner: Institute of Mission Helpers of Balto. City, Inc.
Location: SE corner of Greenwood and Joppa Roads
Item No.: 474 Zoning Agenda: Meeting of 7/12/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(x) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.

(x) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Adequate access shall be provided for emergency apparatus.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Joseph Kelly 7-14-88 Noted and Approved: John F. O'Neill
Planning Group
Special Inspection Division
Fire Prevention Bureau

/jl

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

July 19, 1988
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 474, Zoning Advisory Committee Meeting of July 12, 1988
Property Owner: Institute of Mission Helpers of Baltimore City
Location: S/E/Cor. Greenwood & Joppa Rd. District 9
Water Supply metro Sewage Disposal metro

COMMENTS ARE AS FOLLOWS:

( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

(✓) Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.

( ) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

(✓) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.

( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

(✓) Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.

( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.

( ) Soil percolation tests, have been ___, must be ___, conducted.
( ) The results are valid until ___.
( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ___ shall be valid until ___ is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

(✓) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

( ) Others

G. A. Tebbutt
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS DATE: 9/8/88

FROM: ZONING OFFICE

PROJECT NAME: TOWSON LIFE CARE (Mission Helpers) PLAN: 8/18/88 REV.: 9/2/88 REV.:

LOCATION: SW/S W. Joppa Road between Chestnut Avenue & Greenwood Road

DISTRICT: 9c4

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

BA The zoning office has reviewed the plan initially and on 7/16/88 accepted the following petitions for a public hearing before the Zoning Commissioner under item #474, case #89-89XA:

a. Special Exception for a "Continuing Care" and "Life Care" facility and to increase the permitted residential density on parcel "B" from 81 dwelling units to 367.5 density units pursuant to S.432.3 (B.C.Z.R.) and

b. Variances to S.1B02.2.A to permit maximum building heights of 60 ft. in lieu of the permitted 50 ft. and S.1B01.2.C.6 (V.B.3) or S.1B01.2.C.1 to permit a distance between buildings of 20 ft. to 50 ft. in lieu of the required 75 ft.

BA The public hearing is scheduled for 9/12/88 at 8:30 a.m. in ROOM 106, County Office Building. Final Zoning Approval would be contingent upon the outcome of the public hearing and the resolution of the following comments, which could be amended during the review process:

1. BA At the suggestion of this office, the petition and plans were amended and accepted in this office on 8/18/88. It is requested that the plans be further amended to clearly illustrate compliance with the R.T.A. provisions considering that a relaxation in these requirements has not been requested.

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Towson Life Care - (Mission Helpers)
DATE: 9/8/88

2. BA Clearly show the uses of all buildings within 300 ft., and property ownership division lines adjacent to the tract boundary. Clearly identify all vacant lots (with acreage) adjacent to the tract boundary. Provide a clearly visible R.T.A. buffer area boundary around the required 75 ft. and 50 ft. R.T.A. buffer. At 100 scale, it appears that the required buffer area includes a portion of Joppa Road and a portion of the proposed parking lot in front of the proposed health center building. A larger scale plan including the dwellings and lots that create a R.T.A. onsite and determine the extent of the required buffer onsite must be prepared for this office to review and to be included with the zoning petition.

3. BA Include the definition of a "Continuing Care Facility" on the plan S.101; list accessory uses anticipated 432.1.B; note that facing windows will be 20 ft. apart 432.1.D; indicate if guest rooms will be provided as per S.432.1.B.4; and note that all parking areas are to be paved and striped in accordance with S.409 (B.C.Z.R.).

4. ✓ Note on the convent parcel A - "Proposed chapel, offices, meeting center and living quarters for the order of Little Sisters of the Poor. It has been determined by the zoning office that the living quarters are accessory in nature are not subject to a density count."

5. BA When the plan is updated with the inclusion of these comments and other departmental comments in the C.R.G. process, 10 revised plans should be delivered to the zoning office under reference to case #89-89XA.

W. Carl Richards, Jr.
W. CARL RICHARDS, JR.
Zoning Coordinator

WCR:scj

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner Date: August 31, 1988

FROM: Pat Keller, Deputy Director, Office of Planning and Zoning A

SUBJECT: Towson Life Care Community, Zoning Petition No. 89-89-XA

In accordance with Section 432 of the Baltimore County Zoning Regulations, elderly housing facilities in D.R. zones, staff provides the following comments:

* The subject development, in accordance with Article IV Development Regulations of Baltimore County (County Code 1978 as amended) is required to obtain CRG approval. The CRG hearing is scheduled for September 8, 1988 at 9:00 a.m.

* The subject development as a cluster subdivision is also required to obtain Planning Board approval pursuant to County Code Article IV, Sec. 22-59(a)(5). The Baltimore County Planning Board will be reviewing the development to ..."determine whether the proposed plan is compatible with the development on properties adjacent to the proposed plan's site." [Sec. 22-60(b)(3)]. The Planning Board will be reviewing the CRG on Septeaber 15, 1988.

The Office of Planning and Zoning is concerned about preservation of existing trees. The site should be designed to preserve the existing trees to the greatest extent possible.

The proposed density, layout and configuration of the site appears to be satisfactory and should be specifically tied to the site plan. It is anticipated that specific concerns will be presented at the CRG hearing. Staff is unable at this point in time to pinpoint community related issues regarding this project. Issues of compatibility, building design, and neighborhood impact are best addressed by the Board of Advisors that are required to be established under Sec. 432.3(F) (B.C.Z.R.). Any issues of compatibility, neighborhood impact, etc. should be successfully addressed by the applicant.

PK/sf

cc: John B. Howard, Esq.
9-8-88

CPS-008

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

October 13, 1988

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
SE/Corner Greenwood Avenue & Joppa Road
9th Election District, 4th Councilmanic District
The Institute of Mission Helpers of Baltimore City, Inc. -
Petitioner
Case No. 89-89-XA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on October 11, 1988 by John B. Howard, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: The Institute of Mission Helpers of Baltimore City, Inc.
1001 W. Joppa Road, Towson, Md. 21204

John B. Howard & Judith Armold, Cook, Howard, Downes & Tracey
210 Allegheny Avenue, Towson, Md. 21204

Thomas Mullan, Thomas Peddy, & H. Frederick, Foxleigh Enterprises
10749 Falls Road, Lutherville, Md. 21093

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

TELEPHONE
(301) 823-4111

TELECOPIER
(301) 821-0147

DIRECT DIAL NUMBER
(301) 494-9151

October 11, 1988

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DANIEL O'C. TRACY, JR.
JOHN H. ZINK, III
JOSEPH C. WICH, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONOR, III
THOMAS L. HUDSON
C. CAREY DEELEY, JR.
M. KING HILL, III
GEORGE K. REYNOLDS, III
ROBERT A. HOFFMAN
CYNTHIA M. HAHN

JUDITH A. ARNOLD
DEBORAH C. DOPKIN
KATHLEEN GALLOGLY COX
J. MICHAEL BRENNAN
H. BARRITT PETERSON, JR.
KATHRYN L. KOTZ
JAMES K. MacALISTER
REGAN J. R. SMITH
NEWTON B. FOWLER, III
MARK E. SMITH

JAMES D.C. DOWNES
(1908-1978)

J. Robert Haines, Esquire
Zoning Commissioner
County Office Building, 1st Floor
Towson, Maryland 21204

Re: Case No.: 89-89-XA
(The Institute of Mission Helpers of Baltimore City, Inc., et al., Petitioners)
NOTICE OF APPEAL

Dear Commissioner Haines:

Please note the appeal of our client The Chestnut Partnership, a Maryland general partnership, whose address is 2330 West Joppa Road, Lutherville, Maryland 21093, from your September 13, 1988 Order in the referenced case. As you know, Chestnut, one of the Petitioners, is the contract purchaser and prospective developer of the property that is the subject of that case.

Accompanying this notice is this firm's check in the amount of $175.00 to cover the filing fee for the appeal from your ruling on both of Chestnut's petitions.

Very truly yours,

John B. Howard

JBH/jhr
Enclosures
cc: J. Carroll Holzer, Esquire

RECEIVED ZONING OFFICE
DATE: 10-11-88
(cer (O.E.))

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

October 25, 1988

J. Carroll Holzer, Esq.
305 W. Chesapeake Ave., Suite 105
Towson, Md. 21204

Re: Case No. CBA-88-142
Towson Life Care Community
and
Case No. 89-89-XA
Institute of Mission Helpers
of Baltimore City, Inc.

Dear Mr. Holzer:

Enclosed herewith is a copy of the Consent Order consolidating the above cases, which was passed today by the County Board of Appeals.

Very truly yours,

June Holmen

June Holmen, Secretary

Enc.
cc: John B. Howard, Esq.
Judith Armold, Esq.
Arnold Jablon, Esq.
The Institute of Mission Helpers
Thomas Mullan
William T. Brown
George Gavrelis
Thomas J. Carlson
George Frizzel
Glen Cook
Gail B. O'Donovan
People's Counsel for Baltimore Cty.
Planning Office
Current Planning
Engineering Office
Economic Development Comm.
Robert Covahey
Robert Haines
David Fields

10/14/88 -Notice of Assignment for hearing Tuesday, October 25, 1988 at 9:00 a.m. (to be consolidated with Case No. CBA-88-142)

John B. Howard, Esq.
Judith Armold, Esq.
Inst. of Mission Helpers
Mullan, Peddy, Frederick (Chesnut Partnership)
Life Care Svcs
Daft, McCune
Mapis & D'Aleo
Lipman, Frizzell & Mitchell
The Traffic Group
J. Carroll Holzer, Esq.
Gail O'Donovan
People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney
Current Planning
Bob Covahey
Developers Eng Div
Econ Dev Comm
S. Wallis

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

October 13, 1988

Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
SE/Corner Greenwood Avenue & Joppa Road
9th Election District, 4th Councilmanic District
The Institute of Mission Helpers of Baltimore City, Inc. -
Petitioner
Case No. 89-89-XA

Dear Board:

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Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: The Institute of Mission Helpers of Baltimore City, Inc.
1001 W. Joppa Road, Towson, Md. 21204

John B. Howard & Judith Armold, Cook, Howard, Downes & Tracey
210 Allegheny Avenue, Towson, Md. 21204

Thomas Mullan, Thomas Peddy, & H. Frederick, Foxleigh Enterprises
10749 Falls Road, Lutherville, Md. 21093

Case No. 89-89-XA
Appeal Cover Letter
Page 2

William T. Brown, Life Care Services Corp.
800 Second Avenue, Des Moines, Iowa 50309

George Gavrelis, Daft, McCune & Walker
200 E. Pennsylvania Avenue, Towson, Md. 21204

Thomas J. Carlson, Mapis & D'Aleo
1106 N. Charles Street, Baltimore, Md. 21201

George Frizzell, Lipman, Frizzell & Mitchell
8422 Bellona Lane, Towson, Md. 21204

Glen Cook, The Traffic Group
414 E. Joppa Road, Towson, Md. 21204

J. Carroll Holzer, Esquire (On behalf of the Protestants)
305 W. Chesapeake Avenue, Suite 105, Towson, Md. 21204

Gail B. O'Donovan
600 Greenwood Road, Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

TELEPHONE
(301) 823-4111

TELECOPIER
(301) 821-0147

DIRECT DIAL NUMBER
(301) 494-9151

October 11, 1988

JAMES H. COOK
JOHN B. HOWARD
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JAMES K. MacALISTER
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NEWTON B. FOWLER, III
MARK E. SMITH

JAMES D.C. DOWNES
(1908-1978)

J. Robert Haines, Esquire
Zoning Commissioner
County Office Building, 1st Floor
Towson, Maryland 21204

Re: Case No.: 89-89-XA
(The Institute of Mission Helpers of Baltimore City, Inc., et al., Petitioners)
NOTICE OF APPEAL

Dear Commissioner Haines:

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Accompanying this notice is this firm's check in the amount of $175.00 to cover the filing fee for the appeal from your ruling on both of Chestnut's petitions.

Very truly yours,

John B. Howard

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 059905

DATE 10-11-88 ACCOUNT 001-006-6150

AMOUNT $ 175.00

RECEIVED FROM ROBERT HOFFMAN

FOR APPEAL FILING - CASE # 89-89-XA
MISSION HELPERS

VALIDATION OR SIGNATURE OF CASHIER

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

ZONING OFFICE
(cer (O.E.))

APPEAL

Petition for Special Exception and Variance
SE/Corner Greenwood Avenue and Joppa Road
9th Election District - 4th Councilmanic District
The Institute of Missioner Helpers of Baltimore City, Inc. -
Petitioner
Case No. 89-89-XA

Petition for Special Exception and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Three (3) Copies of Subpoenas

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Deputy Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Traffic Study for Towson Life Care Comm.

2. Illustrative Site Plan for the Community

3. Plan & Plat to accompany Petitions

Protestant's Exhibits: 1., 2., 3., & 4. - Statements for Hearing by Dr. Shelton, Howard Ritter, Charles O'Donovan, and Alexander Daignault

5. Certification of Gail B. O'Donovan as Chairman of the Ruxton-Riderwood-Lake Roland Area Zoning Committee

Zoning Commissioner's Order dated September 13, 1988 (Denied)

Notice of Appeal received October 11, 1988 by John B. Howard, Attorney on behalf of the Petitioner, The Chestnut Partnership

cc: The Institute of Mission Helpers of Baltimore City, Inc.
1001 W. Joppa Road, Towson, Md. 21204

John B. Howard & Judith Armold, Cook, Howard, Downes & Tracey,
210 Allegheny Avenue, Towson, Md. 21204

Thomas Mullan, Thomas Peddy, & H. Frederick, Foxleigh Enterprises
10749 Falls Road, Lutherville, Md. 21093

William T. Brown, Life Care Services Corp.
800 Second Avenue, Des Moines, Iowa 50309

George Gavrelis, Daft, McCune & Walker
200 E. Pennsylvania Avenue, Towson, Md. 21204

Thomas J. Carlson, Mapis & D'Aleo
1106 N. Charles Street, Baltimore, Md. 21201

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD
BEL AIR, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 823-4111
FAX (301) 821-0147

RICHARD W. VENABLE (1936-1991)
EDWIN S. BAETJER (1888-1965)
CHARLES McH. HOWARD (1870-1941)

JOHN B. HOWARD

WRITER'S DIRECT NUMBER IS
494-9151

March 16, 1992

RECEIVED
MAR 17 1992
ZONING OFFICE

HAND DELIVERED

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Mission Helpers Property - The Chestnut Partnership

Dear Arnold:

Our clients, The Chestnut Partnership and The Chestnut Real Estate Partnership, have contracted to purchase approximately 40.92 acres of land from The Institute of Mission Helpers of Baltimore City, located at the southeast corner of Greenwood Avenue and Joppa Road in Towson, Baltimore County. The Purchasers intend to construct a continuing care community at the subject property. The Purchasers currently anticipate constructing 279 dwelling units and 71 nursing care beds, as described on Page 1 of the Final Development Plan which is attached hereto.

In order to comply with the requirements of the Baltimore County Zoning Regulations ("BCZR"), the Purchasers were required to obtain a Special Exception to permit the development and construction of the continuing care community. The Purchasers obtained the Special Exception in Case No. 89-89-XA pursuant to a Consent Order of the County Board of Appeals of Baltimore County dated October 25, 1988. Among other things, the Consent Order stipulated that the Special Exception will expire five years after the date of the Order, i.e. it would expire as of October 25, 1993.

Arnold Jablon, Director
March 16, 1992
Page 2

As you are aware, under Section 502.3 of the BCZR, a Special Exception which requires any construction for its utilization will be deemed to have been used within its authorized time "if such construction shall have commenced during the authorized period, or any extension thereof, provided that said construction is thereafter pursued to completion with reasonable diligence." The Purchasers anticipate commencing construction of the life care community project in 1992, well in advance of the expiration date for the Special Exception of October 25, 1993. The Purchasers also intend to pursue completion of the project with reasonable diligence thereafter. In a project of this magnitude, of course, there may be delays in completing later phases of the project because of financing conditions or requirements.

The purpose of this letter is to confirm that as long as the Purchasers commence construction of the project prior to the Special Exception expiration date of October 25, 1993 and thereafter pursue construction with reasonable diligence, the Purchasers shall be deemed to have complied with Section 502.3 of the BCZR and the Special Exception shall not expire, although construction of the project is not completed prior to October 25, 1993. It is our understanding that this position is supported by the holding in the Soley case, which involved an appeal from a decision of the Baltimore County Zoning Commissioner.

Please counter-sign this letter as evidence of your agreement that the Special Exception will not expire if the stated events occur in the manner described above, and return a copy to me for our files. Thank you for your assistance in this matter.

Sincerely,

John B. Howard

3/18/92
Pursuant to Baltimore County v. Soley, et al 3d appeals, unreported, Case No 1915, Sept Term, 1990, it would appear that your summary contained herein is correct, & the office of Zoning Administration thereby opines, however, please be advised that this agreement as confirmed by my signature may be appealed or refused to hearing by anyone who wishes to object.
Arnold Jablon, Director 3/18/92

See plan in F.D.P. File

EXHIBIT E

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

J. HOWARD HOLZER
1907-1989

LAW OFFICES
HOLZER, MAHER & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-8960
FAX (301) 823-6964

WASHINGTON, D.C. OFFICE
SUITE 700
1725 DeSALES STREET, N.W.
WASHINGTON, D.C. 20036

August 16, 1990

Peter A. Paff
Refinement Coordinator
Bureau of Public Services

RE: County Review Group-Mission Helpers/Blackhurst Refinement

Dear Mr. Paff:

Please be advised that I represent the Advisory Board to Blackhurst designated by Ruxton-Riderwood Lake Roland Association. I have been give authority by Gail O'Donovan on behalf of the Advisory Board to indicate that the Board has no objection to your staff processing the plan refinements of the developer.

The parties have agreed to have the following language and conditions inserted on the plat after comment #9 concerning the barn ---"... for the storage of maintenance vehicles and equipment and/or for a resident woodworking shop and/or resident arts and craft shop."

Very truly yours,

J. Carroll Holzer

cc: Gail O'Donovan

JCH:kls

82-89-XA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Al Wirth - SHA
Bob Bowling - Dev. Eng.
Frank Fisher - Current Planning
Rahim Faaill - Traffic Engineering
Larry Pilson - DERM
Dave Flowers - Critical Areas
Carl Richards - Zoning
Capt. Kelly - Fire Department
Pat Kincer - Rec. & Parks
Larry Brocato - SHA
Rocky Powell - EIRS

DATE: 8/27/90

To: John L. 8/29/90 ucr

FROM: Peter A. Paff — Bureau of Public Services

SUBJECT: Previously Approved C.R.G. - Refinement - 8/6/90

Blakehurst

Please review the attached for concurrance with current development regulations to allow for a refinement of a previously approved C.R.G. plan. Kindly return this cover letter with your comments and the attached print.

PAP
Attachment
cc: File

BLAKEHURST
(Formerly Towson Life Care Community)
(Formerly Mission Helpers)

Plan Refinement
Planning #IX-522
Zoning Case #89-89-XA

Plan Date: 7/31/90
Comments Date: 11/8/90

The Zoning Commissioner has determined that the red-lined plan referenced in your letter dated 10/2/90 will be approved for zoning, subject to the understanding that the following information will be provided to this office for review, approval and inclusion in the permanent hearing file. (See copy of attached letter dated 11/8/90.)

Robert Hoffman, Esquire will provide a written letter of explanation defining the source of all additions and other changes along with a letter from J. Carroll Holzer, Esquire (Blakehurst Advisory Board) to Peter Paff (Department of Public Services) approving these refinements. New copies of all agreements must also be provided with the above information. The corridors attaching the buildings must include use limitation clearly listed on future plans stating "The corridor attachments on this plan may be utilized for passageways only. No other uses in these corridors will be permitted without further zoning approvals".

Comply with all previous C.R.G. comments.

Include all required F.D.P. checklist information on the F.D.P. and include a detailed floor plan of the corridors confirming use, restrictions and size. The above information must be provided prior to final zoning approval of the Final Development Plan.

JOHN L. LEWIS
PLANNER I

JLL:scj

cc: Current Planning
Zoning File - #89-89-XA
Waiver File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 8, 1990

Dennis F. Rasmussen
County Executive

Judith A. Arnold
Venable, Baetjer and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

RE: Blakehurst
Review of C.R.G. Plan Refinement
Zoning Case #89-89-XA
9th Election District

Dear Ms. Arnold:

This letter is in reference to your correspondence, red-lined plan, and subsequent meeting with Robert Hoffman, Esquire of your office concerning a zoning determination that all revisions are minor and clearly consistent with the Board of Appeals Order in zoning case #89-89-XA.

The Zoning Commissioner has determined that the red-lined plan referenced in your letter dated 10/2/90 will be approved for zoning subject to the understanding that the following information be provided to this office for review, approval and inclusion in the permanent hearing file.

Robert Hoffman, Esquire will provide a written letter of explanation defining the source of all additions and other changes along with a letter from J. Carroll Holzer, Esquire (Blakehurst Advisory Board) to Peter Paff (Department of Public Services) approving these refinements. New copies of all agreements must also be provided with the above information. The corridors attaching the buildings must include use limitation clearly listed on future plans stating "The corridor attachments on this plan may be utilized for passageways; only no other uses in these passageways will be permitted without further zoning approvals". (See copy of the attached C.R.G. plan refinement comments.)

Should you require further assistance, please contact me at 887-3391.

Very truly yours,

James E. Dyer
James E. Dyer
Zoning Supervisor

By: John L. Lewis
John L. Lewis
Planner I

cc: J. Carroll Holzer, Esquire

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
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(301) 823-4111
FAX (301) 821-0147

RICHARD W. VENABLE (1936-1991)
EDWIN S. BAETJER (1888-1965)
CHARLES McH. HOWARD (1870-1941)

ROBERT A. HOFFMAN

November 5, 1990

WRITER'S DIRECT NUMBER IS
494-9162

RECEIVED
NOV 7 1990
ZONING OFFICE

J. Robert Haines, Esquire
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Blakehurst - Zoning History

Dear Mr. Haines:

You have asked that, as counsel for the developers of the proposed Blakehurst life care facility, we provide you, for your records, with a brief history of the zoning and land use approvals related to that project. This letter is intended to serve that purpose.

In the Summer of 1988, the Institute of Mission Helpers of Baltimore City, Inc. (legal owner) and The Chestnut Partnership (contract purchaser) filed Petitions for Special Exception and Zoning Variance with the Baltimore County Zoning Office. Those petitions sought a special exception under Section 432.3 of the Baltimore County Zoning Regulations ("BCZR") to use approximately 40 acres of the Mission Helpers' 45-acre property on West Joppa Road for a continuing care or life care facility with a total residential density of 367.5 density units, or 8.98 density units per acre, as well as variances from Section 1B02.2.A, BCZR, to permit a mximum building height of 60 feet and from Sections 1B01.2.C.1 and 1B01.2.C.6, BCZR, to permit the construction of garages from 20 - 50 feet from certain 60-foot-high residential buildings. As required by Section 432.3, BCZR, the Petition for Special Exception stated that an Advisory Board had been established for the proposed life care facility.

J. Robert Haines, Esquire
November 5, 1990
Page 2

These petitions, docketed as Case #89-89-XA, were heard by the Zoning Commissioner on September 12, 1988; and by Order dated September 13, 1988, the petitions were denied. At about the same time, on September 8, 1988, the County Review Group ("CRG") held a public meeting on and approved a development plan (Plan #8814IX-522) for the proposed life care facility. Furthermore, as a result of Section 22-59(a)(5) of the Baltimore County Code, the project was considered and approved at a meeting of the Baltimore County Planning Board on October 20, 1988.

The Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc., the Advisory Board for the proposed life care facility, and one individual neighbor of the property appealed to the County Board of Appeals on October 6, 1988 from the approval of the CRG plan; and The Chestnut Partnership appealed on October 11, 1988 from the Zoning Commissioner's decision. Prior to the Board of Appeals' scheduled October 25, 1988 hearing on these appeals, the proponents and opponents of the life care facility reached agreement on a development plan that they could all support. The terms of this agreement were embodied in a Restrictive Covenant Agreement executed on October 13, 1988 ("Exhibit A").

At the subsequent hearing before the County Board of Appeals, all parties urged the Board to resolve the appeals before it by adopting and incorporating the Restrictive Covenant Agreement in the Board's Final Order. Accordingly, the Board issued a Consent Order on October 25, 1988, approving the use of the Mission Helpers property for "a continuing care facility having a density as agreed upon by the parties in the Restrictive Covenant Agreement...", and also granting the requested variances.

The Restrictive Covenant Agreement between the parties has at all pertinent times provided for amendment "by written instrument in recordable form, executed by Chestnut,[1] and by the Advisory Board after a favorable vote of 3/4 of the Board or their successors." Pursuant to this provision, the Restrictive Covenant Agreement was clarified and modified in minor respects by a First Addendum, dated December 28, 1989 ("Exhibit B"), a Second Addendum, dated November 9, 1989 ("Exhibit C"), and a Third Addendum dated September 7, 1990 ("Exhibit D"). By means of the Third Addendum, the parties agreed on

[1]Subsequent to execution of the Restrictive Covenant Agreement, The Chestnut Real Estate Partnership, consisting of the same principals as The Chestnut Partnership, succeeded The Chestnut Partnership as contract purchaser of the property, and thus succeeded to the rights and obligations of The Chestnut Partnership under the Restrictive Covenant Agreement.

CHESTNUT GREEN

12/22/98
ccP
no check - if TBS
will qx, n if NCH
this we advise, +
~~to~~ of that advice
To: Mitch
Blakehurst should be
ok - see case #'s.
12/29/98 MCR
NO $ per MCR

December 21, 1998

Mr. Arnold Jablon
Director of Permits and Development Management
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

Dear Mr. Jablon:

Changes in Maryland assisted living laws require us to undergo new licensure procedures. Beds that were previously licensed as domicillary care are now to be licensed under new assisted living regulations.

Among the requirements for new licensure is receipt of approval from the local zoning authority. I am writing you to receive that approval. Licensure requires that I send a verification letter expressing approval of zoning for our assisted living beds. I have enclosed a map of the affected area.

Location of our assisted living beds will remain as stipulated in the built plan with the current bed mix remaining the same. The assisted living beds fall within the spirit and intent of the original zoning of the facility.

Thank you for your prompt attention to this matter. Please contact me with any questions you may have.

Sincerely,

John A. Schulkins
Associate Administrator

Speed Letter

In the interest of speed and economy, we are replying to your letter with marginal notes. If you need more information, do not hesitate to call or write. Thank you for your interest.

December 24, 1998
9th Election District

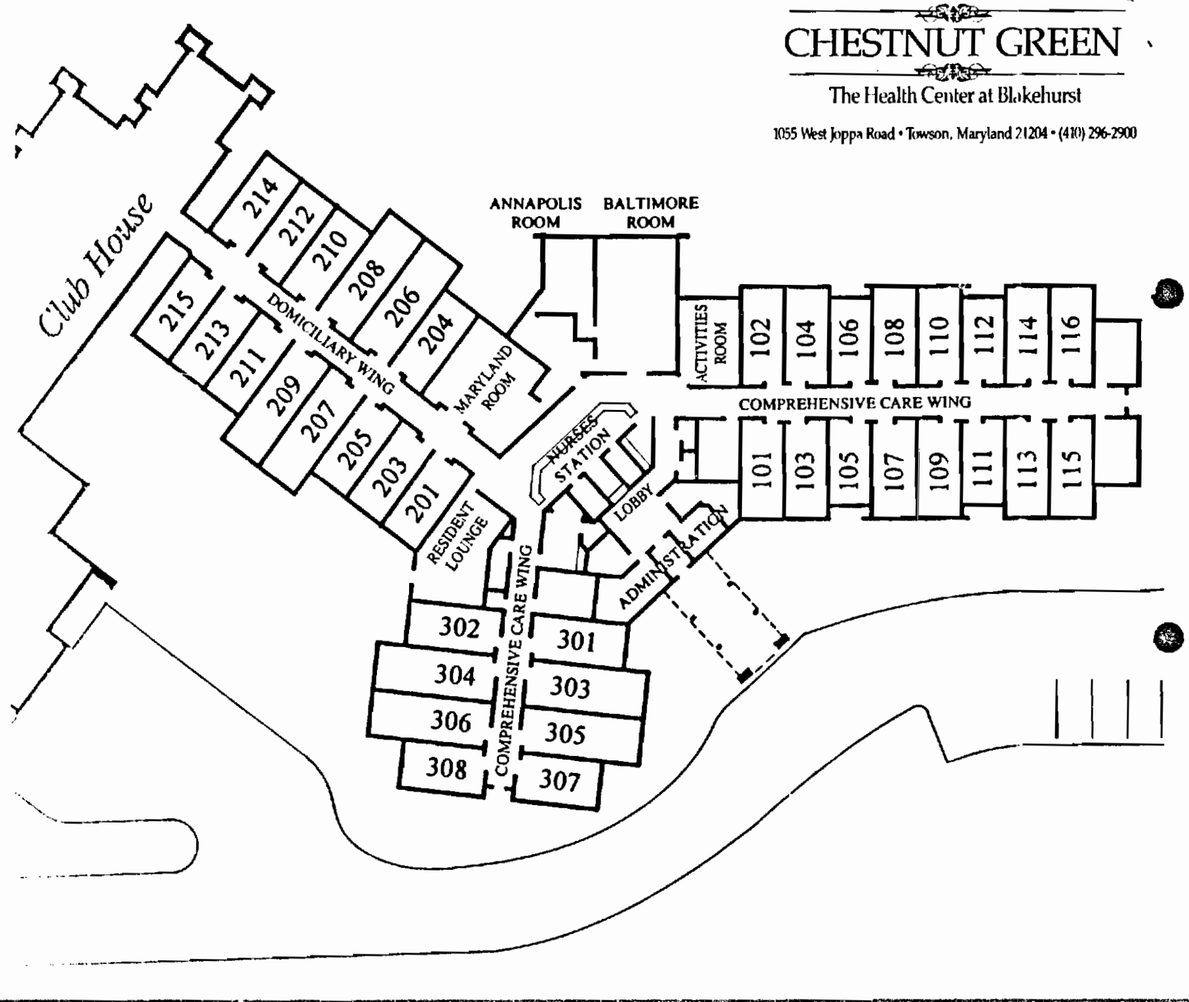
Please be advised that the Blakehurst Continuing Care Facility, which includes assisted living beds and as built in accordance with zoning case number 89-89-XA and the First Amended Final Development Plan of "Blakehurst" dated June 24, 1996, complies with the Baltimore County Zoning Regulations.

RECEIVED
98-5385
DEC 22 1998
PDM

Mitchell J. Kellman
Planner II, Zoning Review

MJK:scj

1055 West Joppa Road • Towson, Maryland 21204 • (410) 296-2900



J. Robert Haines, Esquire
November 5, 1990
Page 3

a Final Development Plan ("FDP") that they could all support, and this FDP was thereafter submitted to the Office of Current Planning for processing.

Subsequently, a modification of the CRG plan approved on September 8, 1988, reflecting the agreed-upon changes in the proposed life care facility that had been embodied in the FDP, was submitted to the Bureau of Public Services. At the request of Mr. Peter Paff of that office, the developers of the proposed life care facility (now known as "Blakehurst") provided the County with red-lined copies showing all changes between the originally approved and the revised CRG plans, and with a letter from J. Carroll Holzer, Esquire, attorney for the Blakehurst Advisory Board ("Exhibit E"), indicating that the Advisory Board had no objection to the County's processing of the revised CRG plan.

At this point, the only remaining major step in accomplishing full County approval of our clients' plans appears to be a certification from the Zoning Commissioner that the CRG plan and FDP currently pending before County officials are consistent with the zoning approvals granted by the County Board of Appeals. We hope that this letter has satisfactorily explained why the pending documents are consistent with those zoning approvals, and we ask that you promptly make the required certification.

If you have any further questions, or if you need any additional information from us, please let me know at once.

Very truly yours,

Robert A. Hoffman

JAA/RAH:ekm
cc: J. Carroll Holzer, Esquire
Thomas F. Mullan, III
William T. Brown

89-89-XA

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
McLEAN, VA
ROCKVILLE, MD
BEL AIR, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 494-6111
FAX (301) 821-0147

RICHARD H. VENABLE (1920-1970)
EDWIN G. BAETJER (1898-1965)
CHARLES BOX. HOWARD (1870-1964)

WRITER'S DIRECT NUMBER IS

October 2, 1990

301 494-9166

RECEIVED
OCT 3 1990
ZONING OFFICE

J. Robert Haines, Esquire
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Blakehurst - Approval of Revised CRG Plan

Dear Mr. Haines:

Enclosed for your review is a copy of the revised CRG plan for the Blakehurst continuing care facility, redlined to show changes from the original CRG plan approved on September 8, 1988.

This revision is being processed as a plan refinement (see attached copy of August 7 letter from Peter Paff), and in August we provided the County with 5 copies of the redlined CRG plan and a letter from J. Carroll Holzer, Esquire, stating that the Blakehurst Advisory Board had no objection to the County's processing of the plan refinement (see attached).

At this point, we have still not received the County's comments so that our clients can make any necessary changes in the plan, obtain final approvals, and apply for permits.

We have been advised that, in addition to other County approvals, you will be required to approve the plan refinements as being consistent with the zoning approvals given to this project by the County Board of Appeals on October 25, 1988. For your information, a copy of the Board's Order and the October 13, 1988 Restrictive Covenant Agreement, as amended (which is incorporated therein) is enclosed. (The Final Development Plan referred to in the Agreement as Exhibit G is being processed concurrently by the

REDLINED PLAN DATE
7/21/90

RECEIVED OCT 10 1990 DCJ

J. Robert Haines, Esquire
October 2, 1990
Page 2

County's Office of Current Planning.) We would submit that the minor changes to the CRG plan are clearly consistent with the Board's Order.

We would appreciate your review and approval as soon as possible. Should you need further information or should you have any questions, please call me at your earliest convenience.

Very truly yours,

Judy Armold
Judith A. Armold

cc: Peter A. Paff
Harry C. Grace
Thomas F. Mullan, III
William T. Brown
Blair Farrand

EXHIBIT A

RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT (the "Agreement") is entered into as of the 13th day of October, 1988, by and between THE CHESTNUT PARTNERSHIP ("Chestnut"), party of the First Part, and the RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC. (the "Association"); the ADVISORY BOARD established in accordance with Section 432.3.F of the Baltimore County Zoning Regulations (the "Advisory Board"); and the members of the Advisory Board whose names are subscribed hereto as individual property owners (the "Neighbors"), parties of the Second Part.

RECITALS:

A. The Institute of Mission Helpers of Baltimore City, Inc. (the "Mission Helpers") is a non-profit religious Order and the legal owner of a tract of land (the "Land"), containing approximately 45.71 acres, located on the south side of West Joppa Road, between Greenwood Road and Chestnut Avenue, in the Fourth Councilmanic District of Baltimore County, Maryland, which tract is more particularly described in a deed recorded among the Land Records of Baltimore County in Liber 5060, folio 0334. The Land is currently improved, consisting of the convent and associated facilities of the Mission Helpers.

B. The Land is currently zoned DR 2 in its entirety.

LAW OFFICES
HOLZER, MAHER & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 825-6960

EXHIBIT B

LIBER 8364 PAGE 617

ADDENDUM TO RESTRICTIVE COVENANT AGREEMENT

THIS ADDENDUM is meant to modify and clarify the RESTRICTIVE COVENANT AGREEMENT between the parties dated October 13, 1988 (the "Agreement"); and for that purpose THE CHESTNUT PARTNERSHIP ("Chestnut"), party of the First Part, and the RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC. (the "Association"); the ADVISORY BOARD established in accordance with Section 432.3.F of the Baltimore County Zoning Regulations (the "Advisory Board"); and the members of the Advisory Board whose names are subscribed hereto as individual property owners (the "Neighbors"), parties of the Second Part, enter into these presents as of this 28th day of December, 1989.

B RC F 50.00
AGENT 0
SH CLERK 50.00
#51433 C004 R02 T141 01/02/9

1. In Paragraph 1c on page 5 of the Agreement, the final sentence is deleted, and in its place the following sentence is inserted:

Upon conversion of Parcel A to additional residential living units, the maximum number of residents on the Land shall be increased by a total of sixty-two (62). The maximum number of residents on Parcel A shall be fifty-four (54), based upon a factor of 35% double occupancy rate, and the maximum number of residents of the health care center shall be increased by eight (8).

2. Notwithstanding the fact that the revised CRG plan, dated October 21, 1988, suggests that a tree survey will be conducted

TRANSFER TAX NOT REQUIRED
DATE 1-2-90 Sec. 11-45A(C,R)
Per [illegible]
BALTIMORE COUNTY, MARYLAND

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE JR DATE 12-90

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
JR 12-90

LIBER 8328 PAGE 833

EXHIBIT C

SECOND ADDENDUM TO RESTRICTIVE COVENANT AGREEMENT

THIS ADDENDUM is meant to further modify and clarify the RESTRICTIVE COVENANT AGREEMENT between the parties dated October 13, 1988 (the "Agreement"), as the Agreement was previously modified and clarified by a first ADDENDUM TO RESTRICTIVE COVENANT AGREEMENT; and for that purpose THE CHESTNUT PARTNERSHIP ("Chestnut"), party of the First Part, and the RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC. (the "Association"); the ADVISORY BOARD established in accordance with Section 432.3.F of the Baltimore County Zoning Regulations (the "Advisory Board"); and the members of the Advisory Board whose names are subscribed hereto as individual property owners (the "Neighbors"), parties of the Second Part, enter into these presents as of this 9th day of November, 1989.

Item 3 on Exhibit C to the Agreement is deleted in its entirety, and in its place the following is inserted:

B RC F 50.00
AGENT 0
SH CLERK 50.00
#52050 C004 R01 T084 11/21/8

"3. Chestnut shall establish two security gates, one at the Chestnut Avenue entrance and the other at the Greenwood Road entrance to the Community. (As long as Parcel A is used by The Institute of Mission Helpers of Baltimore City, Inc. for a convent, the Chestnut Avenue security gate shall be located on Cemetery Road just to the west of the driveway shown on Exhibit A extending in a northerly direction from Cemetery Road onto Parcel A. If and when Parcel A is added to the Community in accordance with Paragraph 1b of the Agreement, the Chestnut Avenue security gate shall be

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
JR 11-20-89

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE JR 11-20-89

TRANSFER TAX NOT REQUIRED
BALTIMORE COUNTY, MARYLAND
For NOT
Date 11-17-89 Sec. 11-45A(C,R)

EXHIBIT D

THIRD ADDENDUM TO RESTRICTIVE COVENANT AGREEMENT

THIS THIRD ADDENDUM is meant to further modify and clarify the RESTRICTIVE COVENANT AGREEMENT dated October 13, 1988 between the parties or their predecessors (the "Agreement") (also known as Board of Appeals Joint Exhibit 3), as the Agreement was previously modified and clarified by an ADDENDUM TO RESTRICTIVE COVENANT AGREEMENT dated December 28, 1989 and a SECOND ADDENDUM TO RESTRICTIVE COVENANT AGREEMENT dated November 9, 1989; and for that purpose THE CHESTNUT REAL ESTATE PARTNERSHIP ("Chestnut Real Estate", a successor to The Chestnut Partnership, consisting of the same principals as The Chestnut Partnership), party of the First Part, and the RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC. (the "Association"); the ADVISORY BOARD established in accordance with Section 432.3.F of the Baltimore County Zoning Regulations (the "Advisory Board"); and the members of the Advisory Board whose names are subscribed hereto as individual property owners (the "Neighbors"), parties of the Second Part, enter into these presents as of this 7th day of September, 1990.

Recitals

Chestnut Real Estate and its predecessor have proceeded toward development of the Community referred to in the Agreement by submitting a Final Development Plan ("FDP") dated January 12, 1990 to Baltimore County authorities. The parties have disagreed on whether this FDP is consistent with the Agreement, as amended, and the County-approved development (CRG) plan dated August 12, 1988, with last revisions on October 21, 1988. The parties and their respective counsel have met on numerous occasions, both with and

EXHIBIT E

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

J. HOWARD HOLZER
1907-1989

LAW OFFICES
HOLZER, MAHER & DEMILIO
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SUITE 105
TOWSON, MARYLAND 21204
(301) 825-6960
FAX (301) 823-0964

WASHINGTON, D.C. OFFICE
SUITE 700
1725 DE SALES STREET, N.W.
WASHINGTON, D.C. 20036

August 16, 1990

Peter A. Paff
Refinement Coordinator
Bureau of Public Services

RE: County Review Group-Mission Helpers/Blackhurst Refinement

Dear Mr. Paff:

Please be advised that I represent the Advisory Board to Blackhurst designated by Ruxton-Riderwood Lake Roland Association. I have been give authority by Gail O'Donovan on behalf of the Advisory Board to indicate that the Board has no objection to your staff processing the plan refinements of the developer.

The parties have agreed to have the following language and conditions inserted on the plat after comment #9 concerning the barn ---"... for the storage of maintenance vehicles and equipment and/or for a resident woodworking shop and/or resident arts and craft shop."

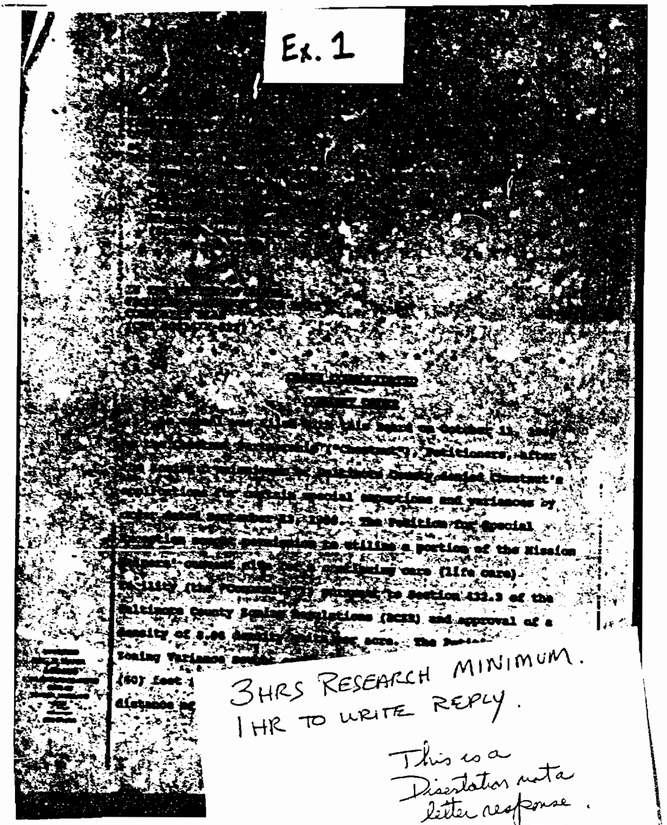
Very truly yours,

J. Carroll Holzer

cc: Gail O'Donovan

JCH:kls

Ex. 1



3 HRS RESEARCH MINIMUM.
1 HR TO WRITE REPLY.

This is a Dissertation not a letter response.

Ex. 5

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 26, 1996

The Chestnut Partnership
800 Second Avenue
Des Moines, Iowa 550309

Subject: 2nd Refinement APPROVED PLAN - dated 6/255/96
BLAKEHURST FKA: TOWSON LIFE CARE COMM.
PDM No. IX-522 DRC No. 04226D

Gentlemen:

Enclosed you will find a copy of the approved, signed plan for your files on the above referenced project.

This development proposal may be further processed in accordance with the following:

You may apply for a building permit with the Department of Permits and Development Management, in the County Office Building, Room 100, 111 West Chesapeake Avenue, Towson, MD. A copy of the approved, signed plan should be presented when making application. Please be advised that building permit approval is contingent upon compliance with all county agency requirements.

Should you have any questions, please do not hesitate to contact our office.

Respectfully,

D. T. Rascoe

Donald T. Rascoe
Development Manager

DTR:cab
Attachment - Plan
c: Farrand & English, 416 Lyman Avenue, Baltimore MD 21212 (2)
R & P (1)
DEPRM (2)
DPR (1)
OP (1)
Sophie Jennings, PDM/DR
File
BLAKEHUR.DOC/CAB

Printed with Soybean Ink on Recycled Paper

89-68-XA

THIS ENTIRE PACKET MUST BE MICROFILMED AND INCLUDED AS PART OF ZONING CASE 89-99-XA

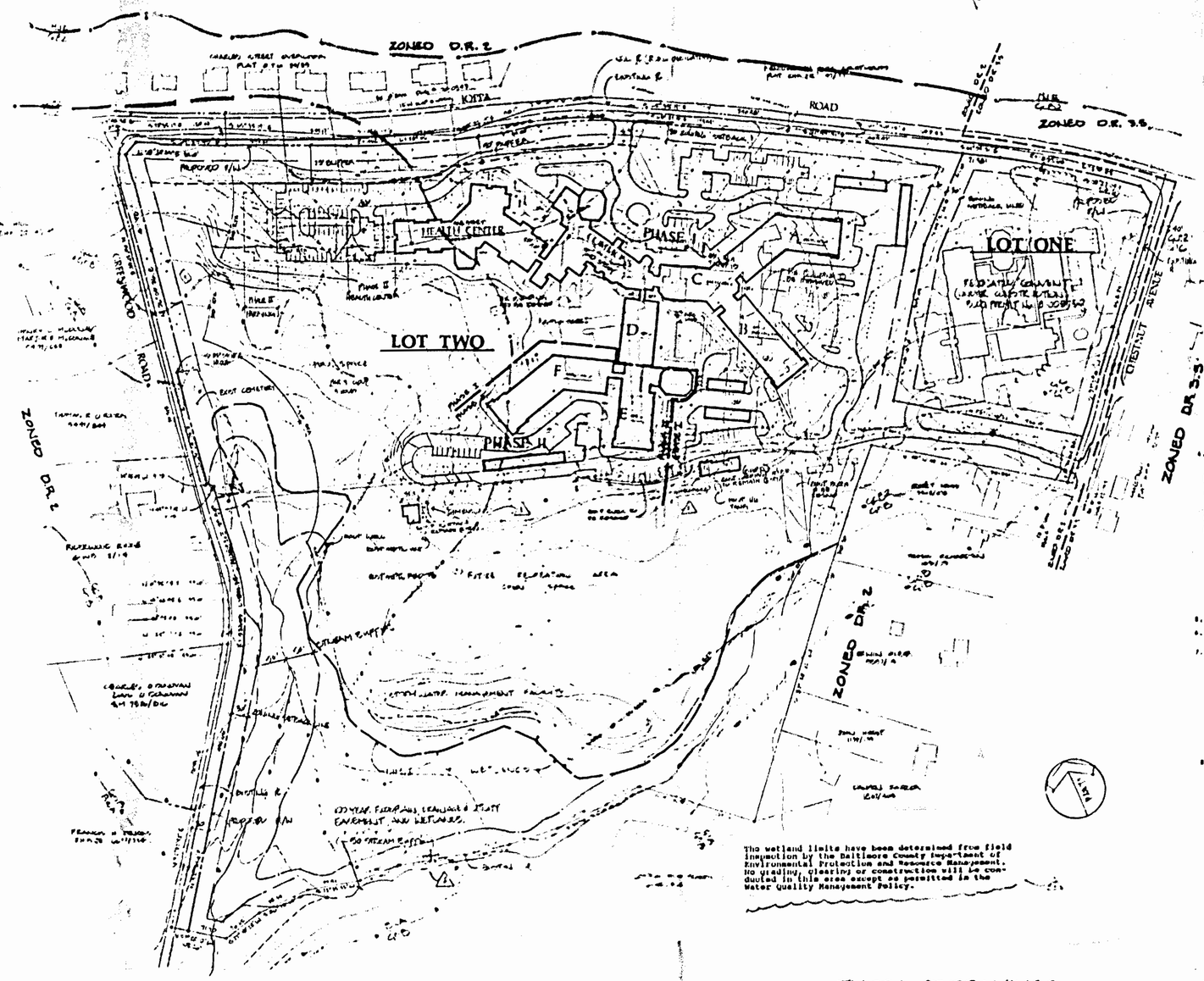
KEEP TOGETHER AFTER RETURNING TO FILE.



VICINITY MAP 1"=2000'

LEGEND

PROPERTY LINE
EXISTING CONTOURS
PROPOSED CONTOURS
EXISTING SPOT GRADES
PROPOSED SPOT GRADES
EXISTING EVERGREEN TREE
EXISTING DECIDUOUS TREE
PROPOSED MAJOR DECIDUOUS
PROPOSED MINOR DECIDUOUS
PROPOSED EVERGREEN



TYPICAL PARKING LAYOUT

NTS.

NOTES:

ACCESSORY USE NOTES:

All accessory uses will occur within the building designated on this Final Development plan or within the existing buildings to be preserved.

Accessory structures, fences and pools/spas (and uses) cannot be located in floodplain areas or wetland areas.

ZONING COMMISSIONER'S NOTES:

This development plan is approved by the Zoning Commissioner based on his interpretation of the Zoning regulations, what he considers his present policy, density and bulk requirements as they are delineated in the Regulations. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than those enumerated graphically on said plan, notwithstanding this area remaining whole, severing, subdivided and transferred for the purpose of development.

SDE PLAN NOTES:

This development plan complies with the SDE Plan and all SDE Comments.

LANDSCAPE PLAN NOTES:

A landscape plan must be approved by the Office of Planning prior to the issuance of a building permit.

WATER SERVICE CLASSIFICATION:

This plan complies with the requirements outlined in the Water Distribution Zone Revised Area Improvement Program as, the Executive Personal Water Zone Revised October 3, 1988, amended through September 7, 1989.

INDEX OF DRAWINGS

SITE PLAN - 100 SCALE	FDP-1
PARTIAL SITE PLAN	FDP-2
PARTIAL SITE PLAN	FDP-3
PARTIAL SITE PLAN	FDP-4
PARTIAL SITE PLAN	FDP-5
RESIDENTIAL ROOF PLAN-PHASE I	FDP-6
RESIDENTIAL ROOF PLAN-PHASE II	FDP-7
ELEVATIONS-RESIDENTIAL	FDP-8
ELEVATIONS-RESIDENTIAL	FDP-9
ELEVATIONS-RESIDENTIAL	FDP-10
ELEVATIONS-CLUBHOUSE	FDP-11
ELEVATIONS-HEALTH CENTER	FDP-12

SITE INFORMATION

PROJECT TITLE:

1. CONTRACT PURCHASER/APPLICANTS:

2. PRESENT OWNERS:

3. DESCRIPTION OF EXISTING BUILDINGS ON SUBJECT SITE:

4. DISTRICTS DESIGNATED BY COMMISSIONERS RESOLUTION:

5. SITE DATA:

Present Zoning and Acreage:

Lot One: RD-2 Zoning

Lot Two: RD-2 Zoning

6. Density:

Lot One, Permitted Amount:

Lot Two: Permitted - 40.00 Acres X 2 = 81 Dwelling Units

Proposed - 200 Dwelling Units with Maximum Projection of 400 Residents

Units Type

Lot Two: Phase I ____ Phase II ____ Total Units

Parking Required:

Units Type ____ Phase I ____ Phase II ____ Total

Proposed:

7. Dwelling units are clustered.

8. Streets: Applicant will dedicate streets in fee to appropriate road owner upon transfer to contract purchaser/applicant or building owner.

9. Landscaping:

Required:

Proposed:

10. Public Hearings:

Based on actions granted on April 16, 1990, the following Variances were required:

Access Road - Widening with curb and gutter in accordance with the Baltimore County Standards, Section 253.2.A.2 and 253.2.A.3 (Minor Arterial).

Crestwood Road - No improvements required.

Crestwood Avenue - No improvements required.

Sidewalks - Not required along public road frontages.

Minimum Right of Way and Resurfacing Width Requirements are Modified as Follows:

Access Road ____ 80' from existing private line.
Crestwood Avenue ____ 80' from existing right of way line.

11. Open Spaces:

12. Signs:

13. Trash Receptacles:

14. Outdoor storage will be connected to sanitary sewer as soon as sewer is available.

CRG APPROVED 1/8/91
1ST REVISED CRG APPROVED 5/6/91

FARRAND & ENGLISH
416 LEMAR AVENUE TOWSON, MD 21286
301-494-0800

Office of Planning and Zoning
Approved by: [signature]
Director of Planning — Date
Zoning Commissioner — Date

Meyers & D'Aleo
ARCHITECTURE • PLANNING
INTERIOR & GRAPHIC DESIGN

STATE OF MARYLAND — [signature]

BLAKEHURST

Developed by
THE CRESCENT PARTNERSHIP
3600 SECOND AVENUE
DES MOINES IOWA

E&A 2

FINAL DEVELOPMENT PLAN

SITE PLAN

Project		Date	9/14/90
Scale	1"=100'	Last Rev.	7/6/90

FDP-1

parties to maximize the retention of existing trees and vegetation on the Land and to permit a degree of flexibility in addressing the nature and constraints of the site, appropriate governmental building standards and requirements and the needs of the elderly residents.

g. It is further the intention of the parties in this Agreement to state their desire to preserve existing trees, vegetation, wetlands and open space for the benefit of all parties.

2. Use and Term Limitation.

a. The Community shall be used solely for the development and operation of a continuing care facility as defined in the Baltimore County Zoning Regulations Section 432.1.B.3 from the date of this Agreement and continuing for a period of twenty-five (25) years from the date of the recording of this Agreement.

b. That portion of the Community, Exhibit A, Parcel B, lying south of the internal roadway and identified as Cemetery Road, shall remain as open space and shall be used solely for recreation, golf holes, non-lighted tennis courts or similar recreational activities for the exclusive use of residents of the Community and their guests for a period of fifty (50) years from the date of this Agreement. The parties agree that this portion of Parcel B shall not be subdivided and shall be used only in conjunction with the use authorized for the whole of parcel B during that period. It is further

agreed that there will be no parking permitted, no buildings nor structures nor paving of any sort constructed on that portion of Parcel B or permitted other than what is shown on Exhibit A during that period. The parties further agree that there shall be no lighting of any of the activities permitted on this portion of Parcel B.

3. Board of Appeals; Planning Board; and Final Development Plan. It is the intention of the parties to this Agreement to resolve their differences which occurred at the CRG and before the Zoning Commissioner, by agreeing to consolidate the appeals of both parties into one proceeding before the Board of Appeals and to jointly submit a Consent Order to the Board of Appeals for its approval, which Order shall be in substantially the form attached hereto as Exhibit D and made a part hereof.

Both parties agree to submit this Agreement and its accompanying Exhibits to the Planning Board for Baltimore County as required by the County Review Group. all terms and conditions of this Agreement shall be included on the Final Development Plan submitted to Baltimore County by Chestnut.

4. Appearance. The appearance and character of the buildings to be constructed on Parcel B shall conform substantially to the schematic drawings included in the Project Description document for the "Towson Life Care Community," prepared by Chestnut and dated July 25, 1988.

The Advisory Board shall be advised of any noticeable modification to the architectural drawings of the project in order to permit comments from the Board concerning reasonable compatibility with the general architectural design of the community. This provision is not intended to grant the right of veto over modifications to the Advisory Board.

5. Road Improvements, etc. Baltimore County has recommended certain road and intersection improvements to Greenwood Road, Chestnut Avenue, and Joppa Road, as described by the County in the CRG review. Chestnut and the Association and Advisory Board shall join in applying for all available waivers of those requirements; provided that success of such application or applications for waivers is not a condition of this Agreement. The parties agree solely to cooperate in obtaining such waivers, if the waivers are reasonably and economically obtainable. The parties shall also cooperate on the matters described in the Schedule attached hereto as Exhibit B and hereby made a part hereof (all of said matters being beyond the direct control of any of the parties).

6. Traffic Light. Chestnut and the Association and Advisory Board shall join in a request to Baltimore County authorities for the installation of a traffic light at the main entrance to the Community on Joppa Road. If the County approves the request for installation of such a traffic light, Chestnut hereby agrees to bear the cost thereof.

7. Other Agreements. The parties have also reached agreement, on certain additional terms and conditions that are set forth in the schedule attached hereto as Exhibit C and hereby incorporated and made a part of this Agreement as if they were specifically set forth herein.

8. Association and Advisory Board Support. The Association, the Advisory Board, and the individual members of the Advisory Board whose names are subscribed hereto shall support the Community subject to the terms and conditions described above and in Exhibit A, in any and all proceedings that may be necessary to obtain required governmental approvals therefor; provided, however, that they reserve the right to protest any changes in plans for the Community that are not consistent with this Agreement and its Exhibits.

9. Term. The covenants, restrictions, and conditions stated herein shall commence from the date of this Agreement and shall continue for twenty-five years (25) from the date of the recording of this Agreement. The provisions of Paragraph 2.b. Use and Term Limitation, shall commence from the date of this Agreement and shall continue for fifty (50) years from the date of the recording of this Agreement.

10. Binding Effect and Recordation. The terms and conditions of this Agreement shall become effective and binding upon the parties, on the date and at the time of the execution of this Agreement. This Agreement shall immediately bind

Chestnut to the full extent of its equitable interest as contract purchaser of the land; as soon as Chestnut takes legal title to the land in accordance with the Land Purchase Agreement between the Mission Helpers and Chestnut, this Agreement shall be recorded among the Land Records of Baltimore County, Maryland, and the same shall run with and be binding upon the land, and upon all present and future owners thereof, and shall inure to the benefit of each of the parties respectively, their successors and assigns.

The cost of recording this Agreement shall be borne by Chestnut.

11. Conditions Subsequent. In the event, that any of the following conditions do not occur, then this Agreement shall terminate and have no further force or effect, and the parties thereto shall be relieved from any and all obligations:

1. The entry of a Consent Order by the County Board of Appeals or the Zoning Commissioner of Baltimore County, which Order shall be in substantially the form attached hereto as Exhibit D.

2. The expiration of the time for appeal from such Consent Order without challenge or appeal of any kind having been taken by any person or entity whatsoever.

3. The final and satisfactory resolution of all other proceedings or appeals related to the approval of the development of the Community under the Baltimore County Zoning

and Development Regulations. (Resolution of such proceedings or appeals shall be deemed "satisfactory" if it permits the development of the Community in a manner that is consistent with all other terms of this Agreement).

4. If, prior to December 31, 1993, or the application for a grading or building permit by Chestnut, whichever occurs first, Chestnut deems it infeasible for any reason, economic or otherwise to proceed with the development of the Community. In the event of termination of this Agreement, under this provision, Chestnut and its successors, waive and forever relinquish the right to proceed under any special exceptions, variances, or other development and zoning approvals that they have obtained at the time with the cooperation of the parties of the Second Part. Future subdivision, use, and development of the Land shall be governed by the Zoning and Development Regulations then applicable to the Land, as if no such zoning and development approvals have been given.

12. Amendments. This Agreement may be amended by a written instrument in recordable form, executed by Chestnut, and by the Advisory Board after a favorable vote of 3/4 of the Board or their successors.

13. Authority. The parties warrant and represent that they have taken all necessary action required to be taken by their respective charters, by-laws, or other organizational documents to authorize the execution of this Agreement.

14. Entire Agreement. This Agreement, which may be executed in counterparts, contains the entire understanding of the parties.

15. Voluntary Act. Each of the parties warrants that it has carefully read and understands this Agreement, is cognizant of the terms hereof, and has had ample time to consult with counsel of its choice regarding its respective rights and obligations in connection herewith.

16. No Waiver. Failure, in any instance, to enforce any of the covenants, restrictions, and conditions contained in this Agreement, shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction, or condition in the event of another violation occurring prior or subsequent thereto. In the event any one or more of the covenants, restrictions and conditions herein contained should for any reason be declared invalid, the remaining covenants, restrictions or conditions shall continue in full force and effect.

17. Definitions. All terms used herein are to be defined and construed pursuant to the definitions and provisions of the Baltimore County Zoning Regulations and Development Regulations in existence at the date of this Agreement.

18. Enforcement. If any party to this Agreement, or any party's successor, is required to institute legal action to enforce the terms of this Agreement, and is successful thereafter (whether by judgment or by settlement) in obtaining enforcement of the Agreement, that party or successor shall be entitled to recover reasonable attorneys' fees and court costs of the action from the person or entity against whom enforcement is obtained. However, as a prerequisite to the recovery of fees under this paragraph, the person or entity seeking enforcement shall serve the alleged violator of the Agreement with written notice of the violation, and only if the alleged violator has failed to remedy or to make substantial progress toward remedying the violation within sixty (60) days after receipt of this notice may legal action be instituted.

ATTEST:

THE CHESTNUT PARTNERSHIP
By West Joppa Road Limited Partnership
A General Partnership of the Chestnut Partnership
By Foxleigh Enterprises, Inc., a General Partner of West Joppa Road Limited Partnership

_____ (SEAL)
THOMAS F. MULLAN, III
Vice President

By Continental Life Care Corp., a General Partner of West Joppa Road Limited Partnership

By: _____ (SEAL)
JOHN A. LUETKEMEYER, JR.
President

COORDINATE TABLE					
Point	North	West	Point	North	West
1	39,826.84	3,529.31	26	39,750.24	2,951.02
2	40,255.18	3,255.05	27	39,778.55	3,093.74
3	40,284.01	3,238.99	28	39,780.26	3,173.03
4	40,314.12	3,225.49	29	39,799.93	3,270.57
5	40,344.74	3,213.20	30	39,793.38	3,369.30
6	40,376.64	3,204.72	31	39,771.38	3,442.69
7	40,409.04	3,198.49	32	39,810.04	3,503.07
8	41,215.63	3,097.75	33	40,224.61	3,240.62
9	41,247.57	3,012.85	34	40,455.19	3,160.30
10	41,211.64	2,898.28	35	40,580.02	3,147.01
11	41,108.66	2,671.38	36	40,583.94	3,151.66
12	41,039.56	2,492.87	37	40,592.85	3,155.70
13	41,035.86	2,342.75	38	40,604.68	3,133.15
14	41,008.27	2,237.29	39	40,803.62	3,123.20
15	40,851.48	1,934.95	40	41,213.28	3,079.59
16	40,564.13	1,398.20	41	41,229.35	3,053.54
17	40,467.33	1,291.16	42	41,090.97	2,685.49
18	40,007.30	1,661.65	43	41,016.47	2,406.06
19	40,012.59	1,670.21	44	41,010.12	2,367.10
20	40,207.75	1,985.96	45	40,941.57	2,178.17
21	39,612.26	2,442.40	46	40,867.75	2,024.02
22	39,754.41	2,622.93	47	40,623.11	1,563.97
23	39,743.93	2,693.03	48	40,482.18	1,339.32
24	39,736.40	2,793.53	49	40,447.90	1,334.23
25	39,742.27	2,879.85			

CURVE DATA TABLE					
Curve	Radius	Arc Length	Delta	Tangent	Chord
33-34	537.45'	246.32'	26° 15' 34"	125.36	N 19° 12' 24" E 244.17'
42-43	1462.39'	289.66'	11° 20' 55"	145.31'	S 75° 04' 13" E 289.19'
44-45	631.79'	199.84'	18° 07' 23"	100.76'	S 71° 40' 59" E 199.01'
47-48	1,855.66'	265.42'	08° 11' 43"	132.94'	S 57° 53' 59" E 265.20'

CEMETERY EASEMENT TO BENEFIT LOT ONE	
▽	Course & Distance
1	S 76° 10' 06" E 27.19'
2	S 00° 24' 24" E 65.86'
3	S 04° 50' 23" W 35.14'
4	S 13° 02' 31" W 87.77'
5	S 13° 00' 00" W 34.15'
6	S 63° 58' 05" E 9.08'
7	S 05° 16' 11" E 7.02'
8	S 46° 55' 01" E 25.64'
9	N 73° 38' 04" W 51.60'
10	N 06° 04' 36" E 16.60'

100 Year Floodplain, Drainage & Utility Easement and Wetlands			
◯	Course & Distance		
A	S 88° 52' 51" E	50.21'	
B	N 07° 22' 28" W	42.53'	
C	N 05° 14' 06" W	38.90'	
D	N 00° 12' 50" E	41.56'	
E	N 03° 11' 29" E	23.85'	
F	N 21° 49' 50" E	12.43'	
G	N 49° 24' 44" E	11.65'	
H	N 86° 12' 04" E	14.68'	
I	S 82° 12' 04" E	25.01'	
J	S 70° 23' 00" E	28.64'	
K	S 54° 12' 13" E	17.65'	
L	S 12° 51' 17" E	14.65'	
M	S 05° 42' 03" W	24.59'	
N	S 03° 58' 45" W	28.50'	
O	S 03° 51' 34" W	17.04'	
P	S 19° 39' 53" W	33.48'	
Q	S 24° 05' 58" W	16.66'	
R	S 11° 36' 52" W	14.58'	
S	S 08° 38' 24" E	12.67'	
T	S 20° 27' 40" E	10.32'	
U	S 59° 16' 43" E	19.30'	
V	S 69° 09' 19" E	46.32'	
W	S 67° 42' 50" E	43.21'	
X	S 17° 41' 15" E	21.59'	

◯	Curve Data
A	R: 162.00' L: 62.68' Chd: S 82° 20' 00" E 62.29' T: 31.74'
B	R: 10.00' L: 16.69' Chd: N 60° 56' 55" E 14.82' T: 11.03'
C	R: 57.00' L: 25.10' Chd: N 25° 45' 39" E 24.90' T: 12.76'

The subdivision plat of Blakehurst Life Care Community is recorded in Plat Book S.M. 63, Folio 24.

The purpose of this amended plat is to divide the Highway Widening Area into three discrete areas.

JOPPA HILL PLAT E.H.K. Jr. 47/143

CHARLES STREET OVERLOOK PLAT O.T.G. 34/35

KENILWORTH PARK APARTMENTS PLAT E.H.K. Jr. 47/79

TOWSON WOODS APT. PLAT O.T.G. 34/99

RIDERWOOD RIDGE

MEADOWRIDGE ROAD

PLAT C.W.B. Jr. 12/114

HENRY C. McDONALD & WIFE E.H.K. Jr. 5499/628

THOMAS R. O'ROURK, et al. E.H.K. Jr. 5441/84

CHARLES O'DONOVAN III & WIFE S.M. 7526/816

FRANCIS H. JENCKS E.H.K. Jr. 6697/734

LOYOLA HIGH SCHOOL OF BALTIMORE, INC. E.H.K. Jr. 6148/862

ERWIN W. HUBER E.H.K. Jr. 5337/15

JOHN H. HORST & WIFE C.W.B. Jr. 1134/175

DAWSON L. FARBER T.B.S. 1867/505

THOMAS M. RICHARDSON & WIFE T.B.S. 1831/15

ERNEST S. CROSS & WIFE G.L.B. 3062/478

Road R/W line as shown on Plat O.T.G. 34/35

Road R/W line as shown on Plat E.H.K. Jr. 47/143

Road R/W line as shown on Plat E.H.K. Jr. 47/79

Road R/W line as shown on Plat O.T.G. 34/99

Road R/W line as shown on Plat C.H.K. 13/129

Existing Paving

Future 60' R/W line

Minimum Building Setback Line

Highway Widening Area No. 1 1.943 Ac±

Highway Widening Area No. 2 0.371 Ac±

Highway Widening Area No. 3 0.020 Ac±

Cemetery Easement to benefit Lot One Total Area: 0.218 Ac±

100 Year Floodplain, Drainage & Utility Easement and Wetlands

Forest Buffer

100 Year Floodplain + 1' Freeboard Line EL 412.1

EL 408.0

EL 419.2

Private Easement to benefit Lot One for Ingress & Egress to Cemetery Easement Total Area: 0.607 Ac±

Approximate Location Existing Underground Electric Line Agreement benefitting Baltimore Gas & Electric Company W.J.R. 4041/522

Existing Pole Agreement benefitting Baltimore Gas & Electric Company G.L.B. 3098/303

Existing 13' R/W benefitting C & P Telephone Company O.T.G. 5190/529

Existing Pole Line Agreement benefitting Baltimore Gas & Electric Company W.J.R. 4041/522

Existing 10' Utility Agreement benefitting County Commissioners of Baltimore County T.B.S. 1819/497

Storm Water Management Easement (Facilities to be maintained by owner of Lot One) Total Area: 0.220 Ac± SEE DETAIL ABOVE

Storm Water Management Easement Total Area: 1.982 Ac± Facilities to be maintained by owner of Lot 2

100 Year Floodplain, Drainage & Utility Easement and Wetlands Total Area: 8.124 Ac±

Drainage & Utility Easement Areas and Temporary Construction Area as Shown on a Baltimore County Bureau of Land Acquisition Plat RW 90-357 recorded in S.M. 8708/300

Private Easement to benefit Lot One for Ingress & Egress, Drainage & Utilities Total Area: 0.175 Ac±

Private Sewer Easement to benefit Lot One

10' Private Drainage & Utility Easement to benefit Lot One

20' Drainage & Utility Easement

Private Easement to benefit Lot One for Ingress & Egress, Drainage & Utilities Total Area: 0.175 Ac±

FOR THIS AREA SEE DETAIL ABOVE

FOR THIS AREA SEE DETAIL BELOW

LOT TWO 38.919 Acres±

LOT ONE 4.179 Acres±

#1055

#1001

DETAIL Scale: 1" = 50'

DETAIL Scale: 1" = 50'

Ex. 3

VICINITY MAP
Scale: 1" = 2000'

Notes

1. Highway and Highway Widening, Slope, Drainage and Utility Easements, Access Easements and Stormwater Management Areas, no matter how entitled, shown hereon, are reserved unto the owner and are hereby offered for dedication to Baltimore County, Maryland. The owner, his personal representative or assigns shall convey said areas to Baltimore County, Maryland at no cost.

2. Streets and/or roads shown hereon and mention thereof in deeds are for purposes of description only, and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

3. This plat may expire in accordance with the provisions of the Baltimore County Code, Section 22-68.

4. The recording of this plat does not guarantee the installation of streets or utilities by Baltimore County.

5. The information shown hereon may be superseded by a subsequent or amended plat.

6. Additional information concerning this plat may be obtained from the Baltimore County Office of Planning and Zoning and the Department of Public Works.

7. The recording of this plat does not constitute or imply acceptance by the county of any street, easement, park, open space or other public area shown on the plat.

8. The Owner/Developer will comply with the best management practices contained in the Water Quality Management Policy.

9. The C.R.G. Plan of Towson Life Care Community was approved on September 8, 1988.

10. Except as otherwise indicated, all building restriction lines shown hereon have been placed as a result of an interpretation only of currently applicable regulations and policies of the Baltimore County Office of Planning and Zoning. Exceptions to these restrictions may apply.

11. There shall be no clearing, grading, construction, or disturbance of vegetation in the forest buffer except as permitted by the Baltimore County Department of Environmental Protection and Resource Management. Any forest buffer shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.

12. Roads and storm drains laid out and shown hereon have been designed under Maryland Registered Professional Engineer #10234.

13. Zoning: DR-2. Subject to Baltimore County Council Bill No. 36-88 to allow Continuing Care Facility.

14. Councilmanic District: 4
Census Tract: 4907.01
Watershed: 23
Sub-sewershed: 56

15. Gross Area: 45.432 Acres

16. Net Area: 43.098 Acres

17. Dwelling Units allowed:
Lot 1: 40 Units
Lot 2: 280 Units

18. Dwelling Units proposed:
Lot 1 Current: 0 (Living quarters are accessory to proposed facility)
Lot 1 Proposed: Future potential convent conversion: 40 Units
Lot 2: 280 Units

19. Parking spaces required:
Lot 1: 49
Lot 2: 304

20. Parking spaces proposed:
Lot 1: 54
Lot 2: 312

21. Area of S.W.M.: 2.200 Acres (to be privately maintained)

S.J. Martenet and Co. Inc.
Land Surveyors
190 West Ostend Street
Baltimore, Maryland 21230
Telephone: (301) 539-4263

DIRECTOR OF PLANNING & ZONING — DATE 3/20/92

DIRECTOR OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT — DATE 3/20/92

DIRECTOR OF PUBLIC WORKS — DATE 3/20/92

NOTE:
Coordinates and bearings shown on this plat are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations:
X-6211 N 39,218.94 W 910.34
X-6212 N 38,641.23 W 815.54

OWNER
INSTITUTE OF MISSION HELPERS OF BALTIMORE CITY
1001 West Joppa Road
Towson, Maryland 21204
TAX ACCOUNT NO.: 09-09-350510
DEED REFERENCE: W.P.C. 564/90

DEVELOPER
THE CHESTNUT PARTNERSHIP
800 Second Avenue
Des Moines, Iowa 50309

OWNER'S CERTIFICATE
The undersigned, owner of the land shown on this plat, hereby certifies that, to the best of its knowledge, the requirements of Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland have been complied with, insofar as same concerns the making of the plat and setting of the markers.

INSTITUTE OF MISSION HELPERS OF BALTIMORE CITY
Sr. Danielle Murphy
Sr. Danielle Murphy, MHSH

SURVEYOR'S CERTIFICATE
The undersigned, a Registered Property Line Surveyor of the State of Maryland, does hereby certify that he is the surveyor who prepared this plat and that the land shown on this plat has been laid out, and the plat thereof has been prepared, in compliance with Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland, particularly insofar as same concerns the making of the plat and setting the markers.

3/18/1992
Registered Property Line Surveyor No. 467 Date

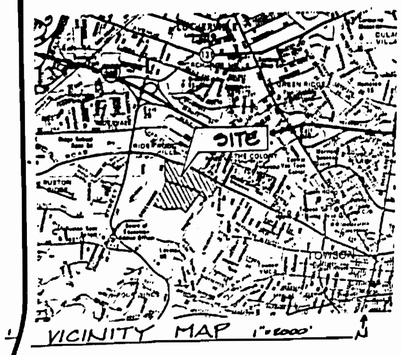
STATE OF MARYLAND — JOSE H. LERNINGER — No. 467 — REGISTERED PROPERTY LINE SURVEYOR

AMENDED SUBDIVISION PLAT of BLAKEHURST LIFE CARE COMMUNITY

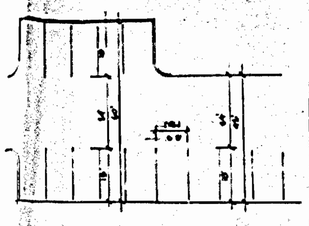
9th Election District
Baltimore County, Maryland

Scale: 1" = 100' — March 18, 1992

64-34 89059



VICINITY MAP 1"=2000'

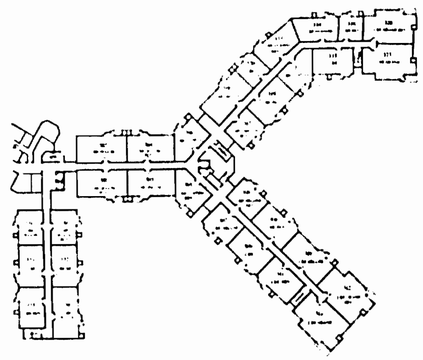


TYPICAL PARKING LAYOUT
N.T.S.

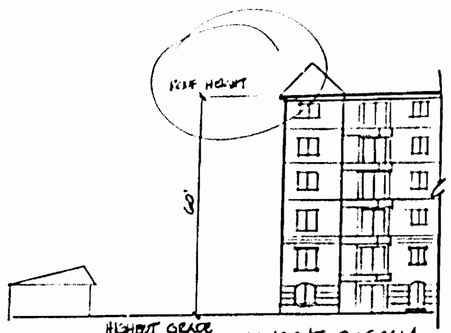


LEGEND

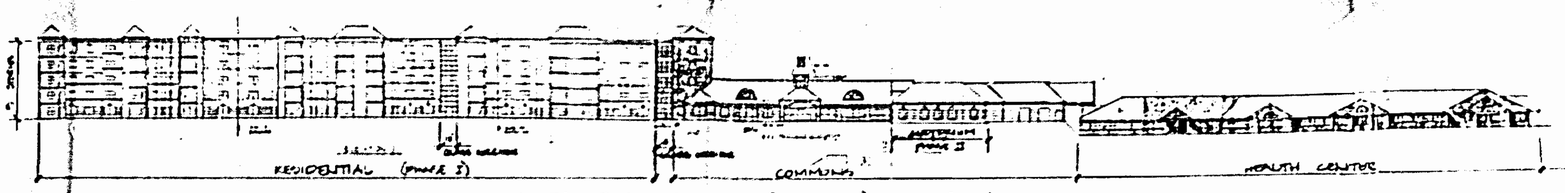
- PROPERTY LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING SPOT GRADE
- PROPOSED SPOT GRADE
- EXISTING TREES TO REMAIN
- LIMIT OF SOILS & SILT CLOTH
- PROPOSED BUILDING PHASE I
- PROPOSED BUILDING PHASE II
- FLOOD PLAIN



TYPICAL FLOOR PLAN OF RESIDENTIAL WINGS
N.T.S.



HEIGHT DIAGRAM N.T.S.



NORTH ELEVATION (TOWSON ROAD) 1"=40'=

89-89-XA

FARRAR & ENGLISH

Meyers & D'Aleo
ARCHITECTURE • PLANNING
INTERIOR & GRAPHIC DESIGN

BLAKEHURST
(FORMERLY TOWSON LIFE CARE COMMUNITY, MISSION HELPERS)
Developed by
THE CHESTNUT PARTNERSHIP
800 SECOND AVENUE
DES MOINES IOWA

REVISED C.R.G. PLAN.
PHASE I & II

Project		Date	5/5/89
Scale	As shown	Sheet No.	

1 OF 2

TYPICAL FLOOR PLAN OF RESIDENTIAL WINGS.
N.T.S.

TYPICAL PARKING SPACE/ VALVE AISLE DETAIL
N.T.S.

SITE LOCATION SCALE: 1"=1000'

NOTE
1. ALL REQUIRED HANDICAPPED PARKING SPACES MUST BE PROVIDED PER CODE (QUANTITY AND SIZE).

ZONED D.R.2
ZONED D.R.3.5
PARCEL 'A'
40.92 Ac.±
PARCEL 'B'
4.78 Ac.±
GREENWOOD ROAD
CHESTNUT AVENUE
CHARLES STREET OVERLOOK
NORTHWEST PARK APARTMENTS
SWIM POND
50' STREAM BUFFER
MdE
GrC2
GrB2
GnB
BaA
N 41000
N 39500
W 3500
W 1250

BALTIMORE COUNTY, MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed and Approved
Date 12-11-89 With Changes
Plan Approved
Date 12-5-91

PUBLIC HEARING PLANNING BD

DAFT McCUNE WALKER INC.

IX-522

PRINTED
OCT 24 1991
DAFT McCUNE WALKER INC.

TOWSON LIFE CARE COMMUNITY
(FORMERLY MISSION HELPERS)
CRG PLAN
PHASE I & II

89-89- SEE LTR 10/24/90

LEGEND
- LOCAL OPEN SPACE
- LIMIT OF GRADING
- PHASE I
- PHASE II
- EXISTING TREES

SCALE 1"=100'
JOB ORDER NO. 86039
ISSUE DATE 8/12/88

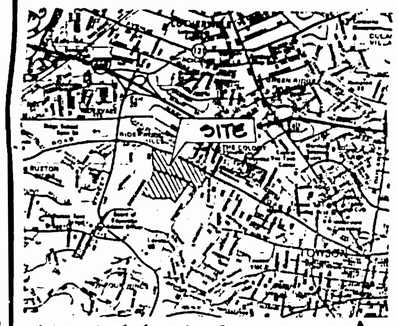
DATE	REVISIONS
9/6/91	REVISIONS REQUESTED

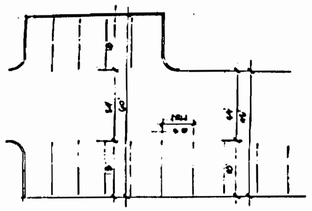
1 of 2

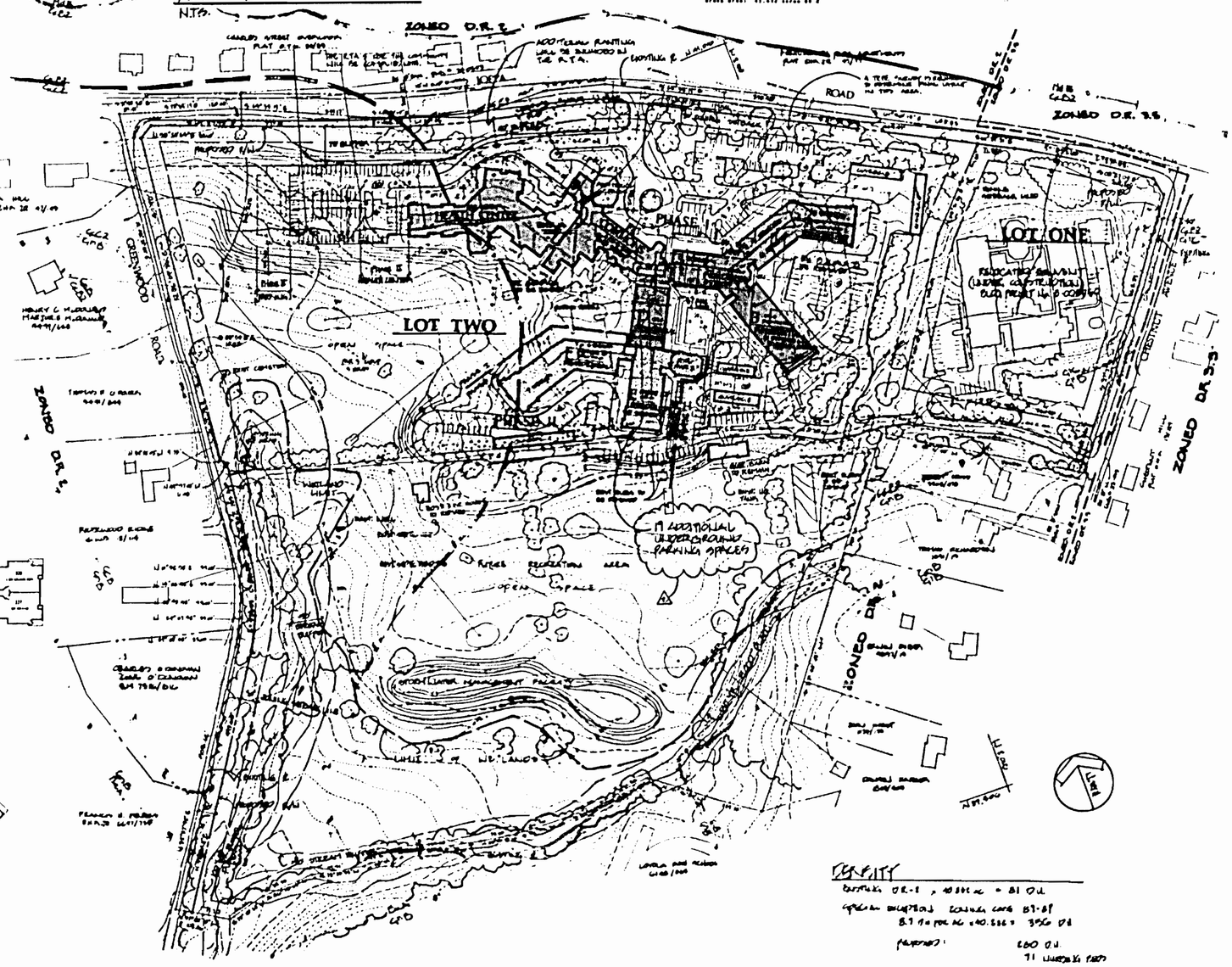
MAXIMUM ROOF HEIGHT
HEIGHT OF UNDERGROUND GARAGE
HEIGHT DIAGRAM
N.T.S.

NORTH ELEVATION

RECYCLABLE

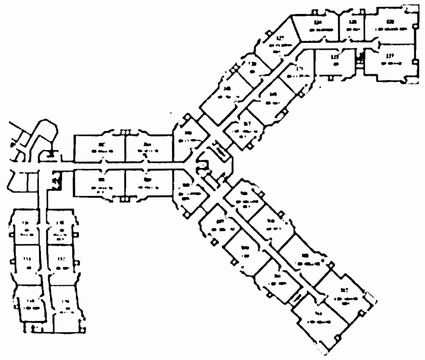


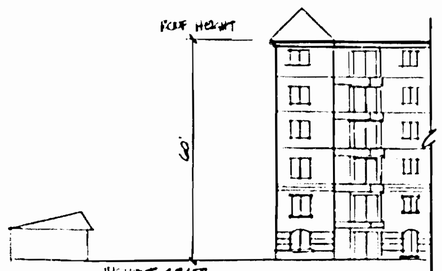

TYPICAL PARKING LAYOUT
N.T.S.



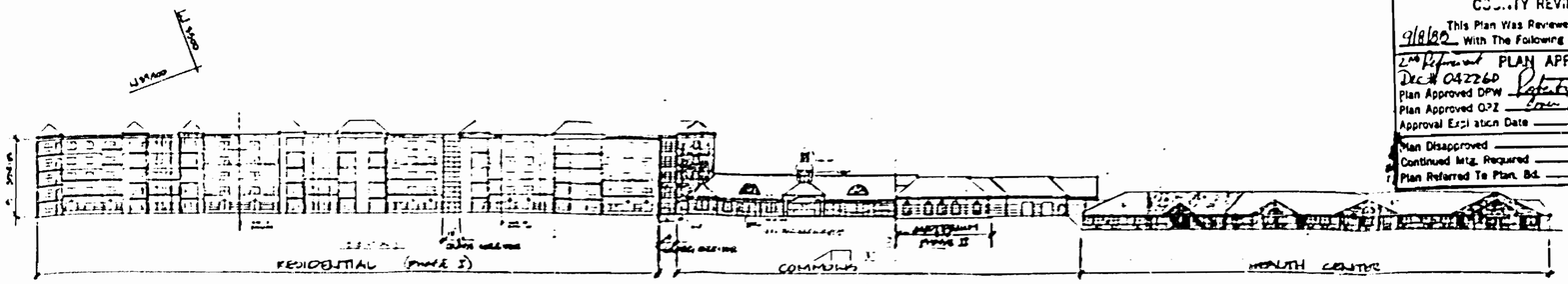
LEGEND

- PROPERTY LINES
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING SPOT GRADES
- PROPOSED SPOT GRADES
- EXISTING TREES TO REMAIN
- LIMIT OF WORK & SILT FENCE
- PROPOSED BUILDING(S) PHASE I
- PROPOSED BUILDING PHASE II
- FLOOD PLAIN


TYPICAL FLOOR PLAN OF RESIDENTIAL WINGS
N.T.S.



HEIGHT DIAGRAM N.T.S.



NORTH ELEVATION (JOPPA ROAD) 1"=40'

DENSITY

BOUNDARY OS-1 = 40.86 AC ± = 81 DU

SPECIAL EXCEPTION LAND AREA 81.87 AC
8.1 DU PER AC x 40.586 = 329 DU

PROPOSED: 600 DU
71 UNITS/AC ±

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On 9/8/82 With The Following Action Taken
2nd Amended PLAN APPROVED
DEC # 042260
Plan Approved DPW
Plan Approved OPZ
Approval Expiration Date
Plan Disapproved
Continued Mtg. Required
Plan Referred To Plan. Bd.

RECEIVED

Ex. 4

FARRARD & ENGLISH
618 EATAW AVENUE BALTIMORE MD 21212
301-433-3400
LANDSCAPE ARCHITECTURE
LAND PLANNING

Meyers & D'Aleo
ARCHITECTURE • PLANNING
INTERIOR & GRAPHIC DESIGN
1840 N. Charles Street
Baltimore, Maryland 21201
539-7911

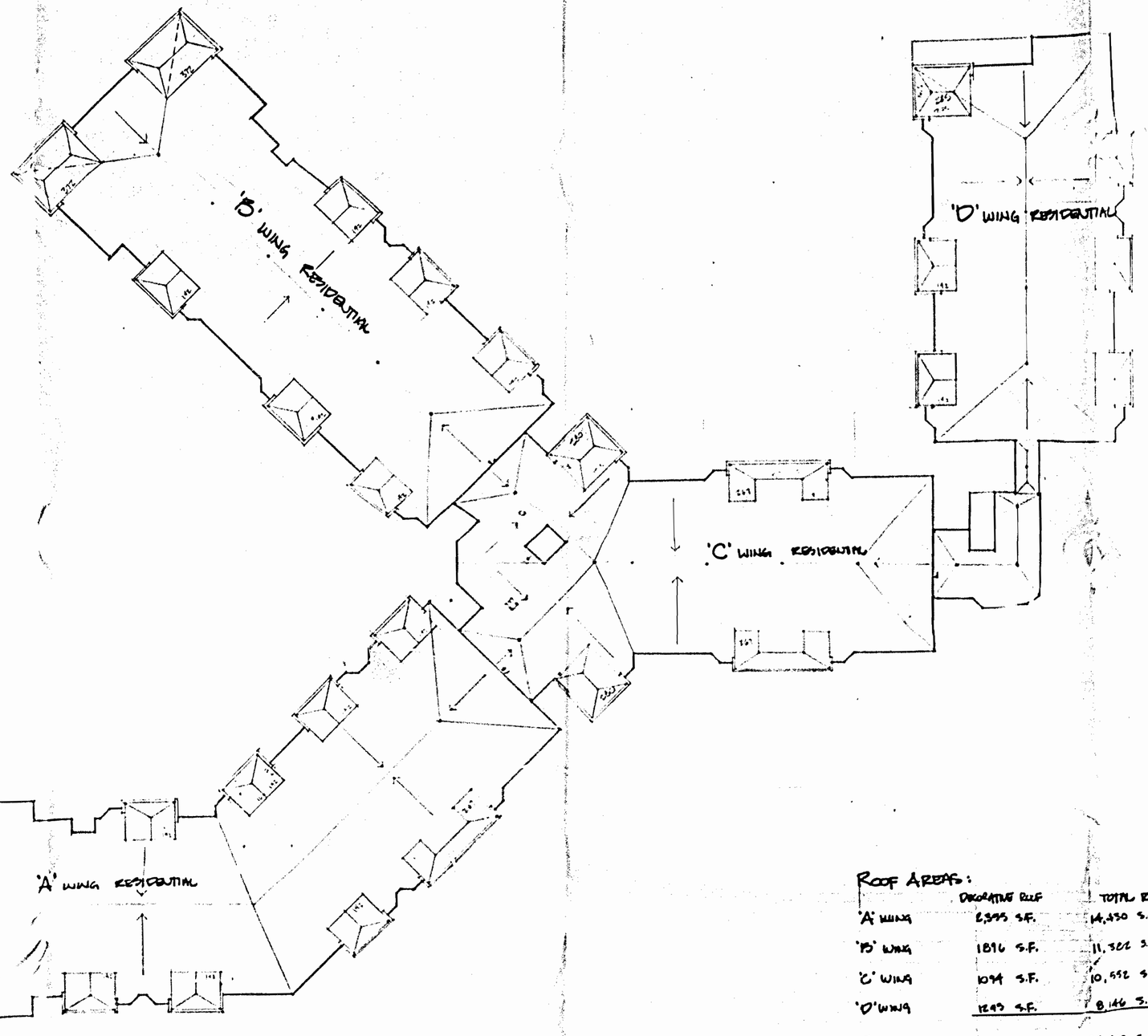
STATE OF MARYLAND
REGISTERED
PROFESSIONAL ENGINEER

BLAKEHURST
(FORMERLY TOWSON LIFE CARE COMMUNITY, MISSION HELPERS)
Developed by
THE CHESTNUT PARTNERSHIP
666 SECOND AVENUE
DES MOINES, IOWA
50309

2nd AMENDED
CRG PLAN
PHASE I & II

1 OF 3

Revised:
9/1/82 ⚠1 ADDITIONAL 17 UNDERGROUND PARKING SPACES
6/13/82 ⚠2 19 ADDITIONAL 19 ABOVEGROUND PARKING SPACES



ROOF AREAS:

	DECORATIVE ROOF	TOTAL ROOF
'A' WING	2,395 S.F.	14,430 S.F.
'B' WING	1896 S.F.	11,302 S.F.
'C' WING	1094 S.F.	10,552 S.F.
'D' WING	1245 S.F.	8,146 S.F.
TOTAL	6590 S.F.	44,910 S.F.

DECORATIVE ROOF EQUALS 14.8% OF TOTAL ROOF.

Meyers and D'Alao, Inc.
Architects and Planners

BLAKEHURST

ROOF PLAN

A1.16

89-89-XA

By Chestnut Village, Inc., a General Partner of the Chestnut Partnership

By: _____ (SEAL)
STEPHEN J. HOOVER
Vice President

RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC.

By: _____ (SEAL)
_____, President

Section 432.3.F ADVISORY BOARD

By: Gail B. O'Donovan (SEAL)
GAIL B. O'DONOVAN, Chairman

By: Dawson L. Farber (SEAL)
DAWSON L. FARBER, JR.
614 Chestnut Avenue

By: _____ (SEAL)
ERWIN W. HUBER
620 Chestnut Avenue

By: _____ (SEAL)
HERBERT B. MITTENTHAL
507 Chestnut Avenue

By: Gail B. O'Donovan (SEAL)
GAIL B. O'DONOVAN
600 Greenwood Road

By: Howard Ritter, Jr. (SEAL)
HOWARD RITTER, JR.
623 Chestnut Avenue

By: Elizabeth Sexton (SEAL)
ELIZABETH SEXTON
600 Chestnut Avenue

By: Gordon B. Shelton (SEAL)
GORDON B. SHELTON
500 Greenwood Road

By: Mary R. Wolfe (SEAL)
MARY R. WOLFE
602 Chestnut Avenue

Harford

STATE OF MARYLAND, COUNTY OF ~~BALTIMORE~~, to wit:

I HEREBY CERTIFY that on this 13th day of October 1988, before me, a Notary Public in and for the State aforesaid, personally appeared Thomas F. Mullan, III, who acknowledged that he is an authorized representative of THE CHESTNUT PARTNERSHIP, a Maryland general partnership, and that he, on behalf of such Partnership, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Partnership by himself as its authorized representative.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 1990.

Harford

STATE OF MARYLAND, COUNTY OF ~~BALTIMORE~~, to wit:

I HEREBY CERTIFY that on this 13th day of October 1988, before me, a Notary Public in and for the State aforesaid, personally appeared John A. Leutkemeyer, Jr., who acknowledged that he is an authorized representative of THE CHESTNUT PARTNERSHIP, a Maryland general partnership, and that he, on behalf of such Partnership, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Partnership by himself as its authorized representative.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 1990.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this _____ day of _____ 1988, before me, a Notary Public in and for the State aforesaid, personally appeared Stephen J. Hoover, who acknowledged that he is an authorized representative of THE CHESTNUT PARTNERSHIP, a Maryland general partnership, and that he, on behalf of such Partnership, being authorized so to do, executed the foregoing

instrument for the purposes therein contained, by signing the name of the Partnership by himself as its authorized representative.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 1990.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this _____ day of _____ 1988, before me, a Notary Public in and for the State aforesaid, personally appeared _____, who acknowledged that he is the President of the RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC., an incorporated neighborhood association, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by himself as President.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 1990.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 13th day of October 1988, before me, a Notary Public in and for the State aforesaid, personally appeared Gail B. O'Donovan, who acknowledged that she is the Chairman of the ADVISORY BOARD established in accordance with Section 432.3.F of the Baltimore County Zoning Regulations, and that she, as such Chairman, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Advisory Board by herself as Chairman.

AS WITNESS my hand and notarial seal.

Mary h. Smith
Notary Public

My Commission Expires: July 1, 1990.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 13th day of October 1988, before me, a Notary Public in and for the State aforesaid, personally appeared DAWSON L. FARBER, JR., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Agreement, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Mary h. Smith
Notary Public

My Commission Expires: July 1, 1990.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 13th day of October 1988, before me, a Notary Public in and for the State aforesaid, personally appeared ERWIN W. HUBER, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Agreement, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Mary h. Smith
Notary Public

My Commission Expires: July 1, 1990.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 13th day of October 1988, before me, a Notary Public in and for the State aforesaid, personally appeared HERBERT B. MITTENTHAL, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Agreement, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Mary h. Smith
Notary Public

My Commission Expires: July 1, 1990.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 13th day of October 1988, before me, a Notary Public in and for the State aforesaid, personally appeared GAIL B. O'DONOVAN, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Agreement, and acknowledged that she executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Mary h. Smith
Notary Public

My Commission Expires: July 1, 1990.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 13th day of October 1988, before me, a Notary Public in and for the State aforesaid, personally appeared HOWARD RITTER, JR., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Agreement, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Mary h. Smith
Notary Public

My Commission Expires: July 1, 1990.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 13th day of October 1988, before me, a Notary Public in and for the State aforesaid, personally appeared ELIZABETH SEXTON, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Agreement, and acknowledged that she executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Mary h. Smith
Notary Public

My Commission Expires: July 1, 1990.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 13th day of October 1988, before me, a Notary Public in and for the State aforesaid, personally appeared GORDON B. SHELTON, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Agreement, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Mary h. Smith
Notary Public

My Commission Expires: July 1, 1990.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 13th day of October 1988, before me, a Notary Public in and for the State aforesaid, personally appeared MARY R. WOLFE, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Agreement, and acknowledged that she executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Mary h. Smith
Notary Public

My Commission Expires: July 1, 1990.

By Chestnut Village, Inc., a General Partner of the Chestnut Partnership

By: Stephen J. Hoover (SEAL)
STEPHEN J. HOOVER
Vice President
Date 10-13-88

RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC.

By: _____ (SEAL)
_____, President

Section 432.3.F ADVISORY BOARD

By: _____ (SEAL)
GAIL B. O'DONOVAN, Chairman

By: _____ (SEAL)
DAWSON L. FARBER, JR.
614 Chestnut Avenue

By: _____ (SEAL)
ERWIN W. HUBER
620 Chestnut Avenue

By: _____ (SEAL)
HERBERT B. MITTENTHAL
507 Chestnut Avenue

By: _____ (SEAL)
GAIL B. O'DONOVAN
600 Greenwood Road

By: _____ (SEAL)
HOWARD RITTER, JR.
623 Chestnut Avenue

OCT-12-88 THU 10:57 P.02

instrument for the purposes therein contained, by signing the name of the Partnership by himself as its authorized representative.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: ~~July 1, 1990~~ August 9, 1990

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this day of 1988, before me, a Notary Public in and for the State aforesaid, personally appeared , who acknowledged that he is the President of the RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC., an incorporated neighborhood association, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by himself as President.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 1990.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this day of , 1988, before me, a Notary Public in and for the State aforesaid, personally appeared Gail B. O'Donovan, who acknowledged that she is the Chairman of the ADVISORY BOARD established in accordance with Section 432.3.F of the Baltimore County Zoning Regulations, and that she, as such Chairman, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Advisory Board by herself as Chairman.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 1990.

17

By Chestnut Village, Inc., a General Partner of the Chestnut Partnership

By: STEPHEN J. HOOVER (SEAL)
Vice President

RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC.

By: (SEAL)
, President

Section 432.3.F ADVISORY BOARD

By: GAIL B. O'DONOVAN, Chairman (SEAL)

By: DAWSON L. FARBER, JR. (SEAL)
614 Chestnut Avenue

By: ERWIN W. HUBER (SEAL)
620 Chestnut Avenue

By: HERBERT B. MITTENTHAL (SEAL)
507 Chestnut Avenue

By: GAIL B. O'DONOVAN (SEAL)
600 Greenwood Road

By: HOWARD RITTER, JR. (SEAL)
623 Chestnut Avenue

14

instrument for the purposes therein contained, by signing the name of the Partnership by himself as its authorized representative.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 1990.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 13th day of October 1988, before me, a Notary Public in and for the State aforesaid, personally appeared ROBERT E. SCOTT, JR. , who acknowledged that he is the President of the RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC., an incorporated neighborhood association, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by himself as President.

AS WITNESS my hand and notarial seal.

LINDA R. ROLLINSON NOTARY PUBLIC BALTIMORE CO. MD

Notary Public

My Commission Expires: July 1, 1990.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this day of , 1988, before me, a Notary Public in and for the State aforesaid, personally appeared Gail B. O'Donovan, who acknowledged that she is the Chairman of the ADVISORY BOARD established in accordance with Section 432.3.F of the Baltimore County Zoning Regulations, and that she, as such Chairman, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Advisory Board by herself as Chairman.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission Expires: July 1, 1990.

17

EXHIBIT C

1. All parking lots on Parcel B shall be buffered or screened to minimize visual impact on adjacent properties.

2. Chestnut shall exert its best efforts to minimize stormwater runoff from parking lots onto adjacent properties.

3. Chestnut shall establish security gates at the Chestnut Avenue and Greenwood Road entrances to the Land. These gates shall be electronically controlled gates, in operation 24 hours per day. Only residents of and security personnel for the Community shall have routine access through the security gates.

4. The operator of the Community shall strongly encourage residents to use shuttle buses and shall provide increased numbers of shuttle trips, as needed, to satisfy resident transportation demands.

5. Utility and cable lines for the Community shall be placed underground, unless there is some governmental or physical impediment to such placement.

6. Chestnut shall exert its best efforts to limit construction traffic to the Joppa Road entrance to the Land. If it is not practicable for construction traffic to use the Joppa Road entrance, efforts shall be made to direct that traffic south from Joppa Road on Chestnut Avenue to the Chestnut Avenue entrance to the Land.

7. Chestnut shall exert its best efforts to see that construction activity is as unobtrusive to the neighborhood as possible. It shall especially strive to avoid loud noise before 7:00 a.m.

8. Chestnut shall store all Community vehicles (maintenance and other) on-site in areas that are screened from the view of adjacent properties.

9. Chestnut shall exert its best efforts, consistent with County requirements, to maintain the existing landscape buffer between the Cross residence (628 Chestnut Avenue) and the Community.

10. Joppa Road shall be the main entrance to the Community for all staff, administration, visitor, delivery, maintenance, and emergency vehicles.

EXHIBIT B

1. All parties agree that there shall be no parking of vehicles related to the Community on streets in the surrounding neighborhood.

2. Chestnut, the Advisory Board, and the Association shall cooperate in requesting that appropriate County authorities establish or install such traffic control devices as are necessary to alleviate traffic problems on the roads surrounding the Community (Charles Street, Joppa Road, Greenwood Road, Chestnut Avenue).

3. At the request of the Association, Chestnut shall write a letter to appropriate County and State authorities suggesting that it would be inappropriate that any assessment for the Community be used as a "comparable" in fixing the assessments of surrounding properties.

4. Chestnut shall make a strong request to the Mission Helpers that they keep Chestnut and the Advisory Board informed as to their plans for the development of Parcel A.

5. The parties shall all work together with the appropriate County authorities to see that adequate water pressure is maintained for all.

EXHI0003.JAA

PROTESTANT'S EXHIBIT 1

September 12, 1988

Statement Prepared For Special Exception Hearing H89-89XA
on Monday, September 12, 1988
By Dr. Gordon B. Shelton
As an Individual Adjacent Property Owner and on Behalf of
The Advisory Board to The Towson Life Care Community

I am Gordon Shelton; my address is 500 Greenwood Road, [redacted]. I am speaking on behalf of myself as an adjacent property owner. I am also speaking on behalf of the Advisory Board to the Towson Life Care Community which has been established under the regulations of Bill #36-88. I am a member of the Board of Directors of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc.

SUBJECT: Impact T.L.C.C. will have on the rural residential neighborhood.

The Ruxton community, named after Nicholas Ruxton Moore, a Revolutionary War officer, began in approximately 1880 as a rural vacation retreat from Baltimore's oppressive summer heat. As the city and county grew to their present size, the neighborhood became a full-time residential community but retained its country atmosphere. With its unique blend of Victorian and contemporary architecture, large lots, winding country roads, grassy meadows and mature woodlots, Ruxton is like few metropolitan communities in our nation.

Because of the vigilance of its residents and their elected political representatives, Ruxton has been largely spared the ruinous strip zoning that has taken the soul of large parts of Lutherville, Timonium and Cockeysville and has turned the once scenic York Road into an unfortunate copy of Richie Highway.

The size of the proposed Towson Life Care Community threatens the rural country atmosphere of our neighborhood in every way. The developers made certain projections in size and commitments to our community at the project's inception, almost all of which have now ballooned to absurd proportions in the name of more money.

The roads serving the Mission Helpers are presently tranquil, shaded pleasures, with minimal traffic and many people enjoying a worry-free stroll, run or bike trip. The developers now estimate that their project will generate 400% more traffic than they estimated a few months ago. This reminds me of the direction of the cost estimates of the new stadium! The effects of this traffic flow (exhaust, dust, trucks, noise and danger to pedestrians) should put an end to any further attempts at tranquil walks on these lanes.

My backyard is regularly visited by racoons, opossums, foxes, an occasional deer and I have counted over 27 species of songbirds, owls and hawks. The stream that now flows through the Mission Helpers and joins the stream in my yard is host to fish, frogs, muskrats and ducks. The water is so clean that I have drunk from it. Sitting on the bench beside the convent's cemetary at dusk is a sound to behold. The intrusion of a population 200% higher than the developer's original estimates and a construction footprint 300% larger than the developer's original estimate should effectively put an end to nature's design and this man's appreciation of it.

We are all neighbors in Baltimore County, whether we live in Ruxton or Perry Hall or Glen Burnie. What we allow to happen in one area sets precedents for what can and will occur in another area. Mrs. Bachur's Life Care Bill's intention was to provide needed retirement for the elderly without damaging the host community. The ever-escalating size of the Towson Life Care Community threatens the soul of our neighborhood--the rural origins and atmosphere that make Ruxton unique and such a great place to raise a family. To quote a popular song, "And once you're gone, you can never come back" sums this up. We'll get no second chance to reverse the harm this project's size will do to nature's gifts and our neighborhood.

Section 502.1 states "Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not: [B.C.Z.R. 1955; Bill No. 45,1982.]

a. Be detrimental to the health, safety, or general welfare of the locality involved;

b. Tend to create congestion in roads, streets or alleys therein;

c. Create a potential hazard from fire, panic or other dangers;

d. Tend to overcrowd land and cause undue concentration of population;

e. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sppirit and intent of these Zoning Regulations.

The proposed development at the Mission Helpers is in violation of all these requirements. Furthermore, to quote Mrs. Bachur's Bill #36-88, the magnitude of the proposed Life Care Facility will be "detrimental to the use, peaceful enjoyment, and economic value of the surrounding properties and the general neighborhood" (p. 9, line 4) and it will also cause a "substantial change in the character of the neighborhood" (p. 10, line 21).

As your neighbor, I appeal to you to reduce the size and scope of this project to the promises originally made to us by the developers, ~~and~~ not ~~the~~ its present bloated, destructive, and indifferent proportions.

Gordon B. Shelton
Gordon B. Shelton

September 12, 1988

STATEMENT PREPARED FOR
SPECIAL EXCEPTION #89-89XA HEARING
MONDAY, SEPTEMBER 12, 1988
BY
HOWARD RITTER, JR.
AS AN INDIVIDUAL ADJACENT PROPERTY OWNER

PROTESTANT'S EXHIBIT 2

I am Howard Ritter, Jr. and I reside at 623 Chestnut Avenue, Towson, Maryland. I am speaking on behalf of myself as an adjacent property owner. I am a member of the Ruxton-Riderwood-Lake Roland Area Community Association.

I would like to address my remarks to the traffic conditions on the street on which I reside. Chestnut Avenue is less than .7 of a mile long. It runs from Joppa Road at its northern end to Charles Street at its southern end. On this short length of roadway there exist the following residences and institutional users:

1. Loyola High School - a private school of around 950 students in grades seven through twelve. This year, however, the school is expanding further and has added grade six.
2. Pickersgill - a Community Chest Home for the Aging with its residents, three-shift supporting staff, and daily service traffic.
3. Thirty homes whose residents age range is from one month to 70+ years.

There is a 25 mile posted speed limit. There are stop signs on the four roads feeding onto Chestnut Avenue (Trafalgar Road, Piccadilly Road, Chestnut Glen Garth, and Loyola Drive). There are two stop signs at the major intersections of Joppa Road and Charles Street.

Chestnut Avenue from its northern beginning at Joppa Road can perhaps best be described as a quiet, tree-lined street more apt to be found in the country rather than within one mile of our County seat. It is a fairly straight downhill shot to Charles Street. I did say fairly quiet, that is except between the hours 7-9 AM and 3-6 PM, particularly when Loyola High School is in session. During these hours the school and commuter traffic turn our road into a congested, noisy facsimile of the beltway at rush hour! Although one can see speeding cars all the time, in the late afternoon and evening the traffic using this road seems to see it as a speedway. Our Police Department has been most responsive and cooperative in providing radar surveillance. According to Sgt. Lang of the Traffic Division, during 1987 165 traffic citations were issued on Chestnut Avenue. Considering that the radar unit usually spends probably about 2 hours on any given day on Chestnut Avenue and I would suspect perhaps no more than once a week, that would result in approximately five citations per visit.

Some would argue this is not excessive - but if you are one of the many people who jog, ride their bikes, walk their dogs, push their strollers, or walk for the pleasure of it, you are quickly aware of the speeding vehicles. There have been incidents when residents out walking have been forced to lunge off of the road's edge for fear of being struck by car or bus. Yes, I did say bus. Several years ago the MTA begun bus service on Chestnut Avenue. These buses are wider than most cars and have some difficulty staying within the painted lane lines. An examination of the roadbed will also show the damage done by the pounding of these often speeding vehicles. In recent years, the water main cover in front of 629 Chestnut Avenue has had to be dug up and reset at least three times.

If one examines the traffic patterns along our street most will note that the early morning traffic is made up of students being transported to Loyola, or students driving themselves to school. If you see what happens at

the school, many vehicles turn around and head back up Chestnut. Why? Anyone attempting to make a left-hand turn onto Charles Street from Chestnut Avenue during just about any hour of the day take a great risk. During peak traffic hours it is just about impossible! Because vehicles just sit in line waiting to get out, others who will be making right-hand turns onto Charles Street edge up forming a double lane obscuring the vision of the driver trying to turn left. Oh yes, add to the left turn frustration those vehicles coming south on Charles Street and making left turns onto Chestnut Avenue and Boyce Avenue. Absolutely no quarter given! So, hence the turn around and return up Chestnut. If you try to back out of your driveway at these times you also know the frustration!

Not only does the morning period cause traffic problems but in the afternoon at school's end there is additional conjestion at Loyola. Cars are all over Chestnut Avenue, Chestnut Glen Garth, etc., waiting to pick up students. This is apparently done to avoid going through the pickup line provided on the school property and then waiting in line to exit onto Chestnut.

The picture I have drawn is, I believe, rather typical of any workday. The safety of all of us is continually at risk. Consider if you will what the added volume of traffic not necessarily from residents during the early hours but the necessary employes and service personnel (50 - 64 per shift) coming to and from the Life Care community will mean to this "quiet country road"! Think of the hazzards during the day for residents walking in the area, driving to visit friends or go to the store, etc., Consider also the added noise and conjestion more traffic will bring as well as added polution to the air.

For these kinds of concerns many of us feel that certain traffic considerations must be taken. The suggested traffic flow study should help to establish the need for better traffic speed control and flow. A traffic light at Charles and Chestnut is a must (what a help it would be to see the

speed along the south-bound Charles Street lanes be reduced from the 40's and 50's to the 35's where it should be!). Three-way stop signs would dramatically deter the speeders. These we feel should be placed at each of the following intersecting streets: Chestnut and Trafalgar, Chestnut and Piccadilly, Chestnut and Loyola Drive.

The increased density and population caused by this large life care facility will have conjestive impact on the existing traffic problems of Chestnut Avenue and the other surrounding roads. The impact of considerably increased traffic will have a detrimental impact on the character of the neighborhood. Therefore I feel the project in its present scope will be detrimental to the use, peaceful enjoyment and economic value of the surrounding properties and general neighborhood. It will cause a substantial change in the character of the neighborhood. It will be detremental to the safety and general welfare of the locality involved, it will tend to create congestion on roads, it will tend to overcrowd land and cause undue concentration of population.

Howard Ritter, Jr.
HOWARD RITTER, JR.
623 Chestnut Avenue
Towson, Maryland 21204

Statement Prepared For
Special Exception # 89-89XA Hearing
Monday, September 12, 1988
By
Charles O'Donovan III, M.D.
As an Individual Adjacent Property Owner

PROTESTANT'S EXHIBIT 3

[redacted] JHH

EXHIBIT 3

I am Dr. Charles O'Donovan III. I reside at 600 Greenwood Road. I am speaking on behalf of myself as an adjacent property owner. I am also a member of the Ruxton-Riderwood-Lake Roland Area Improvement Association.

In addressing the issue of the proposed Towson Community Life Care facility, my remarks will be confined to this area's environment and habitat and the impact this facility will have upon it.

The 45 acre tract on which the Mission Helpers' Convent now resides is unique in many ways. First- the amount of undeveloped open space existing within the confines of the Beltway is distinctly unusual.

Second - this property contains a variety of beautiful mature trees including oaks, maples, beeches, sycamores, firs, and pines. Many of these trees are not ordinary but are of specimen quality. These trees provide a striking visual impact which adds significantly to the rural setting of the adjacent neighborhood. In addition they function in the lands ecology by preventing erosion and providing a habitat for the wildlife in the area. How many of these trees will be sacrificed during the process of construction? How many will have their root systems so badly damaged they cannot survive? Can you replace trees which have taken over 100 years to mature, replace them with saplings, and retain the ecologic harmony and rural ambience this property provides? We do not believe this is possible given the existing

site plan.

Third - the Convent property is actually part of a watershed area which extends from Chestnut Avenue to Charles Street Extended. This property and its open space is a part of a larger ecologic system ending in Lake Roland rather than a tract of undeveloped land. This area serves as a unique natural habitat for a variety of animals and birds. Just a few miles north of the city line, one can find foxes, racoons, possum, ground hogs, and an occasional deer. Rabbits and squirrels abound. This area also serves at least 40 different types of songbirds whose numbers and variety are unusual. Raptors such as hawks and owls are common - supported by the food readily available in the existing ecosystem. This area is a stop over point for migrating songbirds each spring and fall. Wood ducks and mallards are frequently seen in the wetlands areas. It would be tragic and a sorry commentary on our concern for the environment to allow it to be altered to the degree currently proposed. The impact this project will have will be absolutely devastating.

Fourth - the Convent property is distinctly unique in that it contains approximately 10 acres of non-tidal wetlands. The wetlands are bounded by two streams. One originates in the northeast corner of the property and runs in a south and west course eventually forming the southern border of the property. This stream receives water from the wetlands to the north and from Loyola's athletic fields to the south. The other stream is just to the east of Greenwood Road. It is first seen in the area of the cemetary and runs south to join the first stream at the southwest corner of the property. The wetlands also receive water from underground

streams whose courses have not been defined.

The wetlands function as a sponge to absorb water run-off. They store water and provide a buffer against flooding. They are an important factor in sediment control and prevention of erosion. They also provide a natural habitat for the wide variety of birds and animals noted above.

While no development can take place in the wetlands themselves, we have serious concerns about the impact this development will have on the wetland's functional integrity. Given the size and building placements, one can readily see that much open space will be lost. We see at least three dilemas.

1. Rain ordinarily falling on the existing open space will not be allowed to infiltrate downward to the underground water channels because the open space will have been replaced by impervious surfaces related to buildings, parking lots, roads and walkways. This water which ordinarily sustains the wetlands will no longer be available and the wetlands may dry up and be lost forever.
2. The predictable increase in surface water run-off due entirely to these new impervious surfaces is to be channeled into a storm water managament pond adjacent to the wetlands. The pond is simply a catchment area and has none of the attributes ascribed to the wetlands. The pond is in fact a sterile area placed only to prevent flooding. It is not a substitute for the wetlands and probably will affect them in a detrimental way due to the changes in the natural water flow.
3. Underground streams discovered during construction will be directed and channeled by pipes. This rerouting of the natural flow of water into the wetlands has the capacity to change their function and character forever, and has the potential to create new wetlands elsewhere. Underground water must not be allowed to be

channeled into the existing stream beds. Should this occur, the water volume carried by these streams will be markedly increased with the very real potential of causing property damage to those home owners downstream through erosion and flooding. If these streams carry increased water volumes, the potential for flooding will not require the advent of a major storm. Finally, the nutrients and ecologic poisons usually utilized or neutralized by the wetlands will be allowed to escape and will eventually end up in the Bay where they are neither desired or wanted.

Thus we have great concerns that these dilemas will not be adequately addressed by the developers. It is disturbing that the infiltration method of storm water management - the preferred method according to the Maryland Department of Natural Resources - has not been considered by the land planners. The size and scope of this project will probably overwhelm the resilence of this delicate ecosystem. Although the adverse impact this project will have on the environment and habitat may be diminished through planning, the present site plan clearly indicates environmental concerns are not a first line priority. The simplest and most direct way to reduce this plans' adverse impact is to reduce its size and density. By retaining more open space, the environment may be able to protect us from ourselves.

Thus I believe the proposed life care facility, as presented, will be "detrimental to the use, peaceful enjoyment, and economic value of the surrounding properties and the general neighborhood" (Bill# 36-88 p. 9 line 4) and it will cause a "substantial change in the character of the neighborhood." (Bill # 36-88 p.10 line 21).

Further, Section 502.1 states "Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not: (B.C.Z.R. 1955; Bill No. 45,1982.)

a. Be detrimental to the health, safety, or general welfare of the locality involved;

b. Tend to create congestion in roads, strents or alleys therein;

c. Create a potential hazard from fire, panic or other dangers;

d. Tend to overcrowd land and cause undue concentration of population;

g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; nor;

h. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations.

The proposed development on the Mission Helpers' Convent site is in violation of all these requirements.

Respectfully

Charles A. Daignault M.D.

STATEMENTS PREPARED FOR

SPECIAL EXCEPTION # 89-89XA HEARING

MONDAY, SEPTEMBER 12, 1988

BY

ALEXANDER T. DAIGNAULT JR.

AS AN INDIVIDUAL ADJACENT PROPERTY OWNER AND

ON BEHALF OF THE ADVISORY TO

THE TOWSON LIFE CARE COMMUNITY

PROTESTANT'S EXHIBIT 4

Good Morning. My name is Alexander Daignault and I am speaking on behalf of myself as an adjacent property owner, on behalf of the Advisory Board which has been established under the regulations of Bill #36-88, and as a member of the Ruxton-Riderwood-Lake Roland Improvement Association., Inc.

My neighbors this morning have been presenting to you many of their concerns about the Towson Life Care Community project:

1. Density
2. Traffic
3. Loss of Open Space
4. Storm Water Management
5. Visual Impact of Proposed Buildings
6. Environmental Impact
7. Noise
8. Security

Certainly each of these items are individually important, and each has its own separate concerns; such as safety and congestion issues which are concerns when discussing traffic. But in their entirety they makeup the very character of the neighborhood. Clearly it is that overall character which significantly effects the property values of the neighborhood.

We believe strongly that the proposed size of the Towson Life Care Community both in footprint and in density jeopardizes the character of our neighborhood and as such detrimentally effects our property values.

A potential home purchaser is attracted to our neighborhood by its quiet rural nature. Today we find that unique atmosphere threatened by not only by the Towson Life Care Facility as proposed, but by increased enrollment at Loyola High School, and by the plans of The Pickersgill Home to add approximately 100 Life Care apartments to their existing property. There can be no doubt that if this development of our neighborhood is permitted to proceed without careful considerations of the implications to the character of the neighborhood our property values will surely suffer.

We ask that you recognize the overall problem facing our neighborhood, and that you insist on a reduction in the size and density of the Towson Life Care Community in order to lessen the detrimental impact of this development. Additionally we ask that you insist on covenants preserving the open lands of the development, and in guaranteeing any future reuse of the property as only a life care facility. We feel strongly that these covenants are needed to preserve as best we can our unique neighborhood atmosphere.

In closing I want to reiterate that we recognize the great need that the county will have in the future for life care facilities, and have supported the use of the Mission Helper property as such a facility. We believe that to be the responsible reaction of responsible citizens. We ask only that you likewise act responsibly in recognizing that the Towson Life Care Community in its proposed form violates the spirit and intent of Bill #36-88 in regards to its impact on the neighborhood.

Thank You.

Alexander T. Daignault Jr.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY THAT ON THIS 11 day of September, 1988, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared Robert E. Scott JR. Nancy W. Horst and made oath in due form as follows:

1. Gail B. O'Donovan is Chairman of the Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc.

2. She is currently a duly elected member of the Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc., she is authorized to speak for and present the views of the Association, and has accurate knowledge of number of members in the Association, and the geographical limits of the Association.

3. In addition, Gail B. O'Donovan is currently serving as Chairman of the Advisory Board for the proposed Towson Life Care Facility (Institute of Mission Helpers). This Advisory Board is provided for in Bill No. 36-88., she is authorized to speak for and present the views of the Advisory Board.

ATTEST:

Nancy W Horst
Secretary

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC.

By: Robert E. Scott JR.
President

AS WITNESS my hand and notarial seal: Lisa Kelly 7/1/90

PROTESTANT'S EXHIBIT 5

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY THAT ON THIS 11 day of September, 1988, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared Robert E. Scott JR. Nancy W. Horst and made oath in due form as follows:

1. John Carroll Holzer and the firm of Holzer, Mayer & Demillo are appointed as counsel for both the Ruxton-Riderwood-Lake Roland Area Improvement Association and the Advisory Board of the proposed Towson Life Care Facility at any such hearing or proceeding.

ATTEST:

Nancy W Horst
Secretary

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC.

By: Robert E. Scott JR.
President

ADVISORY BOARD

By: Gail B. O'Donovan
Chairman

AS WITNESS my hand and notarial seal:

Lisa Kelly
Notary Public

My Commission expires: 7/1/90

Traffic Study
for

TOWSON LIFE CARE COMMUNITY
Towson, Maryland

Prepared for
LIFE CARE SERVICES, INC.

PETITIONER'S EXHIBIT 1

August 3, 1988

THE TRAFFIC GROUP, INC.

TOWSON LIFE CARE COMMUNITY

DAFT - MCCUNE - WALKER, INC.

ENGINEERS & SURVEYORS
LANDSCAPE ARCHITECTS
200 E. PENNSYLVANIA AVE.
TOWSON, MD. 21286
TELEPHONE (301) 296-3333

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OCT 14 1988
DAFT-McCUNE-WALKER, INC.

SCALE 1"=50'

CHESTNUT AVENUE

JOPPA ROAD

PHASE I
5 STORY RESIDENTIAL

PHASE I & II
6 STORY RESIDENTIAL

PARKING

PARKING

PARKING

PARKING

PARKING

PARKING

HEALTH CENTER
PHASE II

PARKING

PARKING

PARKING

PARKING

PARKING

PARKING


HEALTH CENTER
PHASE II
PARKING
PARKING
PARKING
GREENWOOD ROAD