

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION - E/S of York Road at Thornton Mill Road (13801 York Road) 8th Election District 3rd Councilmanic District Friends Lifetime Care Center of Baltimore - Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-376-SPHX

AMENDED ORDER

WHEREAS, the Petitioners requested certain relief pursuant to the Petitions for Special Hearing and Special Exception filed in the above-captioned case;

WHEREAS, by Order issued April 13, 1990, the relief requested was granted, subject to restrictions;

WHEREAS, Counsel for the Petitioners notified this office of factual discrepancies set forth in the Order, including the omission of a portion of the relief granted;

WHEREAS, upon review of the case file, the Zoning Commissioner has determined that said factual discrepancies and omissions do exist and should therefore be corrected by an Amended Order;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of May, 1990 that the Order issued April 13, 1990 be and the same is hereby AMENDED as follows:

- 1) That the Petition for Special Hearing request set forth in Paragraph 1, Page 1 of said Order should also include a request for a modification of Paragraph 2 of the Order issued in Case No. 77-185-XASPH by adding the following sentence thereto: "The Site Plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning shall be permitted in D.R. zones by special exception. Petitioners propose the construction of a three-story addition to the existing Community Center which will contain 25 one-bedroom and 2 studio living units, a therapeutic/recreational swimming pool, and approximately 3600 sq.ft. of space for additional ancillary medical providers, office and activity space. Further, plans include the renovation of 16 rooms in the existing Community Center to provide comprehensive nursing accommodations. Testimony indicated that the proposed improvements will extend in part beyond the boundaries of the previously approved special exception and will also exceed the 300-foot maximum building elevation width permitted under the B.C.Z.R. Testimony indicated that the proposed use of the property as a continuing care facility is appropriate in this instance and meets the conditions set forth in the special exception requirements."

those remaining portions of the property presently used as an elderly housing and retirement community, also zoned D.R. 16 and D.R. 1, for a combined use as a continuing care facility. Testimony indicated that at the time the previous special exception was granted, the B.C.Z.R. did not contain any provision for a continuing care facility. In 1988, Section 101 of the B.C.Z.R. added the definition for a continuing care facility and new Section 1801.1C was added which provides that such facilities shall be permitted in D.R. zones by special exception. Petitioners propose the construction of a three-story addition to the existing Community Center which will contain 25 one-bedroom and 2 studio living units, a therapeutic/recreational swimming pool, and approximately 3600 sq.ft. of space for additional ancillary medical providers, office and activity space. Further, plans include the renovation of 16 rooms in the existing Community Center to provide comprehensive nursing accommodations. Testimony indicated that the proposed improvements will extend in part beyond the boundaries of the previously approved special exception and will also exceed the 300-foot maximum building elevation width permitted under the B.C.Z.R. Testimony indicated that the proposed use of the property as a continuing care facility is appropriate in this instance and meets the conditions set forth in the special exception requirements.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Paragraph 3 of said Order be modified by substituting the words "continuing care facility" for the words "convalescent home" so as to provide that the variances granted therein shall continue to apply to the use of the property as a continuing care facility."

- 2) That the acreage set forth in Page 2, Paragraph 1 of the Order issued on April 13, 1990 in Case No. 90-376-SPHX be corrected as follows:

That the subject property consists of a total acreage of 80.83 acres, of which 12 acres are zoned D.R. 16, 37.79 acres are zoned D.R. 1 and 31.04 acres are zoned R.C. 4.

- 3) That the word "proposed" in the phrase "proposed Community Center" in the third to the last line of the first paragraph on Page 1 be deleted, and the following words added after the word "Center": "including any and all additions thereto".

IT IS FURTHER ORDERED that the additional relief requested herein, pursuant to the subject Petitions for Special Hearing and Special Exception, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the conditions and restrictions contained in the Order dated April 6, 1977 in Case No. 77-185-XASPH, and those contained in the Order dated April 13, 1990 in Case No. 90-376-SPHX shall remain in full force and effect.

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

JRH:bjs

cc: Thomas M. Trezise, Esquire
James G. Prince, Esquire
Semmes, Bowen & Semmes
250 W. Pratt Street, Baltimore, Maryland 21201

People's Counsel

File

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION - E/S of York Road at Thornton Mill Road (13801 York Road) 8th Election District 3rd Councilmanic District Friends Lifetime Care Center of Baltimore - Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-376-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to amend the previously approved site plan in Case No. 77-185-XASPH to revoke the previously approved special exception to use the 4.57 acre portion of the subject property for a convalescent home to permit the use of said 4.57 acres together with the remaining property zoned D.R. 1 and D.R. 16 for a continuing care facility as that term is defined in the Baltimore County Zoning Regulations (B.C.Z.R.). Petitioners also request a special exception to permit the use of those portions of the subject property zoned D.R. 1 and D.R. 16 for a continuing care facility, and to permit maximum building elevation widths of 420 feet in each direction of the proposed Community Center in lieu of the maximum permitted 300 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Richard F. Compton, Executive Director, appeared, testified and were represented by Thomas M. Trezise, Esquire and James G. Prince, Esquire. Also appearing on behalf of the Petitions were George E. Gavrelis, Land Planner with Daft-McCune-Walker, Inc., Paul A. Hupfer, on behalf of the Greater Sparks-Glencoe Community Council, Michael and Helen Goshaney, nearby residents of the area, and Raymond T. Compton, George K. Anderson, Virginia E. Hessey and Herbert Butler, all residents of the subject property.

ORDER RECEIVED FOR FILING
Date 4/13/90
By J. Robert Haines

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of April, 1990 that the Petition for Special Hearing to amend the previously approved site plan in Case No. 77-185-XASPH to revoke the previously approved special exception to use the 4.57 acre portion of the subject property for a convalescent home to permit the use of said 4.57 acres together with the remaining property zoned D.R. 1 and D.R. 16 for a continuing care facility as that term is defined in the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit the use of those portions of the subject property zoned D.R. 1 and D.R. 16 for a continuing care facility, and to permit maximum building elevation widths of 420 feet in lieu of the maximum permitted 300 feet for the proposed addition to the Community Center, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the conditions and restrictions contained in the Order dated April 6, 1977 in Case No. 77-185-XASPH shall remain in full force and effect.

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

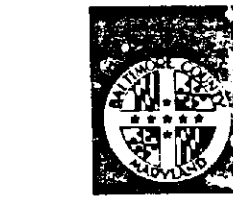
JRH:bjs

ORDER RECEIVED FOR FILING
Date 4/13/90
By J. Robert Haines

Testimony indicated that the subject property, known as 13801 York Road, consists of 130.62 acres, of which 24.00 acres are zoned D.R. 16, 75.58 acres are zoned D.R. 1 and 31.04 acres are zoned R.C. 4. Said property is improved with an elderly housing and retirement community, including a core facility authorized for use as a nursing home with 107 beds, supportive offices, related medical services, common dining, community space and recreational space, as set forth in Petitioner's Exhibit 1. Testimony indicated Petitioners have operated a fully accredited life care or continuing care community on the subject property since December 1979. The development, known as Broadmead, was the subject matter of previous Case No. 77-185-XASPH in which a special exception was granted for the nursing home facility located on 4.57 acres of the subject property zoned D.R. 16 and D.R. 1. Broadmead presently consists of 242 single-story, garden style independent living units with a central "Community Center", which contains 35 intermediate care units, a 66-bed skilled nursing facility licensed for up to 72 beds, laundry rooms, ground and building maintenance facilities, indoor and outdoor recreational facilities and services, a lounge, an auditorium, craft areas, a bank branch, a country store, various personal services, libraries, meeting rooms, a coffee shop serving three meals per day, a main dining room serving lunch and dinner daily, and administrative offices. The property also contains various renovated buildings, including Holly House, shown as Building 1 on Petitioner's Exhibit 1, a 200-year old farm house that serves as a guest house, and various other former farm buildings located in the R.C. 4 portions of the site. Testimony indicated that at the present time, all of the 242 independent living units are occupied. Petitioners are desirous of utilizing the 4.57 acres presently used for the nursing home facility together with

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Town, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

April 13, 1990



Dennis F. Rasmussen
County Executive

Thomas M. Trezise, Esquire
James G. Prince, Esquire
Semmes, Bowen & Semmes
250 W. Pratt Street
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
E/S of York Road at Thornton Mill Road
(13801 York Road)
8th Election District - 3rd Councilmanic District
Friends Lifetime Care Center of Baltimore, Inc. - Petitioners
Case No. 90-376-SPHX

Dear Messrs. Trezise and Prince:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception been granted 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 867-3391.

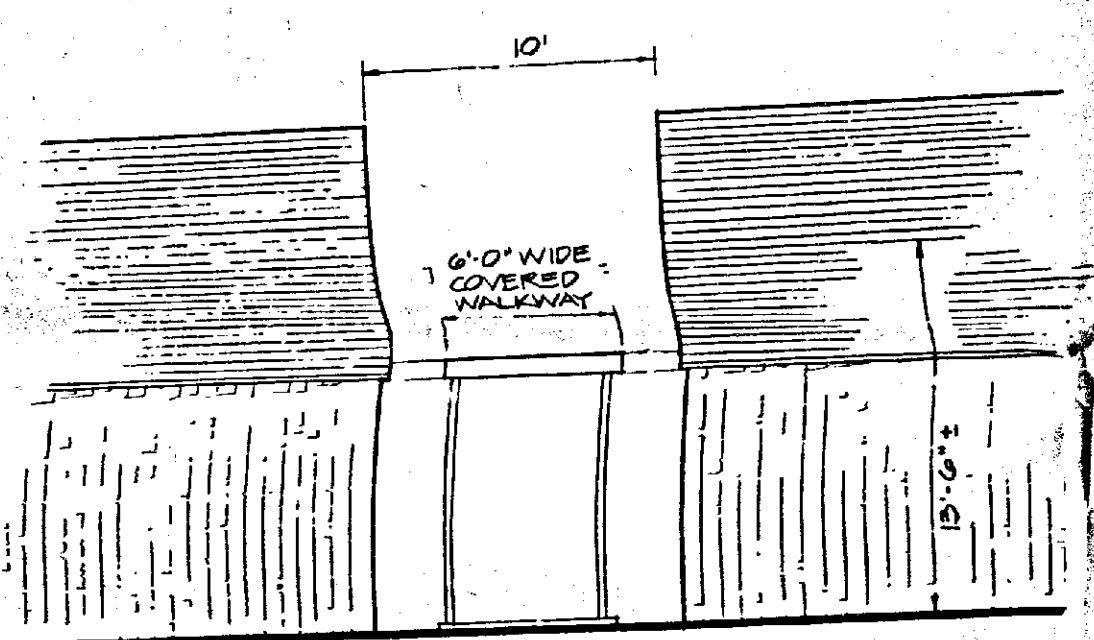
Very truly yours,

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

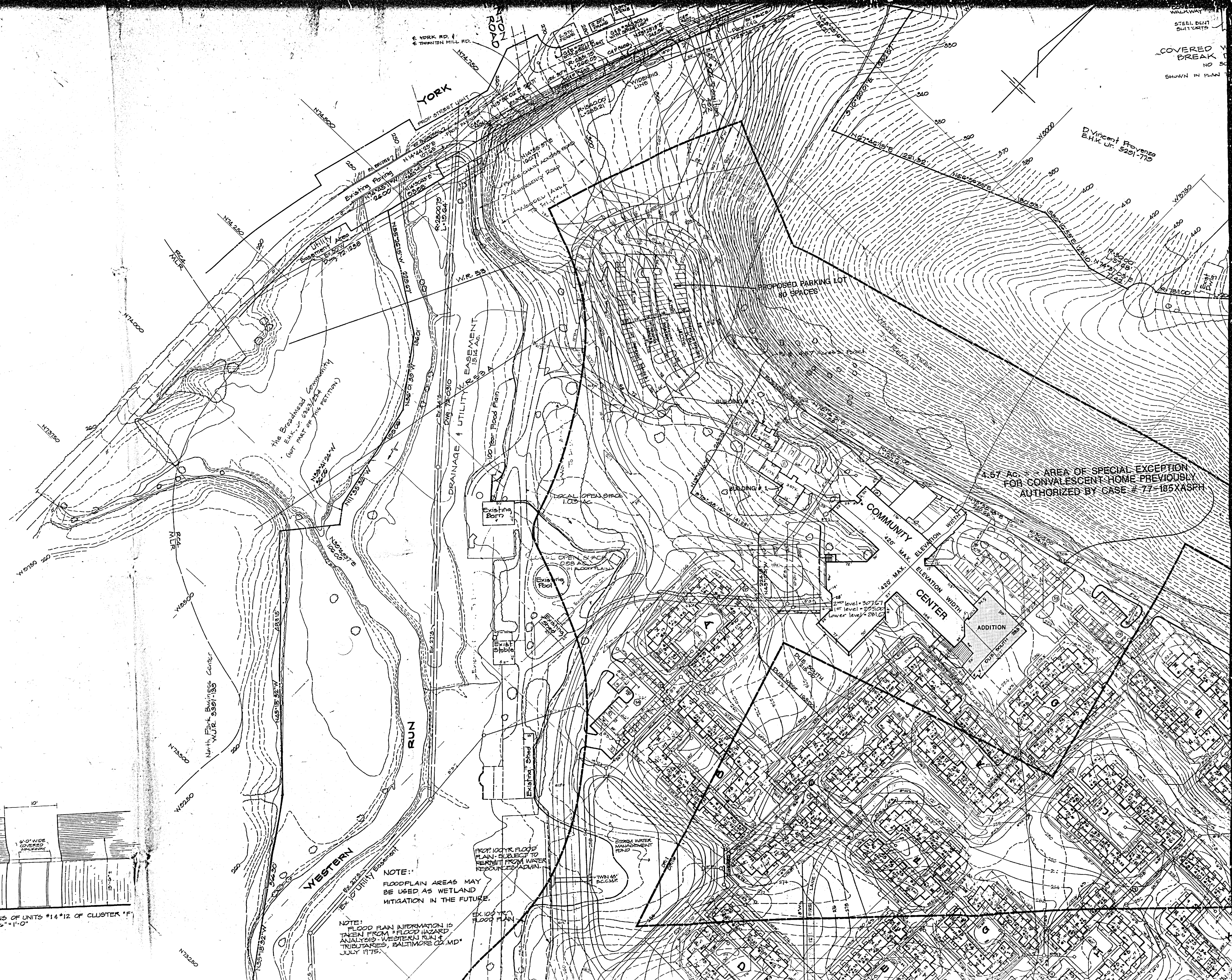
JRH:bjs

cc: People's Counsel

File



* ELEVATIONS OF UNITS #14*12 OF CLUSTER "F"
SCALE: 3/16"=1'-0"



NOTE:
FLOODPLAIN AREAS MAY
BE USED AS WETLAND
MITIGATION IN THE FUTURE.

NOTE:
FLOOD PLAN INFORMATION IS
TAKEN FROM "FLOOD HAZARD
ANALYSIS - WESTERN RUN
TRIBUTARIES, BALTIMORE CO., MD."
JULY 1975.

4.57 AC. ± AREA OF SPECIAL EXCEPTION
FOR CONVALESCENT HOME PREVIOUSLY
AUTHORIZED BY CASE # 77-185XASPH

COVERED
BREAK
NO
SHOWN IN PLAN

D Vincent Provenza
ENR. JR. 5201-710

247 PETITION FOR SPECIAL HEARING 90-376 SPHX

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 Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission and/or Deputy Zoning Commissioner should approve the amendment of the Order issued by the Deputy Zoning Commissioner in Case No. 77-185-XASPH by i) revoking the Special Exception created to use the 4.57 acre portion of the property shown on the attached plan and plat for a convalescent home on.

(See attachment for continuation)

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

I, or we, agree to pay expenses of the above Special Hearing 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: _____
(Type or Print Name)

Signature _____
(Type or Print Name)

Address _____
City and State _____

Legal Owner(s): FRIENDS LIFETIME CARE CENTER OF BALTIMORE, INC.
By: _____
(Type or Print Name) Richard F. Compton, Executive Director

Signature _____
(Type or Print Name)

Address _____
City and State _____

Attorney for Petitioner:
Thomas M. Trezise
James G. Prince
(Type or Print Name)

Signature _____
Address 13801 York Road, Cockeysville, MD 21030
City and State _____

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address 250 W. Pratt Street, Baltimore, MD 21201
City and State _____

Attorney's Telephone No.: 539-5040

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as of _____, 19____, 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 _____ day of _____, 19____, at _____ o'clock _____ A. M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

247 ATTACHMENT TO PETITION FOR SPECIAL HEARING

the grounds that the undersigned desires to utilize the 4.57 acre parcel together with the balance of those portions of the property zoned DR-1 and DR-16 for a continuing care facility as that term is defined in the Baltimore County Zoning Regulations (the undersigned has filed simultaneously herewith a Petition for Special Exception for a continuing care facility); ii) modifying Paragraph No. 2 of the Order by adding the following sentence thereto: "The site plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning shall for purposes of this Order be deemed to be the plan entitled 'Plan and Plat to Accompany Zoning Petition, dated January 25, 1990 prepared by Daft-McCune-Walker, Inc.', and any approved amendments thereto"; and iii) modifying Paragraph No. 3 of the Order by substituting the words "continuing care facility" for the words "convalescent home" so as to provide that the variances granted therein shall continue to apply to the use of the Property as a continuing care facility.

The foregoing referenced site plan is the plan which has been submitted with this Petition.

DAFT-MCCUNE-WALKER, INC. 200 East Pennsylvania Avenue Towson, Maryland 21204 301 296 3333 FAX 301 296 4705
Land Planning & Development Consultants

90-376 SPHX

Description
49.79 Acre Parcel for Special Exception
for a Continuing Care Facility
In DR 1 Zone and DR 16 Zone

Land Planning
Engineering
Landscape Architecture
Surveying
Computer Design
Graphics

Beginning for the same at a point on the southeast right-of-way line of York Road, said point being located 532 feet, more or less, northeasterly from the center of Thornton Mill Road and being the northwesternmost corner of the parcel of land now owned by Harry A. Dundore and running thence along the northern outline of Dundore's land (1) North 57 degrees 25 minutes 44 seconds East 185.43 feet, (2) South 10 degrees 20 minutes 01 second East 252.07 feet, (3) North 67 degrees 46 minutes 15 seconds East 221.32 feet, (4) North 66 degrees 56 minutes 55 seconds East 180.93 feet, (5) South 82 degrees 16 minutes 55 seconds East 128.10 feet, and (6) North 74 degrees 37 minutes 05 seconds East 77.42 feet to the end of a thirty foot wide road, thence binding along the northwest side of said road, with the use thereof in common with others entitled thereto, (7) 57.68 feet in a northeasterly direction along an arc of a curve to the right having a radius of 30 feet, said arc being subtended by a chord bearing North 52 degrees 58 minutes 08 seconds East 49.20 feet, (8) 204.47 feet in a northeasterly direction along an arc of a curve to the left having a radius of 781.00 feet, said arc being subtended by a chord bearing North

Page 1 of 3

247 PETITION FOR SPECIAL EXCEPTION 90-376 SPHX

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 the portions of the property for a convalescent care facility (as that term is defined in Section 101 of the Baltimore County Zoning Regulations) as authorized by Section 1801.1.C of the Regulations. The undersigned hereby further petitions for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County to permit maximum building elevation widths (See attachment for continuation)

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: _____
(Type or Print Name)

Signature _____
(Type or Print Name)

Address _____
City and State _____

Legal Owner(s): FRIENDS LIFETIME CARE CENTER OF BALTIMORE, INC.
By: _____
(Type or Print Name) Richard F. Compton, Executive Director

Signature _____
(Type or Print Name)

Address 13801 York Road, Cockeysville, MD 21030
City and State _____

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address 250 W. Pratt Street, Baltimore, MD 21201
City and State _____

Attorney's Telephone No.: 539-5040

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, 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 _____ day of _____, 19____, at _____ o'clock _____ A. M.

FILED 1/30/90 BY JSH
Any Time On Day
1 Day Hearing Time

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

Page 2 of 3

247 BROAD MEAD 90-376 SPHX

H.O.
Question arises as to the Old Special Exception. Can he petition for the new proposed facility? I think the way George Garraux wanted to do the address this seems to be by removing the old SPX by SPX. I do not intend to think that the old SPX can be petitioned for the new area of the continuing care facility. George also did not intend to address RTA requirements since the unit on site are existing.

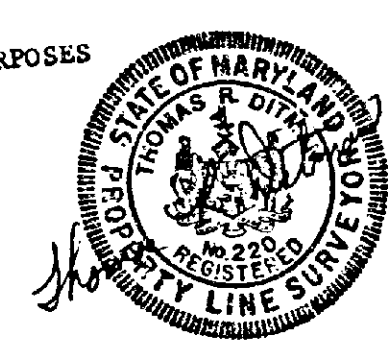
John Haines
1/30/90

90-376 SPHX

NAME	ADDRESS
FRIENDS LIFETIME CARE CENTER OF BALTIMORE, INC.	13801 YORK RD. COCKEYSVILLE, MD. 21030
by Thomas M. Trezise, James Prince, and Semmes, Bowen & Semmes + Richard Compton, Attorneys	
George F. Garraux	DIVIN 280 E PENN AVE 2204 13801 York Rd - Broadmead
George K. Anderson	" " " "
Raymond T. Compton	" " " "
Virginia P. Hynes	13945 York Rd
Thomas H. Hynes	" " " "
Michael J. Hynes	13801 York Rd
Michael H. Hynes	CRISTINA - SHAPI - GILMAN COMMUNITY CENTER 881 WASHINGTON BLVD SPANISH BALTIMORE 21212
Paul A. Hupfer	

seconds West 36.06 feet, (23) North 11 degrees 35 minutes 32 seconds West 199.06 feet, (24) North 36 degrees 01 minutes 39 seconds West 136.01 feet, and (25) North 55 degrees 20 minutes 15 seconds West 229.67 feet to a point on the southeast right-of-way line of York Road, thence binding on said right-of-way line (26) North 14 degrees 50 minutes 43 seconds East 93.98 feet, (27) 19.64 feet in a northeasterly direction along an arc of a curve to the right having a radius of 2800.79 feet, said arc being subtended by a chord bearing North 15 degrees 02 minutes 46 seconds East 19.64 feet, (28) North 74 degrees 45 minutes 11 seconds West 26.00 feet, (29) North 14 degrees 44 minutes 25 seconds East 107.65 feet, (30) North 13 degrees 52 minutes 02 seconds East 29.71 feet, (31) 269.03 feet in a northeasterly direction along an arc of a curve to the right having a radius of 2831.79 feet, said arc being subtended by a chord bearing North 20 degrees 44 minutes 55 seconds East 266.93 feet, (32) North 23 degrees 28 minutes 13 seconds East 242.94 feet, and (33) North 25 degrees 29 minutes 16 seconds East 82.21 feet to the place of beginning, containing 80.83 acres of land, more or less. Saving and excepting there from all that 31.04 acres of land, more or less, zoned RC-4, as shown on plat to accompany petition for a continuing care facility.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.
January 24, 1990
Our Job No. 89171 (189171)



Page 3 of 3

#297
90-374 SPHX
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Brief in Support
of Petitions
for a
Special Hearing
and
Special Exceptions for Broadmead

Friends Lifetime Care Center of Baltimore, Inc., a Maryland not-for-profit membership ("Friends") has simultaneously filed two Petitions (the "Petitions") requesting that the Zoning Commissioner of Baltimore County (1) amend the Order issued in Case No. 77-185-XASPH by revoking the Special Exception granted to use the 4.57 acre portion of the Property (as hereinafter defined) for a convalescent home; modifying Paragraph No. 2 of the Order by adding the following sentence thereto: "The Site Plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning shall for purposes of this Order be deemed to be the plan entitled 'Plan and Plat to Accompany Zoning Petition, dated January 25, 1990, and Plat to Accompany Zoning Petition, dated January 25, 1990, prepared by Daft-McCune-Walker, Inc.', and any approved amendments thereto"; and modifying Paragraph No. 3 of the Order by substituting the words "continuing care facility" in lieu of the words "convalescent home" so as to provide that the Variances granted thereby shall apply to the use of the Property as a continuing care facility, and (ii) both grant a Special Exception for the DR zoned portions of the Property for a "continuing care facility" (as that term is defined under §101 of the Baltimore

County Zoning Regulations) (the "Regulations") as authorized by Section 1801.1.C of the Regulations, and a Special Exception to permit maximum building elevation widths of the Community Center (as hereinafter defined), including any additions thereto, of 420 feet in every direction.

Friends has lawfully operated a life care or continuing care community on the Property since September 1979. The Deputy Zoning Commissioner granted in Case No. 77-185-XASPH (the "1977 Order") a Special Exception authorizing the use of the 4.57 acre parcel on which the Community Center (as hereinafter defined) is located (the "Special Exception Parcel") as a convalescent home. At the time the Special Exception was granted, the Regulations did not contain any provision for a continuing care facility. It was only with the passage of Bill No. 36-88 in 1988 that the definition of "continuing care facility" was added to the Regulations. As will appear more fully from the facts set forth below, Broadmead clearly falls within the definition of a continuing care facility as that term is used in the Regulations. Since the nature of Broadmead's operation over the past ten (10) years has throughout that period fallen within the definition of a continuing care facility, Friend's request for a Special Exception for a continuing care facility simply constitutes a request to re-categorize that use which has existed continuously and lawfully over the past ten (10) years from a "convalescent home" to a "continuing care facility", and is not a request for

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permission to authorize a use which has not lawfully existed prior hereto.

Friends plans to commence promptly construction of a three-story addition of approximately 27,000 square feet to the existing Community Center, containing 25 one-bedroom and two studio living units, a therapeutic/recreational swimming pool, and approximately 3,600 square feet of space for additional ancillary medical providers, office space and activity space (the "1989 Project"). The 1989 Project will also include the renovation of 16 rooms in the existing Community Center to provide comprehensive nursing accommodations. The construction of the 1989 Project, however, will extend in part beyond the boundaries of the Special Exception Parcel approved by the 1977 Order. Friends, therefore, cannot construct the 1989 Project unless the Zoning Commissioner either a) modifies the Special Exception granted by the 1977 Order to enlarge the boundaries of the Special Exception Parcel so as to include the area of the building footprint of the 1989 Project and allow for the required minimum building setbacks required between the Community Center as it will be expanded and the boundary lines of the Special Exception Parcel, or b) grants a Special Exception authorizing the existing use of the DR zoned portions of the Property as a continuing care facility.

Friends has determined that it is in the best interests of the residents of Broadmead to petition the Zoning Commissioner for a Special Exception to authorize the existing use as a

-3-

continuing care facility of the DR zoned portions of the Property. Friends reasons that if the Special Exception is granted, Friends will enjoy certain flexibility under the Regulations which it would not otherwise possess and will not automatically need to petition for a modification to the 1977 Order each time Friends desires to expand the Community Center (although no additional expansion other than the 1989 Project is presently contemplated). It appears to have been the clear intention of the Baltimore County Council in adopting Bill No. 36-88, which among other things added the definition of a continuing care facility to §101 of the Regulations and provided certain flexibility with respect to such a facility, to make the flexibility enacted by the Bill available to a project such as Broadmead.

I.

GENERAL DESCRIPTION OF BROADMEAD

Friends is the owner of approximately 84.4281 acres of land located along York Road in Cockeysville. 80.83 acres thereof is shown on the plat submitted with the Petitions (the "Property") (the balance of 3.5981 acres has not been shown on the plat since it constitutes vacant RC-4 land which is not relevant to these Petitions). The Property is made up of a combination of approximately 37.79 acres of DR-1 land, 12.00 acres of DR-16 land, and 31.04 acres of RC-4 land.

Residence at Broadmead is restricted to those persons who are 65 years of age or older, or couples where either the husband

-4-

or wife is 65 years of age or older and the other spouse is 62 years of age or older. Broadmead is designed to extend the period of independent living for older persons while at the same time maintaining their access to helping resources. Broadmead consists of 242 single-story, garden style independent living units, together with a central building (the "Community Center"). The Community Center contains 35 intermediate care units, a 66 bed skilled nursing facility licensed for up to 72 beds, laundry rooms, ground and building maintenance facilities, indoor and outdoor recreational facilities and services, a lounge, an auditorium, craft areas, a bank branch, a country store, various personal services, libraries, meeting rooms, a coffee shop serving three meals per day, a main dining room serving lunch and dinner daily, and administrative offices. The Property also contains various renovated farm buildings, including Holly House, a 200 year old farmhouse that serves as a guest house, all of which are located in the RC-4 area.

There are five different types of independent living units ranging from studio through two bedroom, two bath. All independent living units are equipped with a complete kitchen, draperies, wall-to-wall carpeting, individually controlled heating and air conditioning, bathroom, tub and shower (with grab bars), 24 hour emergency call system, smoke detectors and private patio. Broadmead maintenance services, which include linen service and trash pick-up and disposal, free its residents (the "Residents") from the normal cares of home ownership and

-5-

apartment living. Covered walkways connect the various unit clusters with one another and with the Community Center in order to protect the Residents from the elements, thereby enhancing their independence and mobility. As of the end of calendar year 1989, 375 persons were Residents. As of the end of calendar year 1989, all 242 of the living units were occupied, with the average age of the Residents being approximately 83.4 years. There is currently a waiting list with respect to approximately 636 living units. The 242 independent living units and Community Center are all located within the DR portions of the Property. There are presently no plans to develop the RC-4 portion of the Property.

II.

SPECIAL HEARING FOR AMENDMENT TO ORDER
ENTERED IN CASE NO. 77-185-XASPH

In Case No. 77-185-XASPH, the Deputy Zoning Commissioner entered an Order which: a) granted a Special Exception to use a 4.57 acre portion of the Property for a convalescent home; b) granted Variances to permit 190 parking spaces in lieu of the required 301 spaces; to permit parking more than 300 feet from a living unit, but less than 500 feet from a living unit; to permit a distance between building walls without windows of 10 feet instead of the required 16 feet; to permit parking to be located in areas not related to the front of the buildings as required in Section 504 and to permit a distance of 15 feet between existing buildings Nos. 1 and 2 instead of the required 125 feet, and to permit a distance between the proposed convalescent home and

-6-

permit a distance between the proposed convalescent home and office building No. 1 of 60 feet instead of the required 110 feet; and c) determined that the interpretation of certain of the Regulations sought by Friends pursuant to Special Hearing was accurate, the Order being subject to the following conditions:

1. Office space on the subject property must be restricted to the administrative uses of Broadmead.
2. Compliance with a site plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning.
3. The Special Exception, Special Hearing, and Variances herein described in sections "A" through "E" are hereby restricted to the use of the subject property as a convalescent home. Should the use be abandoned, or cease for any reason, this Order becomes null and void.

Friends has filed a Petition for a Special Exception for a continuing care facility. Assuming that the Zoning Commissioner grants this Special Exception, the portion of the Order entered in the above case which granted a Special Exception to Friends to use the separate 4.57 acre portion of the Property on which the Community Center is located as a convalescent home should be revoked, since in light of the new category for "continuing care facility" under the Regulations, it may now be viewed as inconsistent with the use of the Property as a continuing care facility. The DR portions of the Property as a whole, and not simply the 4.57 acre parcel, are being utilized for the continuing care facility. Under the Regulations, the 4.57 acre parcel is to be treated as a component of the rest of the Property for the purposes of the Special Exception for a

-7-

continuing care facility, and is not to be treated in isolation as it quite properly had been under the Regulations in force at the time the Order was entered.

The Order entered in the above case also should be modified in Paragraph No. 2 by adding the following sentence thereto: "The site plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning shall for purposes of this Order be deemed to be the plan entitled 'Plan and Plat to Accompany Zoning Petition, dated January 25, 1990, prepared by Daft-McCune-Walker, Inc.', and any approved amendments thereto". The aforesaid Site Plan shows the location of two additions added to the Community Center in 1984 and 1986, respectively, as well as the proposed building footprint for the 1989 Project. Furthermore, the aforesaid site plan is more detailed than the site plan filed in Case No. 77-185-XASPH. Because a number of physical changes have taken place within Broadmead since the time the original site plan was filed in the foregoing Case, it is no longer appropriate to require compliance with the original site plan. By the terms of the Order, if Friends fails to comply with the site plan approved by the various agencies mentioned above, Friends will be in violation of the Order. Since Friends continues to require the Variances granted by that Order, it is crucial that Friends comply with the terms of the Order. The Order should therefore be amended as required.

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The Order entered in the above case also needs to be modified in Paragraph No. 3 by substituting the words "continuing care facility" in lieu of the words "convalescent home" so as to provide that the Variances granted therein shall continue to apply to the use of the Property as a continuing care facility. By the express terms of the Order, the Variances were restricted to the use of the Property as a convalescent home, and therefore might be interpreted to apply no longer to the Property when used as a continuing care facility. Since the use of the Property as a continuing care facility will continue to be used for a will not change, but the Property will continue to be used for continuing care community in the same manner as it has been used for the last 10 years, Friends will receive no more from such an amendment than that to which it is already entitled by the Order. It is clear, therefore, that the Order should be amended as requested.

III.

A. SPECIAL EXCEPTION FOR CONTINUING CARE FACILITY

As defined under §101 of the Regulations, a continuing care facility is:

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.

As mentioned above, Broadmead contains 242 independent living units which are each equipped with a 24 hour emergency call system, and to which a full range of maintenance services,

including but not limited to linen service, trash pick-up and disposal, are supplied. The covered walkways which connect the various unit clusters with one another and the Community Center are specially designed to enhance the Residents' independence. The Residents' meals, as well as banking and various other personal services, and recreational activities, are provided in the Community Center. The age restriction requirements imposed by Friends for residency at Broadmead are even more restrictive than those required by the Regulations for a facility to qualify as a "continuing care facility". Occupancy of Broadmead is restricted to those persons 65 years of age or older or couples where either the husband or wife is 65 years of age or older and the other spouse is 62 years of age or older. The Community Center also contains a skilled nursing facility to provide for the health needs of the Residents. The skilled nursing facility provides three distinct levels of care. The first level is designed to meet the needs of persons in custodial care involving nursing procedures on a continuing basis. The second level is designed for the person needing the minimal level of nursing care. Such persons are long-term custodial patients who are ambulatory but do require a daily nursing care plan. The third level of care is designed to meet the needs of persons living in the independent living units and is provided through an out-patient center located within the nursing facility.

Based on the foregoing discussion, Broadmead clearly falls within the definition of a continuing care facility as that term

is used in §101 of the Regulations. Section 1B01.1.C provides that a continuing care facility shall be permitted in DR Zones by special exception. Although the Property contains 31.04 acres of RC-4 land, as mentioned above that land contains none of the independent living units or the Community Center.

Section 502.1 of the Regulations states that before the Zoning Commissioner may grant any Special Exception, it must appear that the use for which the Special Exception is requested will not:

(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 the land and cause undue concentration of population;

(e) Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;

(f) Interfere with adequate light and air;

(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 following analysis of the facts indicates that the use of the DR portions of the Property for a continuing care facility is completely consistent with each of the above conditions, and that

locality involved. The 1989 Project will consist of a three story addition of approximately 27,000 square feet to the existing Community Center, containing 25 one-bedroom and two studio living units, a therapeutic/recreational swimming pool, and approximately 3,600 square feet of space for additional ancillary medical providers, office space and activity space, and will also involve the renovation of 16 rooms in the existing Community Center to provide comprehensive nursing accommodations. Even after completion of the 1989 Project, Friends will be well within the applicable density limits for continuing care facilities imposed by the Regulations. The DR portions of the Property have an allowable density of 229.79 units. After the completion of the 1989 Project, Friends will have used only 204.5 units, thus leaving 25.29 units remaining unused (See Daft-McCune-Walker's Notes on the plat filed herewith for details concerning how density has been calculated). Furthermore, the 1989 Project will not change the use being made of the Property. It simply constitutes an addition to the Community Center of additional living units, space for additional health care providers, recreational facilities and office space, all of which are uses presently being made of the Community Center.

In addition, neighboring properties are well-insulated from the Community Center and will be well-insulated from the 1989 Project as well. The Community Center is more than

450 feet from the border of the Property on all sides. Directly to the north it is buffered from other property owners by steeply graded woodland. To the south and southeast, it is buffered by the independent living units and to the west it is buffered by gently sloping open lawn areas, woodlands and the Western Run Stream Valley. Finally, it can truly be said that not only is Broadmead not detrimental to the health, safety or general welfare of the locality involved, but rather, when examined in the larger context, contributes significantly to the health, safety and general welfare of Baltimore County. Broadmead enables its residents, many of whom were previously residents of Baltimore County, and who are admitted without regard to race, color, creed or national origin, to lead independent lives for a much longer period than they could if they were living on their own, all within the context of a warm and congenial environment which is both personally and intellectually stimulating and which offers the opportunity to pursue a productive and satisfying life. Perhaps the best evidence of the strong need for Broadmead is the 100% occupancy of the 242 independent living units (as of November 15, 1989) and the fact that there is currently a waiting list with respect to approximately 636 living units.

(b) Does not and will not tend to create congestion in roads, streets or alleys therein. In contrast to almost any other development for a tract of the size of the Property,

Broadmead produces an absolute minimum of traffic. Because Broadmead is so highly self-contained, the use of Broadmead generates only approximately 25% of the average number of daily trips normally attributed to a single-family development of a comparable number of units. What traffic Broadmead does generate exits onto York Road, a main road. The entrance roads on the Property are designed and located so as to provide safe ingress to, and egress from, Broadmead. The addition of the 1989 Project is not expected to generate a substantial increase in the traffic generated by the Property. Only 27 living units will be added; the majority of those residents occupying these units in the Community Center are not expected to drive at all. Broadmead does not expect to add more than approximately 3 employees as a result of the 1989 Project.

(c) Does not and will not create a potential hazard from fire, panic or other dangers. The licensing requirements for skilled nursing facilities are more stringent than requirements for other types of buildings in the community. In addition, a special fire alarm system and Security System Patrols are a part of Broadmead's operations. Broadmead also conducts special training programs for the Residents to encourage safety and fire prevention. Each of the independent living units is equipped with smoke alarms and fire extinguishers.

such use is not detrimental to the health, safety or general welfare of the locality involved.¹

The use of the DR portions of the Property for a continuing care facility:

(a) Is not and will not be detrimental to the health, safety or general welfare of the locality involved. Friends has been operating the Broadmead Community Care Facility on the Property continuously since September 1979. For most of this period, the independent living units have been occupied at close to 100% capacity. Friends has received no complaints concerning Broadmead during this period from residents of other properties in the locality, and is not aware of any such complaints having been made to the Zoning Commissioner or any other local or state authorities. Indeed, the absence of any complaints and the fact that Broadmead has operated continuously for more than 10 years constitutes the best evidence that the use of the DR portions of the Property for a continuing care facility is not and will not be detrimental to the health, safety or general welfare of the locality involved.

The addition of the 1989 Project also will not be detrimental to the health, safety or general welfare of the

¹The applicant is only required to show to the satisfaction of the zoning authority that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. *Rockville Fuel V. Board of Appeals*, 257 Md. 183, 191, 262 A.2d at 499, 503 (1970). The facts presented in this Petition demonstrate that there will be no real detriment to the area surrounding the Property.

(d) Does not and will not tend to overcrowd the land and cause undue concentration of population. Broadmead presently has unused density units, and after the addition of the 1989 Project there will still remain 25.29 unused density units. Moreover, as computed under the Regulations, the design of Broadmead provides more than 40% of the Property (slightly more than 33 acres) as open space (the actual area of the Property which is not covered by buildings is of course much greater) and has the additional value of preserving special historic and scenic elements of the Property. In particular, certain of the amenity facilities (including some of the offices for the operation of the independent living units) are incorporated into the existing manor house which stood as the focal point of the Holly Hill Estate for many years. In contrast to the more than 33 acres of open space available on the site, the required open space is approximately 1.76 acres.

(e) Does not and will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. Broadmead imposes no load on public schools. Broadmead's total requirements for water and sewer facilities are approximately 70% less than those of a standard housing project of 240 units. The difference in demand arises out of the difference in population per unit (as of January 17, 1990, the average number of residents of

each of the 242 independent living units in Broadmead was 1.2) and the differences in the patterns of use. Existing water and sewerage facilities have a capacity far in excess of that required to service Broadmead since those facilities were originally developed before the comprehensive re-zoning in the Third District of Baltimore County in the 1970s. Broadmead requires no other public improvements, and does not generate significant use of public transportation facilities.

(f) Does not and will not interfere with adequate light and air. Broadmead is constructed so as not to interfere with the access of other property owners to adequate light and air. The Community Center is far removed from properties outside of Broadmead and is otherwise oriented so that it does not interfere with light or air available to any of the surrounding structures within Broadmead. Broadmead has been built to maximize privacy for each resident by clustering living units in small groups and maximizing access to light and air by maintaining single-story, small-scale buildings. Unit clusters are located to maximize scenic views on the Property. The small-scale living units have been built in relationship to each other and to external site conditions so as to maximize all other positive environmental conditions.

(g) Is not and will not be inconsistent with the purposes of the property's zoning classification nor in any

-17-

other way inconsistent with the spirit and intent of these Zoning Regulations. Broadmead has been operating since 1979 pursuant to the Special Exception granted by the 1977 Order. The Regulations were amended in 1988 specifically to add 1801.1.C which permits the operation of a continuing care facility in DR Zones by special exception. As discussed earlier, Broadmead certainly constitutes a continuing care facility as that term is defined in the Regulations. The grant by the Zoning Commissioner pursuant to the Petition of a Special Exception for Broadmead authorizing the use of the DR zoned portions of the Property as a continuing care facility as that term is defined in the Regulations is clearly consistent with the spirit and intent of the Regulations.

(h) Is not and will not be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations. These provisions are not applicable to DR Zones.

The facts supporting the request for this Special Exception more than meet the limited tests required for the granting of a Special Exception in Baltimore County. It is clear that the Special Exception requested by Friends to use the DR portions of the Property for a continuing care facility should be granted.

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B. SPECIAL EXCEPTION TO PERMIT MAXIMUM BUILDING ELEVATION WIDTHS TO EXCEED PERMITTED MAXIMUM

Section 1801.2.B.2 of the Regulations permits a maximum building elevation width of 300 feet. The building elevation width of the Community Center presently is in excess of 300 feet. Upon completion of the 1989 Project, the building elevation width of the Community Center will significantly exceed the maximum permitted width. In order to bring the Community Center into compliance with the Regulations, and to permit the 1989 Project, Friends requires a Special Exception to permit the maximum building elevation width of the Community Center to exceed the 300 foot maximum. To allow for some flexibility in the event that the 1989 Project as constructed varies from the plans presently proposed for the construction, and to allow for some flexibility in the event any future addition is made to the Community Center, Friends respectfully requests that a maximum building elevation width of 420 feet in every direction be authorized.

Section 1801.2.B.2 provides that a greater maximum width may be authorized under Special Exception procedures provided in Section 502. An analysis of the eight components set forth in Section 502 and which are prerequisites for the granting of a Special Exception, and which are discussed fully in Section III. A of this Memorandum, indicate that a grant of a Special Exception as requested to permit the maximum width of the

-19-

Community Center to exceed 300 feet is clearly consistent with those requirements.

IV.

REQUEST FOR EXPEDITED AND CONSOLIDATED HEARING

Section 500.5 of the Regulations provides that upon request for a Special Exception, the Zoning Commissioner shall hold the hearing thereon after giving public notice of such hearing. Friends has a pressing need for the facilities the 1989 Project will provide, and to have these facilities completed as quickly as possible in order to minimize development costs since Friends is a not-for-profit corporation. Friends also has a pressing need for an expedited hearing because of the conditions imposed upon it under the bond financing documents which control the availability of the funds which Friends has obtained to finance the construction of the 1989 Project. Pursuant to the provisions of those documents, certain time constraints have been placed upon Friends with respect to the commencement of construction, and completion, of the 1989 Project which it may be unable to meet unless it secures promptly the necessary approvals from the Office of the Zoning Commissioner which it requires to construct the 1989 Project. Friends fears that if the bond proceeds presently available to it are not in fact disbursed to it, Friends will be unable to construct the 1989 Project. Future bond financing may simply be unavailable due to changes in the current tax laws which presently allow Friends to utilize favorable bond financing, and due to possible future adverse

-20-

changes in market conditions for bond financings. In order to meet these pressing needs, Friends respectfully requests that an expedited hearing date be set to the extent reasonably possible and that the two Petitions referred to herein be consolidated for a single hearing.

Thomas M. Trezise
Thomas M. Trezise

James G. Prince
James G. Prince
Semmes, Bowen & Semmes
250 West Pratt Street
Baltimore, Maryland 21201
(301) 539-5040

2291-33
WPC14712.1
1/25/90

-21-

SEMMEs, BOWEN & SEMMEs

ATTORNEYS AT LAW
250 WEST PRATT STREET
BALTIMORE, MARYLAND 21201
TELEPHONE 301-539-5040
FACSIMILE 301-539-5223
CABLE TREVILAC
TELEX 67-478

TOWSON, MARY AND OFFICE
P. O. BOX 6705
401 WASHINGTON AVE.
TOWSON, MARYLAND 21205
301-256-4400

April 25, 1990

RECEIVED
APR 26 1990
ZONING OFFICE

HAND DELIVERY

J. Robert Haines
Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
E/S of York Road at Thornton Mill Road (13801 York Rd.)
Friends Lifetime Care Center of Baltimore, Inc.
Case No. 90-376-SPHX

Dear Mr. Haines:

On behalf of Friends Lifetime Care Center of Baltimore, Inc. ("Friends"), I want to thank you for your recent Order granting the relief sought by the above Petitions. In reviewing the Order on behalf of Friends, I have several areas of concern, however. I discussed these with your assistant, Mr. Joe Merrie, yesterday morning, and he advised that the proper method of proceeding would be to write to you as soon as possible setting forth these areas of concern. Joe indicated that if you agreed with our concerns, you might either issue an Amended Order, or would write a letter to us indicating that in your opinion the Order which you entered addresses satisfactorily the areas of concern to us.

Our primary area of concern is that the Order does not address the second and third subparagraphs contained in Friends' Petition for Special Hearing in which Friends requested an Amendment of the 1977 Order in Case No. 77-185-XASPH. As the attachment to that Petition sets forth, Friends requested that in addition to revoking the Special Exception granted to use the 4.57 acre portion of the property for a convalescent home, the 1977 Order be amended by modifying paragraph no. 2 of the 1977 Order by adding the following sentence thereto: "The Site Plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health

SEMMEs, BOWEN & SEMMEs

J. Robert Haines
April 25, 1990
Page 2

Department and the Office of Planning and Zoning shall for purposes of this Order be deemed to be the Plan entitled "Plan and Plat to Accompany Zoning Petition, dated January 25, 1990 prepared by Daft-McCune-Walker, Inc., and any approved Amendments thereto"; and that paragraph no. 3 of the Order be modified by substituting the words "continuing care facility" for the words "convalescent home" so as to provide that the variances granted therein shall continue to apply to the use of the Property as a continuing care facility. A strict reading of the 1977 Order indicates that these modifications are necessary if the terms of that Order will continue to apply. As Broadmead must continue to rely on that Order for certain variances, it is necessary that the 1977 Order be amended as indicated.

In reviewing your Order, I noticed several factual errors:

1. Most significantly, on the second and third lines of page 2, the acreage for the respective parcels is incorrect. The property consists of 80.83 acres as shown on the Petitioner's Exhibit 1, of which 12 (and not 24) acres are zoned DR-16, 37.79 (and not 75.58) acres are zoned DR-1 and 31.04 acres are zoned RC-4. It appears that the recitals as to acreage should certainly be amended since otherwise it would appear that your decision might have been different if you had realized that the acreage was in fact not nearly as great as indicated on page 2 of the Order.

2. On the third to last line of the first paragraph of page 1 of your Order, the reference to the proposed Community Center appears to me to be incorrect. As the testimony indicated, the Community Center has been in existence since 1979. At this time, what is termed the "1989 Project" is planned to expand the Community Center. The Community Center as it now exists exceeds the 300 foot maximum building width limitation permitted, and the addition of the 1989 Project will involve what would otherwise be a further violation of that maximum limitation absent the Special Exception which you granted. It would seem to us to be preferable to strike from the third to last line of that paragraph the word "proposed", and to insert after the word "Center" on the second to last line of that paragraph the following: "(including any and all additions thereto)".

I would note that on the third line of the second paragraph

SEMMEs, BOWEN & SEMMEs

J. Robert Haines
April 25, 1990
Page 3

of page 1, it appears that the word "Petitions" should read "Petitioners".

Please let me know at your earliest convenience if you agree with the matters raised above, and if you will enter an Amended Order. We would strongly prefer that you enter an Amended Order if at all possible. I will look forward to hearing from you. Again, thank you very much for your assistance in this matter.

Very truly yours,

James G. Prince
James G. Prince

JGP/mjs
cc: Thomas Trezise, Esquire
Donald L. Bradfield, Esquire

2291-33
Haines.letter

47 3/28/90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: March 20, 1990

TO: J. Robert Haines
Zoning Commissioner

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

SUBJECT: Friends Lifetime Core Center of Baltimore, Inc.
Zoning Petition No. 90-376

The Petitioner requests a Special Hearing and Special Exception for a continuing care facility.

Should the Petitioner's request be granted, staff offers the following condition:

- The ancillary medical services proposed as part of the "1999 project" and or future projects be limited to providing care to the residents of the Broadmead community.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmw

JED:jw
Enclosures

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Date 2/26/90

owner _____
Planning and Zoning _____
Building _____
and Zonings _____

247. Zoning Advisory Committee Meeting of February 22, 1990
Friends Lifetime Care Center of Baltimore, Inc. District: 8
York Road at Thorton Mill Road
metro Sewage Disposal: metro

IS FOLLOWS:

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

new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3175, to obtain requirements for such installation(s) before work begins.

to construct from the Bureau of Air Quality Management is required for such items as spray paint cans, used gasoline storage tanks (5,000 gallons or more) and any other equipment or materials which exhaust into the atmosphere.

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

to approval of a Building Permit Application for renovations to existing or construction of new 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 Division, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, hot tubs, whirlpools, hot tubs, water and sewerage facilities or other appliances 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 Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

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

modification 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.

to razing of existing structure(s), petitioner must contact the Division of Waste Management, 887-3175, 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, 887-3175.

abandoned underground storage tanks containing gasoline, water, oil, solvents, etc., must have the tanks 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 887-3175.

percolation tests, have been _____, must be _____ conducted.

The results are valid until _____. Petitioner should contact the Division of Water and Soil percolation test results have expired. Petitioner should contact the Division of Water and Soil to determine whether additional tests are required.

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

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

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

submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Impact Report must be submitted. For more information contact the Division of Environmental Management at 887-3298.

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2162.

Others _____

C.E. Moore
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

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

Paul H. Reincke
Chief

FEBRUARY 14, 1990

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

100-2-0-0000



Dennis F. Rasmussen
County Executive

E: Property Owner: FRIENDS LIFETIME CARE CENTER OF BALTIMORE, INC.
Location: E/S YORK ROAD AT THORTON HILL ROAD
Item No.: 247 Zoning Agenda: FEBRUARY 22, 1990

entlemen:

rsuant to your request, the referenced property has been surveyed by
is Bureau and the comments below are applicable and required to be
rected or incorporated into the final plans for the property.

The buildings and structures existing or proposed on the site
all comply with all applicable requirements of the National Fire
tection Association Standard No. 101 "Life Safety Code", 1988
ition prior to occupancy.

IEWER: Chief James Kelly 2-15-90 Noted and Approved Chief Wm J. Brady
Planning Group
Special Inspection Division
Fire Prevention Bureau

EXEK

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

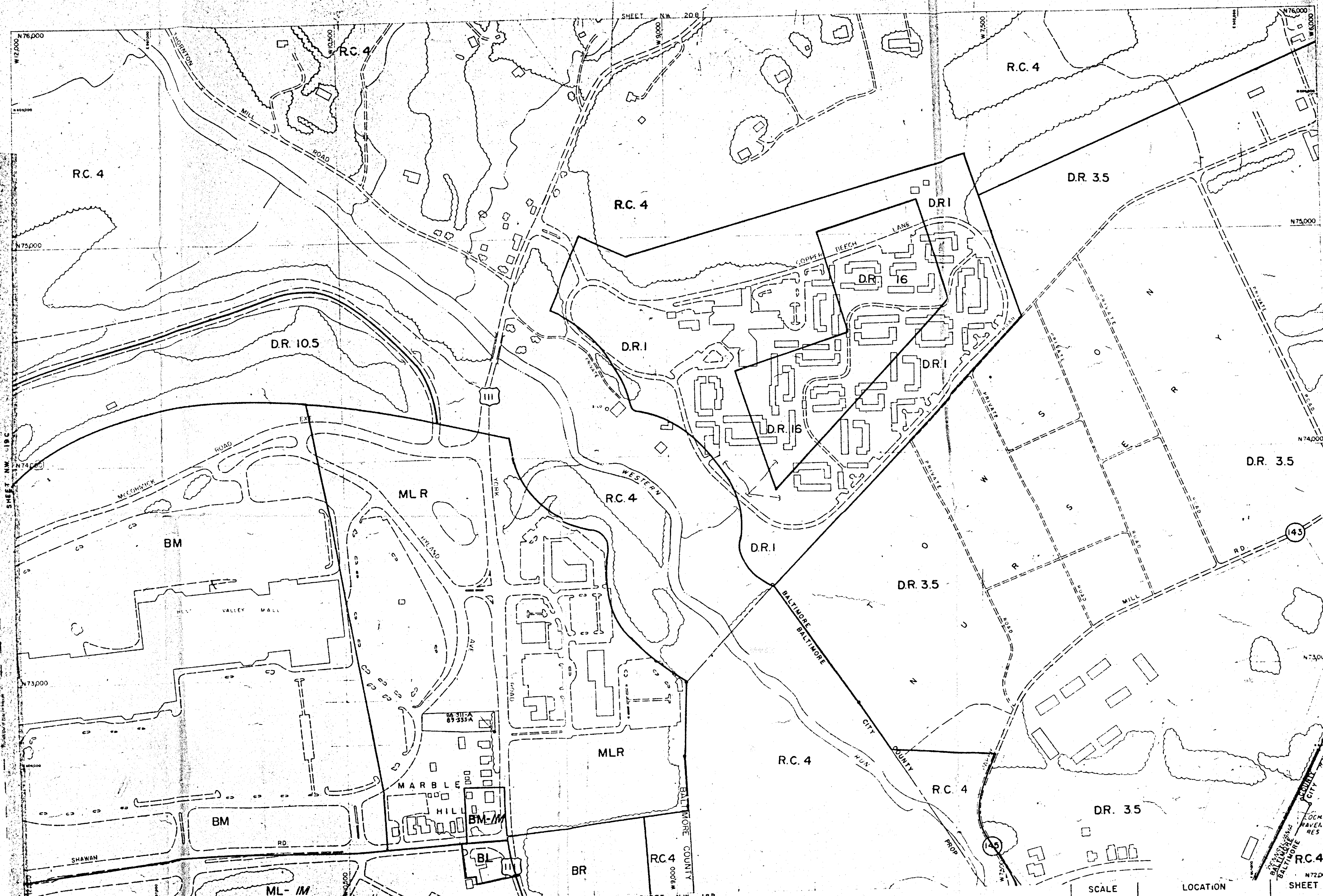
TO: Zoning Advisory Committee DATE: March 5, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for February 22, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 246, 247, 248, 249, 250 and 251.

Item 237 is subject to the previous County Review Group comments for this site.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

1988
1985
ZONING



V-NE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Ord. Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

[Signature]
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE
1" = 200'
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
ASHLAND

SHEET
NW
19-B

247
90-376-SPHX

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION - E/S of York Road at Thornton Mill Road (13801 York Road) 8th Election District 3rd Councilmanic District Friends Lifetime Care Center of Baltimore - Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-376-SPHX

AMENDED ORDER

WHEREAS, the Petitioners requested certain relief pursuant to the Petitions for Special Hearing and Special Exception filed in the above-captioned case;

WHEREAS, by Order issued April 13, 1990, the relief requested was granted, subject to restrictions;

WHEREAS, Counsel for the Petitioners notified this office of factual discrepancies set forth in the Order, including the omission of a portion of the relief granted;

WHEREAS, upon review of the case file, the Zoning Commissioner has determined that said factual discrepancies and omissions do exist and should therefore be corrected by an Amended Order;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of May, 1990 that the Order issued April 13, 1990 be and the same is hereby AMENDED as follows:

- 1) That the Petition for Special Hearing request set forth in Paragraph 1, Page 1 of said Order should also include a request for a modification of Paragraph 2 of the Order issued in Case No. 77-185-XASPH by adding the following sentence thereto: "The Site Plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning shall be permitted in D.R. zones by special exception. Petitioners propose the construction of a three-story addition to the existing Community Center which will contain 25 one-bedroom and 2 studio living units, a therapeutic/recreational swimming pool, and approximately 3600 sq.ft. of space for additional ancillary medical providers, office and activity space. Further, plans include the renovation of 16 rooms in the existing Community Center to provide comprehensive nursing accommodations. Testimony indicated that the proposed improvements will extend in part beyond the boundaries of the previously approved special exception and will also exceed the 300-foot maximum building elevation width permitted under the B.C.Z.R. Testimony indicated that the proposed use of the property as a continuing care facility is appropriate in this instance and meets the conditions set forth in the special exception requirements."

those remaining portions of the property presently used as an elderly housing and retirement community, also zoned D.R. 16 and D.R. 1, for a combined use as a continuing care facility. Testimony indicated that at the time the previous special exception was granted, the B.C.Z.R. did not contain any provision for a continuing care facility. In 1988, Section 101 of the B.C.Z.R. added the definition for a continuing care facility and new Section 1801.1C was added which provides that such facilities shall be permitted in D.R. zones by special exception. Petitioners propose the construction of a three-story addition to the existing Community Center which will contain 25 one-bedroom and 2 studio living units, a therapeutic/recreational swimming pool, and approximately 3600 sq.ft. of space for additional ancillary medical providers, office and activity space. Further, plans include the renovation of 16 rooms in the existing Community Center to provide comprehensive nursing accommodations. Testimony indicated that the proposed improvements will extend in part beyond the boundaries of the previously approved special exception and will also exceed the 300-foot maximum building elevation width permitted under the B.C.Z.R. Testimony indicated that the proposed use of the property as a continuing care facility is appropriate in this instance and meets the conditions set forth in the special exception requirements.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Paragraph 3 of said Order be modified by substituting the words "continuing care facility" for the words "convalescent home" so as to provide that the variances granted therein shall continue to apply to the use of the property as a continuing care facility."

- 2) That the acreage set forth in Page 2, Paragraph 1 of the Order issued on April 13, 1990 in Case No. 90-376-SPHX be corrected as follows:

That the subject property consists of a total acreage of 80.83 acres, of which 12 acres are zoned D.R. 16, 37.79 acres are zoned D.R. 1 and 31.04 acres are zoned R.C. 4.

- 3) That the word "proposed" in the phrase "proposed Community Center" in the third to the last line of the first paragraph on Page 1 be deleted, and the following words added after the word "Center": "including any and all additions thereto".

IT IS FURTHER ORDERED that the additional relief requested herein, pursuant to the subject Petitions for Special Hearing and Special Exception, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the conditions and restrictions contained in the Order dated April 6, 1977 in Case No. 77-185-XASPH, and those contained in the Order dated April 13, 1990 in Case No. 90-376-SPHX shall remain in full force and effect.

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

JRH:bjs

cc: Thomas M. Trezise, Esquire
James G. Prince, Esquire
Semmes, Bowen & Semmes
250 W. Pratt Street, Baltimore, Maryland 21201

People's Counsel

File

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION - E/S of York Road at Thornton Mill Road (13801 York Road) 8th Election District 3rd Councilmanic District Friends Lifetime Care Center of Baltimore - Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-376-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to amend the previously approved site plan in Case No. 77-185-XASPH to revoke the previously approved special exception to use the 4.57 acre portion of the subject property for a convalescent home to permit the use of said 4.57 acres together with the remaining property zoned D.R. 1 and D.R. 16 for a continuing care facility as that term is defined in the Baltimore County Zoning Regulations (B.C.Z.R.). Petitioners also request a special exception to permit the use of those portions of the subject property zoned D.R. 1 and D.R. 16 for a continuing care facility, and to permit maximum building elevation widths of 420 feet in each direction of the proposed Community Center in lieu of the maximum permitted 300 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Richard F. Compton, Executive Director, appeared, testified and were represented by Thomas M. Trezise, Esquire and James G. Prince, Esquire. Also appearing on behalf of the Petitions were George E. Gavrelis, Land Planner with Daft-McCune-Walker, Inc., Paul A. Hupfer, on behalf of the Greater Sparks-Glencoe Community Council, Michael and Helen Goshaney, nearby residents of the area, and Raymond T. Compton, George K. Anderson, Virginia E. Hessey and Herbert Butler, all residents of the subject property.

ORDER RECEIVED FOR FILING
Date 4/13/90
By J. Robert Haines

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of April, 1990 that the Petition for Special Hearing to amend the previously approved site plan in Case No. 77-185-XASPH to revoke the previously approved special exception to use the 4.57 acre portion of the subject property for a convalescent home to permit the use of said 4.57 acres together with the remaining property zoned D.R. 1 and D.R. 16 for a continuing care facility as that term is defined in the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit the use of those portions of the subject property zoned D.R. 1 and D.R. 16 for a continuing care facility, and to permit maximum building elevation widths of 420 feet in lieu of the maximum permitted 300 feet for the proposed addition to the Community Center, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the conditions and restrictions contained in the Order dated April 6, 1977 in Case No. 77-185-XASPH shall remain in full force and effect.

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

JRH:bjs

ORDER RECEIVED FOR FILING
Date 4/13/90
By J. Robert Haines

Testimony indicated that the subject property, known as 13801 York Road, consists of 130.62 acres, of which 24.00 acres are zoned D.R. 16, 75.58 acres are zoned D.R. 1 and 31.04 acres are zoned R.C. 4. Said property is improved with an elderly housing and retirement community, including a core facility authorized for use as a nursing home with 107 beds, supportive offices, related medical services, common dining, community space and recreational space, as set forth in Petitioner's Exhibit 1. Testimony indicated Petitioners have operated a fully accredited life care or continuing care community on the subject property since December 1979. The development, known as Broadmead, was the subject matter of previous Case No. 77-185-XASPH in which a special exception was granted for the nursing home facility located on 4.57 acres of the subject property zoned D.R. 16 and D.R. 1. Broadmead presently consists of 242 single-story, garden style independent living units with a central "Community Center", which contains 35 intermediate care units, a 66-bed skilled nursing facility licensed for up to 72 beds, laundry rooms, ground and building maintenance facilities, indoor and outdoor recreational facilities and services, a lounge, an auditorium, craft areas, a bank branch, a country store, various personal services, libraries, meeting rooms, a coffee shop serving three meals per day, a main dining room serving lunch and dinner daily, and administrative offices. The property also contains various renovated buildings, including Holly House, shown as Building 1 on Petitioner's Exhibit 1, a 200-year old farm house that serves as a guest house, and various other former farm buildings located in the R.C. 4 portions of the site. Testimony indicated that at the present time, all of the 242 independent living units are occupied. Petitioners are desirous of utilizing the 4.57 acres presently used for the nursing home facility together with

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Town, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

April 13, 1990



Dennis F. Rasmussen
County Executive

Thomas M. Trezise, Esquire
James G. Prince, Esquire
Semmes, Bowen & Semmes
250 W. Pratt Street
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
E/S of York Road at Thornton Mill Road
(13801 York Road)
8th Election District - 3rd Councilmanic District
Friends Lifetime Care Center of Baltimore, Inc. - Petitioners
Case No. 90-376-SPHX

Dear Messrs. Trezise and Prince:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception been granted 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 867-3391.

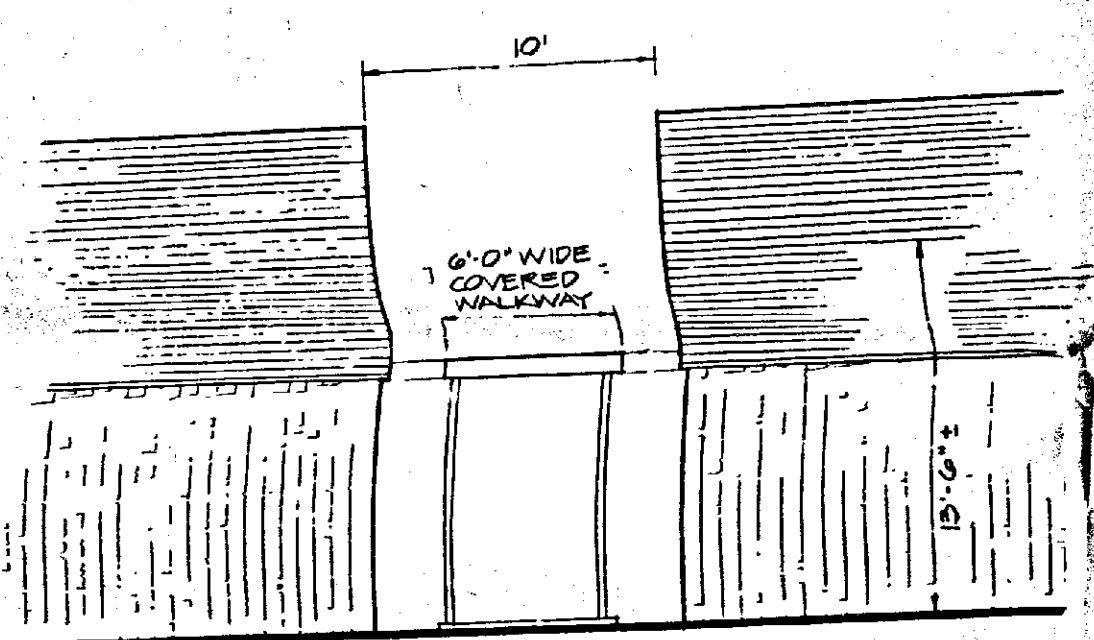
Very truly yours,

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

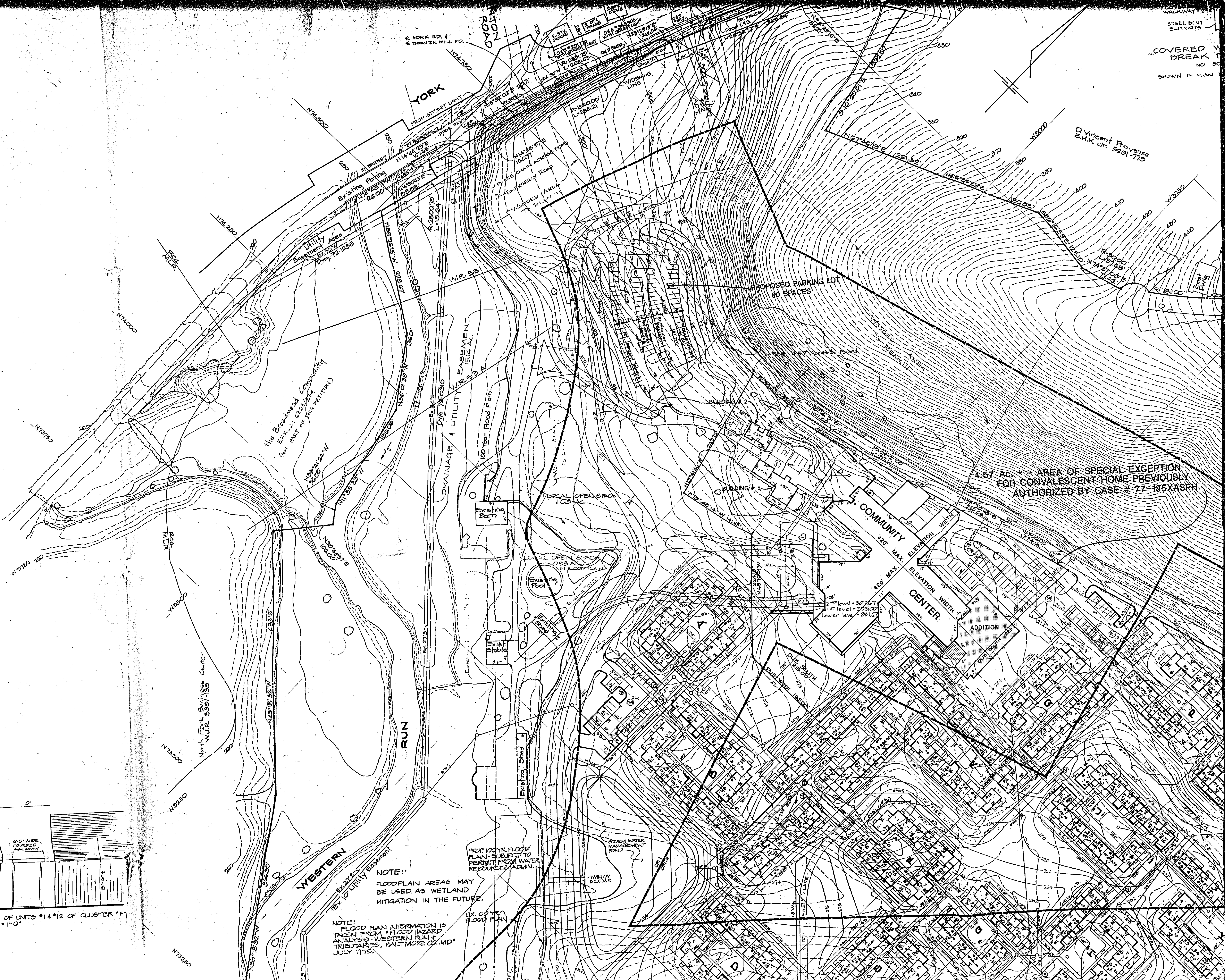
JRH:bjs

cc: People's Counsel

File



* ELEVATIONS OF UNITS #14*12 OF CLUSTER "F"
SCALE: 3/16"=1'-0"



NOTE:
FLOODPLAIN AREAS MAY
BE USED AS WETLAND
MITIGATION IN THE FUTURE.

NOTE:
FLOOD PLAIN INFORMATION IS
TAKEN FROM "FLOOD HAZARD
ANALYSIS - WESTERN RUN
TRIBUTARIES, BALTIMORE CO., MD"
JULY 1975.

PROP. 100 YR FLOOD
PLAIN
REMIT FROM WATER
RESOURCES ADMIN.

EX. 100 YR
FLOOD PLAN

247 PETITION FOR SPECIAL HEARING 90-376 SPHX

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 Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission and/or Deputy Zoning Commissioner should approve the amendment of the Order issued by the Deputy Zoning Commissioner in Case No. 77-185-XASPH by i) revoking the Special Exception created to use the 4.57 acre portion of the property shown on the attached plan and plat for a convalescent home on.

(See attachment for continuation)

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

I, or we, agree to pay expenses of the above Special Hearing 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: _____
(Type or Print Name)

Signature _____
(Type or Print Name)

Address _____
City and State _____

Legal Owner(s): FRIENDS LIFETIME CARE CENTER OF BALTIMORE, INC.
By: _____
(Type or Print Name) Richard F. Compton, Executive Director

Signature _____
(Type or Print Name)

Address _____
City and State _____

Attorney for Petitioner:
Thomas M. Trezise
James G. Prince
(Type or Print Name)

Signature _____
Address 13801 York Road
Cockeysville, MD 21030
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address 250 W. Pratt Street
Baltimore, MD 21201
City and State

Attorney's Telephone No.: 539-5040

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of March, 1990, 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 28th day of March, 1990, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

247 ATTACHMENT TO PETITION FOR SPECIAL HEARING

the grounds that the undersigned desires to utilize the 4.57 acre parcel together with the balance of those portions of the property zoned DR-1 and DR-16 for a continuing care facility as that term is defined in the Baltimore County Zoning Regulations (the undersigned has filed simultaneously herewith a Petition for Special Exception for a continuing care facility); ii) modifying Paragraph No. 2 of the Order by adding the following sentence thereto: "The site plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning shall for purposes of this Order be deemed to be the plan entitled 'Plan and Plat to Accompany Zoning Petition, dated January 25, 1990 prepared by Daft-McCune-Walker, Inc.', and any approved amendments thereto"; and iii) modifying Paragraph No. 3 of the Order by substituting the words "continuing care facility" for the words "convalescent home" so as to provide that the variances granted therein shall continue to apply to the use of the Property as a continuing care facility.

The foregoing referenced site plan is the plan which has been submitted with this Petition.

#247 PETITION FOR SPECIAL EXCEPTION 90-376 SPHX

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 the portions of the property for a convalescent care facility (as that term is defined in Section 101 of the Baltimore County Zoning Regulations) as authorized by Section 1801.1.C of the Regulations. The undersigned hereby further petitions for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County to permit maximum building elevation widths (See attachment for continuation)

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: _____
(Type or Print Name)

Signature _____
(Type or Print Name)

Address _____
City and State _____

Legal Owner(s): FRIENDS LIFETIME CARE CENTER OF BALTIMORE, INC.
By: _____
(Type or Print Name) Richard F. Compton, Executive Director

Signature _____
(Type or Print Name)

Address 13801 York Road
Cockeysville, MD 21030
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address 250 W. Pratt Street
Baltimore, MD 21201
City and State

Attorney's Telephone No.: 539-5040

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day of March, 1990, 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 28th day of March, 1990, at 9:30 o'clock A.M.

FILED 1/30/90 BY JSH
Any Time On Day
1 Day Hearing Time

J. Robert Haines
Zoning Commissioner of Baltimore County

BROAD MEAD - #247 90-376 SPHX

H.O.
Question arises as to the Old Special Exception. Can he utilize for the new proposed facility? I think the way George Garneau wanted to do the address this seems to be by removing the old SPX by SPX. I do not intend to think that the old SPX can be utilized for the new use of the continuing care facility. George also did not intend to address RTA requirements since the unit on site are existing.

John Haines
1/30/90

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
FRIENDS LIFETIME CARE	13801 YORK RD. COCKEYSVILLE, MD.
CENTER OF BALTIMORE, INC.	21030
by Thomas M. Trezise,	
James Prince, and Sonoma,	
Robert A. Semmes & Richard	
George F. Garneau	DIVN 200 E PRATT AVE 2204
George F. Garneau	13801 York Rd - Broadmead
George F. Garneau	" " " "
Raymond T. Compton	" " " "
Virginia P. Hynes	13945 York Rd
Thomas H. Hynes	" " " "
Michael J. Hynes	13801 York Rd
Michael J. Hynes	CATANA - SHAPI - GILMAN COMMUNITY CENTER
Paul A. Hupfer	881 WASHINGTON BLVD SPANISH MARKET 2115

247 ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

of the Community Center (including any and all additions thereto) of 420 feet in every direction in lieu of the 300 foot maximum building elevation width authorized by Section 1801.2.B.2 of the Baltimore County Zoning Regulations. The Community Center is shown on the attached plat.

DAFT-MCCUNE-WALKER, INC. 200 East Pennsylvania Avenue Towson, Maryland 21204 301 296 3333 FAX 301 296 4705

90-376 SPHX

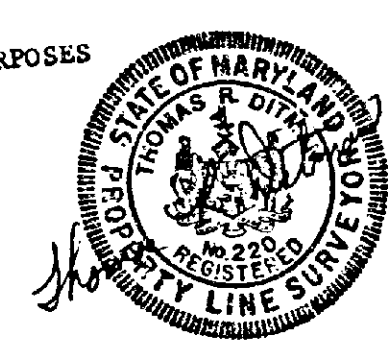
Description 49.79 Acre Parcel for Special Exception for a Continuing Care Facility In DR 1 Zone and DR 16 Zone

Beginning for the same at a point on the southeast right-of-way line of York Road, said point being located 532 feet, more or less, northeasterly from the center of Thornton Mill Road and being the northwesternmost corner of the parcel of land now owned by Harry A. Dundore and running thence along the northern outline of Dundore's land (1) North 57 degrees 25 minutes 44 seconds East 185.43 feet, (2) South 10 degrees 20 minutes 01 second East 252.07 feet, (3) North 67 degrees 46 minutes 15 seconds East 221.32 feet, (4) North 66 degrees 56 minutes 55 seconds East 180.93 feet, (5) South 82 degrees 16 minutes 55 seconds East 128.10 feet, and (6) North 74 degrees 37 minutes 05 seconds East 77.42 feet to the end of a thirty foot wide road, thence binding along the northwest side of said road, with the use thereof in common with others entitled thereto, (7) 57.68 feet in a northeasterly direction along an arc of a curve to the right having a radius of 30 feet, said arc being subtended by a chord bearing North 52 degrees 58 minutes 08 seconds East 49.20 feet, (8) 204.47 feet in a northeasterly direction along an arc of a curve to the left having a radius of 781.00 feet, said arc being subtended by a chord bearing North

48 degrees 11 minutes 35 seconds East 263.88 feet, (9) 69.22 feet in a northeasterly direction along an arc of a curve to the right having a radius of 180.00 feet, said arc being subtended by a chord bearing North 51 degrees 42 minutes 35 seconds East 68.79 feet, (10) North 62 degrees 43 minutes 35 seconds East 271.06 feet, (11) 110.86 feet in a northeasterly direction, along an arc of a curve to the right having a radius of 480.00 feet, said arc being subtended by a chord bearing North 69 degrees 20 minutes 35 seconds East 110.62 feet, and (12) North 75 degrees 57 minutes 35 seconds East 69.00 feet, thence crossing said thirty foot wide road (13) North 84 degrees 55 minutes 45 seconds East 329.15 feet, thence binding along the easterly outline of Dundore's land (14) South 17 degrees 29 minutes 11 seconds East 1125.83 feet, thence binding along the southeasterly outline of Dundore's land (15) South 43 degrees 37 minutes 40 seconds West 1684.38 feet, and (16) South 42 degrees 36 minutes 22 seconds West 383.20 feet, thence binding along the southwesterly outline of Dundore's land (17) North 26 degrees 18 minutes 32 seconds West 141.90 feet, (18) North 59 degrees 03 minutes 32 seconds West 72.60 feet, (19) North 35 degrees 18 minutes 32 seconds West 366.30 feet, and (20) North 45 degrees 18 minutes 32 seconds West 483.15 feet, thence (21) North 39 degrees 49 minutes 57 seconds East 106.09 feet to a point in or near the center of Western Run, thence binding in or near the center of Western Run (22) North 33 degrees 41 minutes 24

seconds West 36.06 feet, (23) North 11 degrees 35 minutes 32 seconds West 199.06 feet, (24) North 36 degrees 01 minutes 39 seconds West 136.01 feet, and (25) North 55 degrees 20 minutes 15 seconds West 229.67 feet to a point on the southeast right-of-way line of York Road, thence binding on said right-of-way line (26) North 14 degrees 50 minutes 43 seconds East 93.98 feet, (27) 19.64 feet in a northeasterly direction along an arc of a curve to the right having a radius of 2800.79 feet, said arc being subtended by a chord bearing North 15 degrees 02 minutes 46 seconds East 19.64 feet, (28) North 74 degrees 45 minutes 11 seconds West 26.00 feet, (29) North 14 degrees 44 minutes 25 seconds East 107.65 feet, (30) North 13 degrees 52 minutes 02 seconds East 29.71 feet, (31) 269.03 feet in a northeasterly direction along an arc of a curve to the right having a radius of 2831.79 feet, said arc being subtended by a chord bearing North 20 degrees 44 minutes 55 seconds East 266.93 feet, (32) North 23 degrees 28 minutes 13 seconds East 242.94 feet, and (33) North 25 degrees 29 minutes 16 seconds East 82.21 feet to the place of beginning, containing 80.83 acres of land, more or less. Saving and excepting there from all that 31.04 acres of land, more or less, zoned RC-4, as shown on plat to accompany petition for a continuing care facility.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.
January 24, 1990
Our Job No. 89171 (189171)



#297
90-374 SPHX
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Brief in Support
of Petitions
for a
Special Hearing
and
Special Exceptions for Broadmead

Friends Lifetime Care Center of Baltimore, Inc., a Maryland not-for-profit membership ("Friends") has simultaneously filed two Petitions (the "Petitions") requesting that the Zoning Commissioner of Baltimore County (1) amend the Order issued in Case No. 77-185-XASPH by revoking the Special Exception granted to use the 4.57 acre portion of the Property (as hereinafter defined) for a convalescent home; modifying Paragraph No. 2 of the Order by adding the following sentence thereto: "The Site Plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning shall for purposes of this Order be deemed to be the plan entitled 'Plan and Plat to Accompany Zoning Petition, dated January 25, 1990, and Plat to Accompany Zoning Petition, dated January 25, 1990, prepared by Daft-McCune-Walker, Inc.', and any approved amendments thereto"; and modifying Paragraph No. 3 of the Order by substituting the words "continuing care facility" in lieu of the words "convalescent home" so as to provide that the Variances granted thereby shall apply to the use of the Property as a continuing care facility, and (ii) both grant a Special Exception for the DR zoned portions of the Property for a "continuing care facility" (as that term is defined under §101 of the Baltimore

County Zoning Regulations) (the "Regulations") as authorized by Section 1801.1.C of the Regulations, and a Special Exception to permit maximum building elevation widths of the Community Center (as hereinafter defined), including any additions thereto, of 420 feet in every direction.

Friends has lawfully operated a life care or continuing care community on the Property since September 1979. The Deputy Zoning Commissioner granted in Case No. 77-185-XASPH (the "1977 Order") a Special Exception authorizing the use of the 4.57 acre parcel on which the Community Center (as hereinafter defined) is located (the "Special Exception Parcel") as a convalescent home. At the time the Special Exception was granted, the Regulations did not contain any provision for a continuing care facility. It was only with the passage of Bill No. 36-88 in 1988 that the definition of "continuing care facility" was added to the Regulations. As will appear more fully from the facts set forth below, Broadmead clearly falls within the definition of a continuing care facility as that term is used in the Regulations. Since the nature of Broadmead's operation over the past ten (10) years has throughout that period fallen within the definition of a continuing care facility, Friend's request for a Special Exception for a continuing care facility simply constitutes a request to re-categorize that use which has existed continuously and lawfully over the past ten (10) years from a "convalescent home" to a "continuing care facility", and is not a request for

-2-

permission to authorize a use which has not lawfully existed prior hereto.

Friends plans to commence promptly construction of a three-story addition of approximately 27,000 square feet to the existing Community Center, containing 25 one-bedroom and two studio living units, a therapeutic/recreational swimming pool, and approximately 3,600 square feet of space for additional ancillary medical providers, office space and activity space (the "1989 Project"). The 1989 Project will also include the renovation of 16 rooms in the existing Community Center to provide comprehensive nursing accommodations. The construction of the 1989 Project, however, will extend in part beyond the boundaries of the Special Exception Parcel approved by the 1977 Order. Friends, therefore, cannot construct the 1989 Project unless the Zoning Commissioner either a) modifies the Special Exception granted by the 1977 Order to enlarge the boundaries of the Special Exception Parcel so as to include the area of the building footprint of the 1989 Project and allow for the required minimum building setbacks required between the Community Center as it will be expanded and the boundary lines of the Special Exception Parcel, or b) grants a Special Exception authorizing the existing use of the DR zoned portions of the Property as a continuing care facility.

Friends has determined that it is in the best interests of the residents of Broadmead to petition the Zoning Commissioner for a Special Exception to authorize the existing use as a

-3-

continuing care facility of the DR zoned portions of the Property. Friends reasons that if the Special Exception is granted, Friends will enjoy certain flexibility under the Regulations which it would not otherwise possess and will not automatically need to petition for a modification to the 1977 Order each time Friends desires to expand the Community Center (although no additional expansion other than the 1989 Project is presently contemplated). It appears to have been the clear intention of the Baltimore County Council in adopting Bill No. 36-88, which among other things added the definition of a continuing care facility to §101 of the Regulations and provided certain flexibility with respect to such a facility, to make the flexibility enacted by the Bill available to a project such as Broadmead.

I.

GENERAL DESCRIPTION OF BROADMEAD

Friends is the owner of approximately 84.4281 acres of land located along York Road in Cockeysville. 80.83 acres thereof is shown on the plat submitted with the Petitions (the "Property") (the balance of 3.5981 acres has not been shown on the plat since it constitutes vacant RC-4 land which is not relevant to these Petitions). The Property is made up of a combination of approximately 37.79 acres of DR-1 land, 12.00 acres of DR-16 land, and 31.04 acres of RC-4 land.

Residence at Broadmead is restricted to those persons who are 65 years of age or older, or couples where either the husband

-4-

or wife is 65 years of age or older and the other spouse is 62 years of age or older. Broadmead is designed to extend the period of independent living for older persons while at the same time maintaining their access to helping resources. Broadmead consists of 242 single-story, garden style independent living units, together with a central building (the "Community Center"). The Community Center contains 35 intermediate care units, a 66 bed skilled nursing facility licensed for up to 72 beds, laundry rooms, ground and building maintenance facilities, indoor and outdoor recreational facilities and services, a lounge, an auditorium, craft areas, a bank branch, a country store, various personal services, libraries, meeting rooms, a coffee shop serving three meals per day, a main dining room serving lunch and dinner daily, and administrative offices. The Property also contains various renovated farm buildings, including Holly House, a 200 year old farmhouse that serves as a guest house, all of which are located in the RC-4 area.

There are five different types of independent living units ranging from studio through two bedroom, two bath. All independent living units are equipped with a complete kitchen, draperies, wall-to-wall carpeting, individually controlled heating and air conditioning, bathroom, tub and shower (with grab bars), 24 hour emergency call system, smoke detectors and private patio. Broadmead maintenance services, which include linen service and trash pick-up and disposal, free its residents (the "Residents") from the normal cares of home ownership and

-5-

apartment living. Covered walkways connect the various unit clusters with one another and with the Community Center in order to protect the Residents from the elements, thereby enhancing their independence and mobility. As of the end of calendar year 1989, 375 persons were Residents. As of the end of calendar year 1989, all 242 of the living units were occupied, with the average age of the Residents being approximately 83.4 years. There is currently a waiting list with respect to approximately 636 living units. The 242 independent living units and Community Center are all located within the DR portions of the Property. There are presently no plans to develop the RC-4 portion of the Property.

II.

SPECIAL HEARING FOR AMENDMENT TO ORDER
ENTERED IN CASE NO. 77-185-XASPH

In Case No. 77-185-XASPH, the Deputy Zoning Commissioner entered an Order which: a) granted a Special Exception to use a 4.57 acre portion of the Property for a convalescent home; b) granted Variances to permit 190 parking spaces in lieu of the required 301 spaces; to permit parking more than 300 feet from a living unit, but less than 500 feet from a living unit; to permit a distance between building walls without windows of 10 feet instead of the required 16 feet; to permit parking to be located in areas not related to the front of the buildings as required in Section 504 and to permit a distance of 15 feet between existing buildings Nos. 1 and 2 instead of the required 125 feet, and to permit a distance between the proposed convalescent home and

-6-

permit a distance between the proposed convalescent home and office building No. 1 of 60 feet instead of the required 110 feet; and c) determined that the interpretation of certain of the Regulations sought by Friends pursuant to Special Hearing was accurate, the Order being subject to the following conditions:

1. Office space on the subject property must be restricted to the administrative uses of Broadmead.
2. Compliance with a site plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning.
3. The Special Exception, Special Hearing, and Variances herein described in sections "A" through "E" are hereby restricted to the use of the subject property as a convalescent home. Should the use be abandoned, or cease for any reason, this Order becomes null and void.

Friends has filed a Petition for a Special Exception for a continuing care facility. Assuming that the Zoning Commissioner grants this Special Exception, the portion of the Order entered in the above case which granted a Special Exception to Friends to use the separate 4.57 acre portion of the Property on which the Community Center is located as a convalescent home should be revoked, since in light of the new category for "continuing care facility" under the Regulations, it may now be viewed as inconsistent with the use of the Property as a continuing care facility. The DR portions of the Property as a whole, and not simply the 4.57 acre parcel, are being utilized for the continuing care facility. Under the Regulations, the 4.57 acre parcel is to be treated as a component of the rest of the Property for the purposes of the Special Exception for a

-7-

continuing care facility, and is not to be treated in isolation as it quite properly had been under the Regulations in force at the time the Order was entered.

The Order entered in the above case also should be modified in Paragraph No. 2 by adding the following sentence thereto: "The site plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health Department and the Office of Planning and Zoning shall for purposes of this Order be deemed to be the plan entitled 'Plan and Plat to Accompany Zoning Petition, dated January 25, 1990, prepared by Daft-McCune-Walker, Inc.', and any approved amendments thereto". The aforesaid Site Plan shows the location of two additions added to the Community Center in 1984 and 1986, respectively, as well as the proposed building footprint for the 1989 Project. Furthermore, the aforesaid site plan is more detailed than the site plan filed in Case No. 77-185-XASPH. Because a number of physical changes have taken place within Broadmead since the time the original site plan was filed in the foregoing Case, it is no longer appropriate to require compliance with the original site plan. By the terms of the Order, if Friends fails to comply with the site plan approved by the various agencies mentioned above, Friends will be in violation of the Order. Since Friends continues to require the Variances granted by that Order, it is crucial that Friends comply with the terms of the Order. The Order should therefore be amended as required.

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The Order entered in the above case also needs to be modified in Paragraph No. 3 by substituting the words "continuing care facility" in lieu of the words "convalescent home" so as to provide that the Variances granted therein shall continue to apply to the use of the Property as a continuing care facility. By the express terms of the Order, the Variances were restricted to the use of the Property as a convalescent home, and therefore might be interpreted to apply no longer to the Property when used as a continuing care facility. Since the use of the Property as a continuing care facility will continue to be used for a will not change, but the Property will continue to be used for continuing care community in the same manner as it has been used for the last 10 years, Friends will receive no more from such an amendment than that to which it is already entitled by the Order. It is clear, therefore, that the Order should be amended as requested.

III.

A. SPECIAL EXCEPTION FOR CONTINUING CARE FACILITY

As defined under §101 of the Regulations, a continuing care facility is:

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.

As mentioned above, Broadmead contains 242 independent living units which are each equipped with a 24 hour emergency call system, and to which a full range of maintenance services,

including but not limited to linen service, trash pick-up and disposal, are supplied. The covered walkways which connect the various unit clusters with one another and the Community Center are specially designed to enhance the Residents' independence. The Residents' meals, as well as banking and various other personal services, and recreational activities, are provided in the Community Center. The age restriction requirements imposed by Friends for residency at Broadmead are even more restrictive than those required by the Regulations for a facility to qualify as a "continuing care facility". Occupancy of Broadmead is restricted to those persons 65 years of age or older or couples where either the husband or wife is 65 years of age or older and the other spouse is 62 years of age or older. The Community Center also contains a skilled nursing facility to provide for the health needs of the Residents. The skilled nursing facility provides three distinct levels of care. The first level is designed to meet the needs of persons in custodial care involving nursing procedures on a continuing basis. The second level is designed for the person needing the minimal level of nursing care. Such persons are long-term custodial patients who are ambulatory but do require a daily nursing care plan. The third level of care is designed to meet the needs of persons living in the independent living units and is provided through an out-patient center located within the nursing facility.

Based on the foregoing discussion, Broadmead clearly falls within the definition of a continuing care facility as that term

is used in §101 of the Regulations. Section 1B01.1.C provides that a continuing care facility shall be permitted in DR Zones by special exception. Although the Property contains 31.04 acres of RC-4 land, as mentioned above that land contains none of the independent living units or the Community Center.

Section 502.1 of the Regulations states that before the Zoning Commissioner may grant any Special Exception, it must appear that the use for which the Special Exception is requested will not:

(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 the land and cause undue concentration of population;

(e) Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;

(f) Interfere with adequate light and air;

(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 following analysis of the facts indicates that the use of the DR portions of the Property for a continuing care facility is completely consistent with each of the above conditions, and that

locality involved. The 1989 Project will consist of a three story addition of approximately 27,000 square feet to the existing Community Center, containing 25 one-bedroom and two studio living units, a therapeutic/recreational swimming pool, and approximately 3,600 square feet of space for additional ancillary medical providers, office space and activity space, and will also involve the renovation of 16 rooms in the existing Community Center to provide comprehensive nursing accommodations. Even after completion of the 1989 Project, Friends will be well within the applicable density limits for continuing care facilities imposed by the Regulations. The DR portions of the Property have an allowable density of 229.79 units. After the completion of the 1989 Project, Friends will have used only 204.5 units, thus leaving 25.29 units remaining unused (See Daft-McCune-Walker's Notes on the plat filed herewith for details concerning how density has been calculated). Furthermore, the 1989 Project will not change the use being made of the Property. It simply constitutes an addition to the Community Center of additional living units, space for additional health care providers, recreational facilities and office space, all of which are uses presently being made of the Community Center.

In addition, neighboring properties are well-insulated from the Community Center and will be well-insulated from the 1989 Project as well. The Community Center is more than

450 feet from the border of the Property on all sides. Directly to the north it is buffered from other property owners by steeply graded woodland. To the south and southeast, it is buffered by the independent living units and to the west it is buffered by gently sloping open lawn areas, woodlands and the Western Run Stream Valley. Finally, it can truly be said that not only is Broadmead not detrimental to the health, safety or general welfare of the locality involved, but rather, when examined in the larger context, contributes significantly to the health, safety and general welfare of Baltimore County. Broadmead enables its residents, many of whom were previously residents of Baltimore County, and who are admitted without regard to race, color, creed or national origin, to lead independent lives for a much longer period than they could if they were living on their own, all within the context of a warm and congenial environment which is both personally and intellectually stimulating and which offers the opportunity to pursue a productive and satisfying life. Perhaps the best evidence of the strong need for Broadmead is the 100% occupancy of the 242 independent living units (as of November 15, 1989) and the fact that there is currently a waiting list with respect to approximately 636 living units.

(b) Does not and will not tend to create congestion in roads, streets or alleys therein. In contrast to almost any other development for a tract of the size of the Property,

Broadmead produces an absolute minimum of traffic. Because Broadmead is so highly self-contained, the use of Broadmead generates only approximately 25% of the average number of daily trips normally attributed to a single-family development of a comparable number of units. What traffic Broadmead does generate exits onto York Road, a main road. The entrance roads on the Property are designed and located so as to provide safe ingress to, and egress from, Broadmead. The addition of the 1989 Project is not expected to generate a substantial increase in the traffic generated by the Property. Only 27 living units will be added; the majority of those residents occupying these units in the Community Center are not expected to drive at all. Broadmead does not expect to add more than approximately 3 employees as a result of the 1989 Project.

(c) Does not and will not create a potential hazard from fire, panic or other dangers. The licensing requirements for skilled nursing facilities are more stringent than requirements for other types of buildings in the community. In addition, a special fire alarm system and Security System Patrols are a part of Broadmead's operations. Broadmead also conducts special training programs for the Residents to encourage safety and fire prevention. Each of the independent living units is equipped with smoke alarms and fire extinguishers.

such use is not detrimental to the health, safety or general welfare of the locality involved.¹

The use of the DR portions of the Property for a continuing care facility:

(a) Is not and will not be detrimental to the health, safety or general welfare of the locality involved. Friends has been operating the Broadmead Community Care Facility on the Property continuously since September 1979. For most of this period, the independent living units have been occupied at close to 100% capacity. Friends has received no complaints concerning Broadmead during this period from residents of other properties in the locality, and is not aware of any such complaints having been made to the Zoning Commissioner or any other local or state authorities. Indeed, the absence of any complaints and the fact that Broadmead has operated continuously for more than 10 years constitutes the best evidence that the use of the DR portions of the Property for a continuing care facility is not and will not be detrimental to the health, safety or general welfare of the locality involved.

The addition of the 1989 Project also will not be detrimental to the health, safety or general welfare of the

¹The applicant is only required to show to the satisfaction of the zoning authority that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. *Rockville Fuel V. Board of Appeals*, 257 Md. 183, 191, 262 A.2d at 499, 503 (1970). The facts presented in this Petition demonstrate that there will be no real detriment to the area surrounding the Property.

(d) Does not and will not tend to overcrowd the land and cause undue concentration of population. Broadmead presently has unused density units, and after the addition of the 1989 Project there will still remain 25.29 unused density units. Moreover, as computed under the Regulations, the design of Broadmead provides more than 40% of the Property (slightly more than 33 acres) as open space (the actual area of the Property which is not covered by buildings is of course much greater) and has the additional value of preserving special historic and scenic elements of the Property. In particular, certain of the amenity facilities (including some of the offices for the operation of the independent living units) are incorporated into the existing manor house which stood as the focal point of the Holly Hill Estate for many years. In contrast to the more than 33 acres of open space available on the site, the required open space is approximately 1.76 acres.

(e) Does not and will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. Broadmead imposes no load on public schools. Broadmead's total requirements for water and sewer facilities are approximately 70% less than those of a standard housing project of 240 units. The difference in demand arises out of the difference in population per unit (as of January 17, 1990, the average number of residents of

each of the 242 independent living units in Broadmead was 1.2) and the differences in the patterns of use. Existing water and sewerage facilities have a capacity far in excess of that required to service Broadmead since those facilities were originally developed before the comprehensive re-zoning in the Third District of Baltimore County in the 1970s. Broadmead requires no other public improvements, and does not generate significant use of public transportation facilities.

(f) Does not and will not interfere with adequate light and air. Broadmead is constructed so as not to interfere with the access of other property owners to adequate light and air. The Community Center is far removed from properties outside of Broadmead and is otherwise oriented so that it does not interfere with light or air available to any of the surrounding structures within Broadmead. Broadmead has been built to maximize privacy for each resident by clustering living units in small groups and maximizing access to light and air by maintaining single-story, small-scale buildings. Unit clusters are located to maximize scenic views on the Property. The small-scale living units have been built in relationship to each other and to external site conditions so as to maximize all other positive environmental conditions.

(g) Is not and will not be inconsistent with the purposes of the property's zoning classification nor in any

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other way inconsistent with the spirit and intent of these Zoning Regulations. Broadmead has been operating since 1979 pursuant to the Special Exception granted by the 1977 Order. The Regulations were amended in 1988 specifically to add 1801.1.C which permits the operation of a continuing care facility in DR Zones by special exception. As discussed earlier, Broadmead certainly constitutes a continuing care facility as that term is defined in the Regulations. The grant by the Zoning Commissioner pursuant to the Petition of a Special Exception for Broadmead authorizing the use of the DR zoned portions of the Property as a continuing care facility as that term is defined in the Regulations is clearly consistent with the spirit and intent of the Regulations.

(h) Is not and will not be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations. These provisions are not applicable to DR Zones.

The facts supporting the request for this Special Exception more than meet the limited tests required for the granting of a Special Exception in Baltimore County. It is clear that the Special Exception requested by Friends to use the DR portions of the Property for a continuing care facility should be granted.

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B. SPECIAL EXCEPTION TO PERMIT MAXIMUM BUILDING ELEVATION WIDTHS TO EXCEED PERMITTED MAXIMUM

Section 1801.2.B.2 of the Regulations permits a maximum building elevation width of 300 feet. The building elevation width of the Community Center presently is in excess of 300 feet. Upon completion of the 1989 Project, the building elevation width of the Community Center will significantly exceed the maximum permitted width. In order to bring the Community Center into compliance with the Regulations, and to permit the 1989 Project, Friends requires a Special Exception to permit the maximum building elevation width of the Community Center to exceed the 300 foot maximum. To allow for some flexibility in the event that the 1989 Project as constructed varies from the plans presently proposed for the construction, and to allow for some flexibility in the event any future addition is made to the Community Center, Friends respectfully requests that a maximum building elevation width of 420 feet in every direction be authorized.

Section 1801.2.B.2 provides that a greater maximum width may be authorized under Special Exception procedures provided in Section 502. An analysis of the eight components set forth in Section 502 and which are prerequisites for the granting of a Special Exception, and which are discussed fully in Section III. A of this Memorandum, indicate that a grant of a Special Exception as requested to permit the maximum width of the

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Community Center to exceed 300 feet is clearly consistent with those requirements.

IV.

REQUEST FOR EXPEDITED AND CONSOLIDATED HEARING

Section 500.5 of the Regulations provides that upon request for a Special Exception, the Zoning Commissioner shall hold the hearing thereon after giving public notice of such hearing. Friends has a pressing need for the facilities the 1989 Project will provide, and to have these facilities completed as quickly as possible in order to minimize development costs since Friends is a not-for-profit corporation. Friends also has a pressing need for an expedited hearing because of the conditions imposed upon it under the bond financing documents which control the availability of the funds which Friends has obtained to finance the construction of the 1989 Project. Pursuant to the provisions of those documents, certain time constraints have been placed upon Friends with respect to the commencement of construction, and completion, of the 1989 Project which it may be unable to meet unless it secures promptly the necessary approvals from the Office of the Zoning Commissioner which it requires to construct the 1989 Project. Friends fears that if the bond proceeds presently available to it are not in fact disbursed to it, Friends will be unable to construct the 1989 Project. Future bond financing may simply be unavailable due to changes in the current tax laws which presently allow Friends to utilize favorable bond financing, and due to possible future adverse

-20-

changes in market conditions for bond financings. In order to meet these pressing needs, Friends respectfully requests that an expedited hearing date be set to the extent reasonably possible and that the two Petitions referred to herein be consolidated for a single hearing.

Thomas M. Trezise
Thomas M. Trezise

James G. Prince
James G. Prince
Semmes, Bowen & Semmes
250 West Pratt Street
Baltimore, Maryland 21201
(301) 539-5040

2291-33
WPC14712.1
1/25/90

-21-

SEMMEs, BOWEN & SEMMEs

ATTORNEYS AT LAW
250 WEST PRATT STREET
BALTIMORE, MARYLAND 21201
TELEPHONE 301-539-5040
FACSIMILE 301-539-5223
CABLE TREVILAC
TELEX 67-478

TOWSON, MARY AND OFFICE
P. O. BOX 6705
401 WASHINGTON AVE.
TOWSON, MARYLAND 21205
301-256-4400

April 25, 1990

RECEIVED
APR 26 1990
ZONING OFFICE

HAND DELIVERY

J. Robert Haines
Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
E/S of York Road at Thornton Mill Road (13801 York Rd.)
Friends Lifetime Care Center of Baltimore, Inc.
Case No. 90-376-SPHX

Dear Mr. Haines:

On behalf of Friends Lifetime Care Center of Baltimore, Inc. ("Friends"), I want to thank you for your recent Order granting the relief sought by the above Petitions. In reviewing the Order on behalf of Friends, I have several areas of concern, however. I discussed these with your assistant, Mr. Joe Merrie, yesterday morning, and he advised that the proper method of proceeding would be to write to you as soon as possible setting forth these areas of concern. Joe indicated that if you agreed with our concerns, you might either issue an Amended Order, or would write a letter to us indicating that in your opinion the Order which you entered addresses satisfactorily the areas of concern to us.

Our primary area of concern is that the Order does not address the second and third subparagraphs contained in Friends' Petition for Special Hearing in which Friends requested an Amendment of the 1977 Order in Case No. 77-185-XASPH. As the attachment to that Petition sets forth, Friends requested that in addition to revoking the Special Exception granted to use the 4.57 acre portion of the property for a convalescent home, the 1977 Order be amended by modifying paragraph no. 2 of the 1977 Order by adding the following sentence thereto: "The Site Plan approved by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Health

SEMMEs, BOWEN & SEMMEs

J. Robert Haines
April 25, 1990
Page 2

Department and the Office of Planning and Zoning shall for purposes of this Order be deemed to be the Plan entitled "Plan and Plat to Accompany Zoning Petition, dated January 25, 1990 prepared by Daft-McCune-Walker, Inc., and any approved Amendments thereto"; and that paragraph no. 3 of the Order be modified by substituting the words "continuing care facility" for the words "convalescent home" so as to provide that the variances granted therein shall continue to apply to the use of the Property as a continuing care facility. A strict reading of the 1977 Order indicates that these modifications are necessary if the terms of that Order will continue to apply. As Broadmead must continue to rely on that Order for certain variances, it is necessary that the 1977 Order be amended as indicated.

In reviewing your Order, I noticed several factual errors:

1. Most significantly, on the second and third lines of page 2, the acreage for the respective parcels is incorrect. The property consists of 80.83 acres as shown on the Petitioner's Exhibit 1, of which 12 (and not 24) acres are zoned DR-16, 37.79 (and not 75.58) acres are zoned DR-1 and 31.04 acres are zoned RC-4. It appears that the recitals as to acreage should certainly be amended since otherwise it would appear that your decision might have been different if you had realized that the acreage was in fact not nearly as great as indicated on page 2 of the Order.

2. On the third to last line of the first paragraph of page 1 of your Order, the reference to the proposed Community Center appears to me to be incorrect. As the testimony indicated, the Community Center has been in existence since 1979. At this time, what is termed the "1989 Project" is planned to expand the Community Center. The Community Center as it now exists exceeds the 300 foot maximum building width limitation permitted, and the addition of the 1989 Project will involve what would otherwise be a further violation of that maximum limitation absent the Special Exception which you granted. It would seem to us to be preferable to strike from the third to last line of that paragraph the word "proposed", and to insert after the word "Center" on the second to last line of that paragraph the following: "(including any and all additions thereto)".

I would note that on the third line of the second paragraph

SEMMEs, BOWEN & SEMMEs

J. Robert Haines
April 25, 1990
Page 3

of page 1, it appears that the word "Petitions" should read "Petitioners".

Please let me know at your earliest convenience if you agree with the matters raised above, and if you will enter an Amended Order. We would strongly prefer that you enter an Amended Order if at all possible. I will look forward to hearing from you. Again, thank you very much for your assistance in this matter.

Very truly yours,
James G. Prince
James G. Prince

JGP/mjs
cc: Thomas Trezise, Esquire
Donald L. Bradfield, Esquire

2291-33
Haines.letter

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

DATE 2/13/90

Friends Lifetime Care Center of Baltimore, Inc.
13801 York Road
Cockeysville, Maryland 21030

ATTN: RICHARD F. COMPTON

Re: Petitions for Special Hearing and Special Exception
CASE NUMBER: 90-376-SPHX
E/S York Road at Thornton Mill Road
Broadmead - 13801 York Road
8th Election District - 3rd Councilmanic
Petitioner(s): Friends Lifetime Care Center of Baltimore, Inc.
HEARING: WEDNESDAY, MARCH 28, 1990 at 9:30 a.m.

Gentlemen:

Please be advised that \$167.77 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: Thomas M. Trezise and James G. Prince

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

February 2, 1990

James G. Prince, Esquire
Semmes, Bowen & Semmes
250 West Pratt Street
Baltimore, Maryland 21201

RE: Petitions for Special Hearing and Special Exception
Friends Lifetime Care Center of Baltimore, Inc.

Dear Mr. Prince:

I am in receipt of your letter dated January 25, 1990 requesting an expedited hearing on the above case. I have personally reviewed this matter and understand your desire for an early hearing date. However, the best we will be able to do is the week of March 26 thru 30th, 1990. You will receive a notice from my Docket Clerk of the exact date and time.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:mm
cc: Gwendolyn Stephens, Docket Clerk

SEMMEs, BOWEN & SEMMEs

ATTORNEYS AT LAW
250 WEST PRATT STREET
BALTIMORE, MARYLAND 21201

TELEPHONE 301-539-5040

FACSIMILE 301-539-5223

CABLE TELETYPE
TELEX 87-478

TOWSON, MARYLAND OFFICE
P.O. BOX 8705
401 WASHINGTON AVE.
TOWSON, MARYLAND 21285
301-256-4400

JAMES G. PRINCE
DIRECT DIAL 301-576-4879

January 25, 1990

HAND DELIVERY

Office of Planning and Zoning
of Baltimore County
401 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing and Petition for Special Exceptions (the "Petitions") filed by Friends Lifetime Care Center of Baltimore, Inc. ("Friends") with respect to Broadmead

Gentlemen:

The purpose of this letter is to request an expedited hearing on the Petitions filed today by Friends with the Office of Planning and Zoning of Baltimore County with respect to Broadmead. Friends has filed the Petitions to enable it to construct a three-story addition containing approximately 27,000 square feet (the "1989 Project") to the existing Broadmead Community Center (as defined in the Petitions). The 1989 Project will contain 25 one-bedroom and 2 studio living units, therapeutic/recreational swimming pool, and approximately 3,600 square feet of space for additional ancillary medical providers, office space and activity space. Friends has a pressing need for the following reasons to begin construction of the 1989 Project as quickly as possible.

First, the residents of Broadmead have a pressing need for the facilities the 1989 Project will provide. Second, since Friends is a not-for-profit corporation, it has a pressing need to have the 1989 Project completed as quickly as possible in order to minimize development costs. Third, Friends has a pressing need to begin construction promptly because of the conditions imposed upon it under the bond financing documents which control the availability to Friends of the actual funding which it obtains to finance the construction of the 1989 Project.

SEMMEs, BOWEN & SEMMEs

January 25, 1990
Page 2

Pursuant to the provisions of those documents, certain time constraints have been placed upon Friends with respect to the commencement of construction, and completion, of the 1989 Project which it may be unable to meet unless it secures promptly the necessary approvals from the Office of Planning and Zoning which it requires to construct the 1989 Project. Fourth, Friends needs to be in a position to utilize the bond financing which it has obtained, and which it can only be certain of being in a position to utilize if it begins construction promptly, because future changes in the current tax laws which currently allow Friends to utilize favorable bond financing, or due to possible future adverse changes in market conditions for bond financings.

Friends therefore respectfully requests that an expedited hearing date on the Petitions be set to the extent reasonably possible and that the two Petitions be consolidated for a single hearing. Thank you very much for your consideration.

Very truly yours,

James G. Prince
James G. Prince,
Attorney for Friends Lifetime
Care Center of Baltimore, Inc.

JGP/mjs

2291-33
Planning Letter

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

February 14, 1990

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 Special Hearing and Special Exception
CASE NUMBER: 90-376-SPHX
E/S York Road at Thornton Mill Road
Broadmead - 13801 York Road
8th Election District - 3rd Councilmanic
Petitioner(s): Friends Lifetime Care Center of Baltimore, Inc.
HEARING: WEDNESDAY, MARCH 28, 1990 at 9:30 a.m.

Special Hearing to approve the amendment of the Order issued in Case #77185-XASPH.
Special Exception for a continuing care facility and to permit maximum building elevation widths of 420 ft. in every direction in lieu of the 300 ft. maximum building elevation.

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
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Friends Lifetime Care Center of Baltimore, Inc.
Thomas M. Trezise and James G. Prince
File

CHECKLIST FOR FILING

WHEN YOU ARE READY TO FILE YOUR PETITION, PLEASE CALL 887-3391 TO MAKE AN APPOINTMENT.

Zoning petitions may be filed with the Zoning Office by appointment between the hours of 9:00-4:00 throughout the year on forms furnished by the Zoning Commissioner. All information on the forms must be typed and they must be signed originals by the petitioner(s); i.e., legal owner or legally authorized representative and/or lessee, with the address and telephone number provided. Three (3) originals of each form must be submitted. While the Zoning Associates will assist the petitioner in interpreting those provisions of the Baltimore County Zoning Regulations applicable to the particular case, the final wording of the request, as set forth on the petition forms, shall be the responsibility of the petitioner(s).

The petition forms must be accompanied by twelve (12) copies of a plat, indicating all information on the attached or the blue commercial checklist and three (3) copies of a zoning description of the property with the distance to the nearest intersecting public street centerline indicated. Site plans and zoning descriptions submitted with commercial variances, special exceptions, and special hearings (that require site plans); i.e., parking use and reclassification petitions, must be prepared by a registered surveyor or engineer and sealed. Site plans and zoning descriptions submitted with residential variances and other special residential hearings do not require engineer seals; however, the plans must be legible and include all the checklist information. In addition to the petition forms, site plans and descriptions, the appropriate filing fee must also be submitted. The fee for variances and special hearings for one-family dwellings is \$35.00, while all other petitions require a \$175.00 fee per petition, with a maximum fee of \$450.00.

A. PRIOR TO PREPARING THE REQUIRED PLAN, THE PETITIONER OR HIS ENGINEER SHOULD CONTACT THE FOLLOWING COUNTY AGENCY AND/OR STATE AGENCY IF LOCATED ON A STATE ROAD FOR PERTINENT DATA THAT MAY BE REQUIRED BY THAT PARTICULAR AGENCY.

1. Public Services.....887-3340
2. Bureau of Traffic Engineering.....887-3554
3. D.E.P.R.M. (Department of Environmental Protection and Resource Management).....887-3733
4. State Highway Administration.....County Office Building, Room 200 & 206
5. County Roads.....887-3335
6. Current Planning (Design, Screening, Landscaping).....887-3987
7. Building Engineer (Plans).....887-3987
8. Fire Department.....887-3998

B. The surveyor's plat shall contain all the information as set forth on the checklist as follows:

1. North arrow
2. Scale: 1"=10', 1"=50', 1"=100'
3. Election District 8: Council Districts
4. Outline of parcel(s) in question (indicated by heavy bold line)
5. Zoning of parcel(s) in question and adjacent properties
6. Bearings, distances, and area of parcel(s)
7. Name of adjoining street and distance to the closest intersection public street centerline
8. Existing and proposed width of street right-of-way from property line to property line
9. Existing and proposed topography, if required by the Office of Planning and Zoning
10. Existing and proposed width and type of paving
11. Location and width of existing and/or proposed entrances and their relation to entrances on existing properties and properties across the street
12. Use, dimensions, and location of all existing buildings on parcel
13. Use, dimension, height, front orientation, and location of all proposed buildings or additions, and the proposed use if the use is to be changed

14. The location and use of all principal buildings within a minimum distance of 200 feet from the joint side, front, and rear property lines shall be shown

15. Appropriate "sight" tent (for apartment buildings and commercial zones)

16. Apartment density shall be indicated as follows:

EXAMPLE:		
Existing Zoning	--	D.R.-5.5
Proposed Zoning	--	D.R.-16
Gross Area	--	10 acres
Designed Density:		
Gross	--	16 units per acre
Total Units	--	160 units

17. Off-street parking

Parking Data: Number of spaces required
Number of spaces provided

EXAMPLE: (two-story building, offices and apartments)

First Floor:		
Use		apartments
Total Floor Area		6,000 square feet
No. of spaces required		6,000/3.3 per 1,000
No. of spaces provided		19.8=20 spaces

Second Floor:		
Use		apartments
No. of units proposed		12
No. of spaces required		81.53/unit=21
No. of spaces provided		28

Total Spaces Required = 41
Total Spaces Provided = 53

Parking Space: Size (minimum 8-1/2 x 18)

Paving: Type (must be a durable and dustless surface such as tar and chip, macadam, or bituminous concrete)

Screening: Size and Type and Location

Lighting: Type, location, direction, and height

18. A curb not less than 8" wide and 6" high must be provided around every parking lot. The curb must be set back 4' from a street right-of-way line, if no parking is anticipated. The curb must setback 10' from the street right-of-way line, if parking is proposed against it.
19. Location of streams or drainage courses on or within 50' of property.
20. Utilities: Location and size of existing water and sewer lines available at site. If water and/or sewer are not available at site, the location and distance to the nearest lines must be indicated with the proper Baltimore County utility drawing number listed. (This may be indicated on Location Plan described below.) In the event no public water and/or sewerage exists, the means for providing proper water and sewerage disposal must be indicated.
21. Fire prevention: Location of fire hydrants (Hydrant spacing must conform to the Baltimore County Standard Design Manual and the Fire Prevention Code).
22. Buildings with zero setbacks must meet building code, as well as fire code requirements with regard to type of construction, windows, etc.
23. The surveyor shall furnish one (1) copy of a reproducible location plan or an inserted vicinity map on the required site plans, either of which shall reflect the following information:
- Scale: 1"=200' or 1"=1,000'
 - Outline of the parcel(s) in question
 - All existing and proposed streets and expressways in the area
 - Location of available utilities connections, if necessary
 - Approximate size and location of school and church sites or other landmarks in area
24. Plans must be trimmed to a neat 8-1/2" by 11" or where larger prints are necessary, they shall be folded to that size. They must be clear with the lettering distinct.
- C. The above information is to be used in part as a guide by the members of the Joint Zoning Advisory Committee.
- D. The Joint Zoning Advisory Committee, as established by the County Administrative Office in 1963, presently consists of ten (10) responsible representatives of various County departments. The Committee reviews zoning petitions weekly.
- E. The review by the Joint Zoning Advisory Committee is aimed, not at making a judgment in the appropriateness of the zoning action requested, but rather to assure that all parties are made aware of plans or problems that may have a bearing on the case.

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

Thomas M. Trezise, Esquire
250 W. Pratt Street
Baltimore, MD 21201

March 14, 1990

RE: Item No. 247, Case No. 90-376-SHX
Petitioner: Friends Lifetime Care Center
Petition for Special Exception and
Special Hearing

Dear Mr. Trezise:

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. 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 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

247 3/29/90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

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

SUBJECT: Friends Lifetime Core Center of Baltimore, Inc.
Zoning Petition No. 90-376

DATE: March 20, 1990

The Petitioner requests a Special Hearing and Special Exception for a continuing care facility.

Should the Petitioner's request be granted, staff offers the following condition:

- The ancillary medical services proposed as part of the "1989 Project" and/or future projects be limited to providing care to the residents of the Broadmead community.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

- Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204
- Zoning Item # 247, Zoning Advisory Committee Meeting of February 22, 1990
- Property Owner: Friends Lifetime Care Center of Baltimore, Inc.
- Location: E/S York Road at Thorton Mill Road
- Water Supply: Metro
- Comments are as follows:
- Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for new 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, 887-3775, to obtain requirements for such installation(s) before work begins.
 - A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or processes which exhaust into the atmosphere.
 - A permit to construct from the Bureau of Air Quality Management is required for any chiller boiler generation process which exhausts into the atmosphere.
 - A permit to construct from the Bureau of Air Quality Management is required for any chiller boiler generation process which exhausts into the atmosphere.
 - Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications 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 Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
 - 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 existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, 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, 887-3775.
 - 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 887-3745.
 - Soil percolation tests, have been 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 _____. This must be accomplished prior to conveyance of property.
 - 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. For more information contact the Division of Environmental Management at 887-3500.
 - In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
 - Others _____

James E. Dyer
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 23rd day of February, 1990.

J. Robert Haines
ZONING COMMISSIONER

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

Petitioner: Friends Lifetime Care Center, et al
Petitioner's Attorney: Thomas M. Trezise

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

Paul H. Reincke
Chief

FEBRUARY 14, 1990

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: FRIENDS LIFETIME CARE CENTER OF BALTIMORE, INC.

Location: E/S YORK ROAD AT THORTON MILL ROAD

Item No.: 247 Zoning Agenda: FEBRUARY 22, 1990

Gentlemen:

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

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", 1988

REVIEWER: [Signature] Noted and Approved [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

March 1, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Friends Lifetime Care
Center of Baltimore Inc.
Zoning meeting 2/22/90
E/S York Road
MD 45
at Thorton Mill Road
Item # 247

Dear Mr. Haines:

After reviewing the submittal for a special hearing to approve the amendment of the Order issued in Case No. 77-185-XASPH and for a special exception for a continuing care facility, we find the plan acceptable.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,
Charles Rose, Acting Chief
Engineering Access Permits
Division

LB/es
cc: Daft McCune and Walker Inc.
Mr. J. Ogle

RECEIVED
MAR 5 1990
ZONING OFFICE

My telephone number is (301) 333-1350
Teletypewriter for Impaired Hearing or Speech
303-7555 Baltimore Metro 515-0451 D.C. Metro 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for February 22, 1990

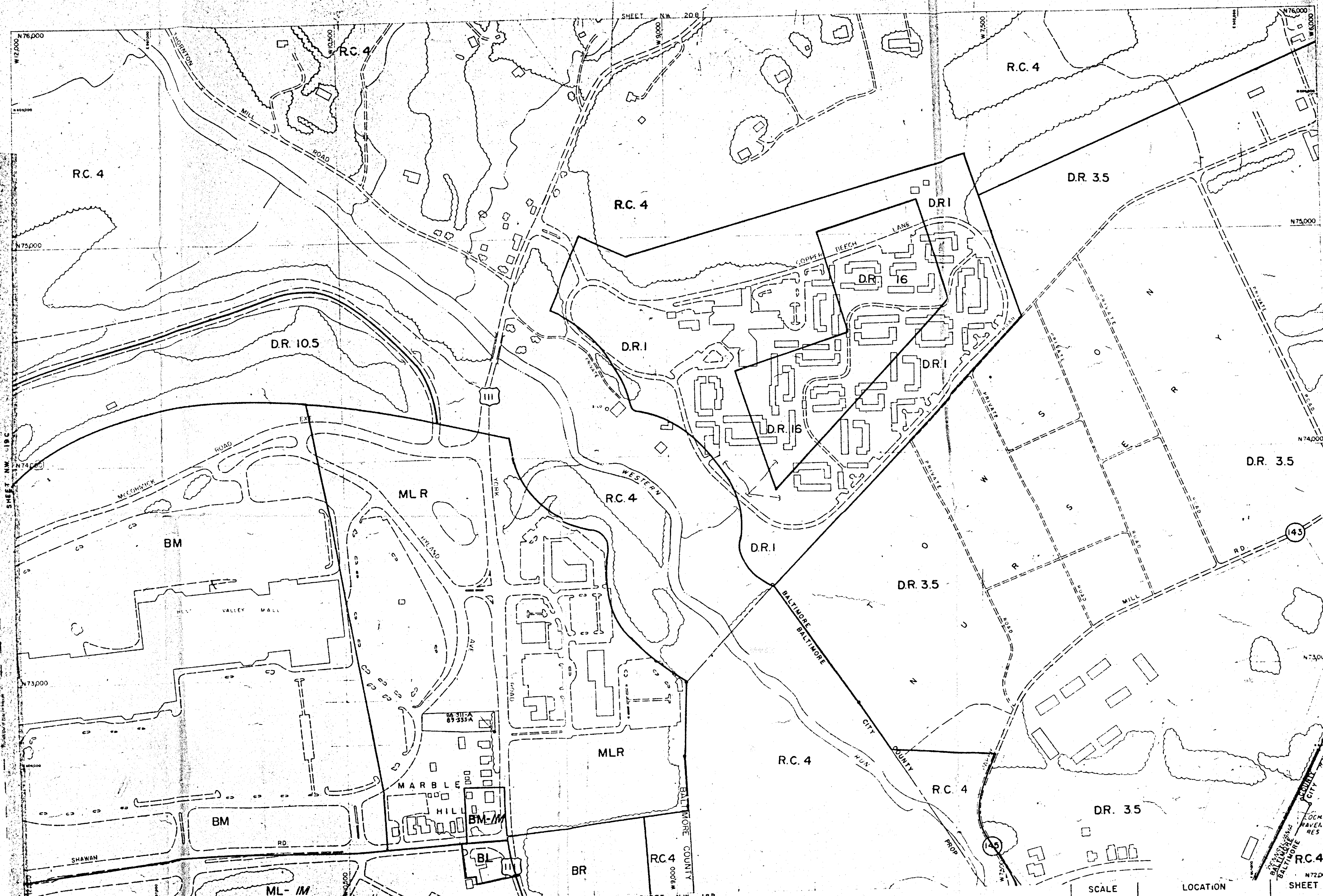
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 246, 247, 248, 249, 250 and 251.

Item 237 is subject to the previous County Review Group comments for this site.

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:s

1988
ZONING



V-NE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Ord. Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

[Signature]
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE
1" = 200'
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
ASHLAND

SHEET
NW
19-B

247
90-376-SPHX