CR-1994-0157-XA
1994-0263-A

#14-426
$150.00

VENABLE® LLP

210 W. PENNSYLVANIA AVENUE SUITE 500 TOWSON, MD 21204
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Patricia A. Malone
Counsel

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December 23, 2014

Arnold Jablon, Deputy County
Administrative Officer
Director, Baltimore County Department
Of Permits, Approval and Inspections
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: **Request for Confirmation of Zoning "Spirit and Intent"**
Legal Owner: Oak Campus Partners, LLC
Property Address: 8820 Walther Boulevard
PAI No. XI-695; 94-263-A and CR-94-157-XA
5th Councilmanic District, 11th Election District

Dear Mr. Jablon:

I am writing on behalf Oak Crest, a retirement community located at 8820 Walther Boulevard in Parkville, to request confirmation that the proposed improvements described in this letter are within the "spirit and intent" of the prior zoning relief granted for the campus. Oak Crest is an integrated continuing care facility featuring independent living units, assisted living beds, and skilled nursing care in a campus-like setting. The facility first opened in 1995.

In 1993, a Petition for Reclassification with a Documented Site Plan was filed with the County Board of Appeals seeking to reclassify 87± acres, located on the southwest side of Joppa Road and Walther Boulevard, to DR 16. (In some of the documents, the project was originally referred to as "Charlestown Village," but it should not be confused with Charlestown, which is a separate property in Catonsville.) A Petition for Special Exception and related Petition for Variance were also filed seeking approval of a continuing care facility on the property and related zoning relief related to maximum building height, building length, parking, and signage.

In an Opinion dated December 8, 1993, the Board of Appeals approved the requested reclassification and approved the special exception and variance relief for the continuing care facility with a maximum of 1,400 density units. (*See* Case No. CR-94-157-XA.)

1994-0263-A
CR-1994-0157-XA

The approved Documented Site Plan stated that development review and approval would be required and building revisions would be permitted "if they occur within the maximum building envelope shown on th[e] plan, if they do not exceed the stated maximum or minimum number of density units, assisted living or nursing units permitted by th[e] plan, and if the revisions comply with all zoning relief requested by th[e] petition and are in accord with all other applicable requirements of BCZR. Similarly, site revisions are also permissible if they comply with all zoning relief requested by th[e] petition and are in accord with all other applicable requirements of BCZR." (*See* Documented Site Plan in Case No. CR-94-157-XA, Note F, Special Zoning Notes.)

In February 1994, the associated Development Plan was approved with additional zoning relief. (*See* Case Nos. XI-695 and 94-263-A.)

The Board of Appeals issued two subsequent Opinions, dated April 8, 1994, and December 20, 1994, approved a First and Second Amended Documented Site Plan, with among other changes, a revised/expanded maximum building envelope.

At this time, as reflected on the associated Application to the Development Review Committee, Oak Crest is seeking to make minor improvements to the campus, including:

> **Building CB1 –Town Center:** remove an area of approximately 4,450± square feet currently used for indoor swimming pool and locker rooms and, in its place, build a 19,630± square foot expansion which will be used for indoor swimming pools, locker rooms, fitness and activity rooms, lounge, and Outpatient Rehabilitation. This expansion provides a net increase in area of 15,180± square feet;
>
> **Building CB3 –Village Square:** build a 3,500± square foot expansion to the common space and lounge area of the building which will be used for enlarged and reconfigured spaces for common space, lounge, library, and art display uses; and;
>
> **Other improvements:** upgrade landscaping and hardscaping, including planting areas, sidewalks, pathways, and outdoor recreation amenity areas.

The proposed building additions are internal to the site and are located well within the approved maximum building envelope shown on the Documented Site Plan and will not result in any increase in the actual or permitted residential density or occupancy of the

facility. Further, none of the improvements will generate the need for any additional zoning relief. F

In the County's file, there is reference to a letter agreement between Oak Crest and Ridgedale Mews Homeowners' Association, Inc. in relation to Case No. CR-94-157-XA. A copy of that letter agreement is attached. Our engineer has confirmed that the proposed changes to the plan are not in conflict with any of the terms contained in the letter agreement and, therefore, do not require any additional approvals from the association.

After you have reviewed the relevant materials, I would appreciate you confirming that the proposed plan refinements are, indeed, within the spirit and intent of the prior approved zoning relief and that the proposed changes are permitted without any additional zoning relief being required.

I have included a check in the amount of $150.00 to cover the administrative costs of this request. Please let me know if you need any additional information in order to issue the requested confirmation.

Kind regards.

Very truly yours,

Patricia A. Malone

Reviewed and Confirmed:

JNP per WCR 1/9/2015

Arnold Jablon, Director
Baltimore County Department of
Permits, Approvals and Inspections

8871665 v1

RETIREMENT AND HEALTH SERVICES CORP.
d/b/a Senior Campus Living
703 Maiden Choice Lane
Baltimore, Maryland 21228

November 17, 1993

HAND DELIVERY

Ridgedale Mews Homeowners' Association, Inc.
Attention: Daniel Waszelewski, President
9546 Orbitan Court
Baltimore, Maryland 21234

Re: Confirmation of Agreement Concerning DR16 Zoning Reclassification for Continuing Care Facility for Elderly Housing on 86.2 Acre ± Nottingham Properties Parcel Along SW/S Joppa Road and Walther Boulevard - Board of Appeals Case No. CR-94-157-XA

Dear Mr. Waszelewski and Association Members:

Reference is made to your Association's October 27, 1993, letter and to the meeting held in your community between our representatives, Fred Walker and Stephen J. Nolan and your counsel, Cynthia K. Hitt, Esquire, and numerous homeowners along Orbitan Court.

As you know, our zoning reclassification hearing is scheduled to be heard before the County Board of Appeals of Baltimore County on November 17 and 18, 1993. A development hearing on Phase I of our development will most likely be heard before the Zoning Hearing Officer in early January, 1994.

The purpose of this letter is to set forth the following agreement and understanding reached between Ridgedale Mews Homeowners' Association, Inc. and Senior Campus Living, as contract purchaser and developer:

1. In consideration of the Association's written statement addressed to the Board of Appeals that it has determined that it will not object to Senior Campus Living's DR 16 Zoning Reclassification Request and related special exception and variance requests and the development of the site in accordance with the application originally filed in Board of Appeals Case No. CR-94-157-XA;

Petitioner's Ex. #28

2. Senior Campus Living, as contract purchaser and developer, agrees that any and all development plans for that portion of the Charlestown Village proposed development that adjoins the rear property lines along the north side of Orbitan Court will contain at least the following and will be constructed in accordance with the following:

   a. The limits of clearing for the Charlestown service road and/or parking will not be closer than seventy feet (70') to the rear property lines of the adjacent townhouse properties to the south which front along Orbitan Court and the paved service road itself and/or parking will be placed at least eighty feet (80') away from the aforesaid rear property liens;

   b. No proposed buildings shall be closer than one hundred fifty feet (150') to the rear property lines of the adjacent townhouse properties to the south which front along Orbitan Court; and

   c. Senior Campus Living agrees to install a fence on its property line in height and of the type and materials which shall later be mutually agreed upon by the parties, the cost of which shall not exceed the cost of a six foot high (6') black vinyl clad chain-link fence. In the course of fence installation, Senior Campus Living agrees to use reasonable care to minimize disturbance of the existing vegetation. Senior Campus Living further agrees to submit a landscape plan to the Association for its approval, which will provide for the addition on Senior Campus Living's property of evergreen and deciduous trees, which plan approval shall not be unreasonably withheld.

These terms shall be incorporated on the development plan, a copy of which shall be furnished to the Association. Senior Campus Living agrees not to amend the development plan with respect to the terms contained in this letter, without the consent of the Association.

3. This agreement is contingent upon the Board of Appeals' grant of DR16 zoning and the absence of any successful appeals being taken therefrom.

We appreciate your Association's input and continue to believe in the longterm benefits which this important development represents for all of the citizens of Baltimore County.

Very truly yours,

RETIREMENT AND HEALTH SERVICES
CORP. d/b/a Senior Campus Living

Wm. Fred Walker, Vice President

WFW:brh

cc: Cynthia K. Hitt, Esq.
Stephen J. Nolan, Esq.

0300A

2nd REVISED
DEVELOPMENT PLAN
PHASE 2
OAK CREST VILLAGE

General Notes

1. Election District 11, County Council District 6

2. Census Tract: 4114.02 Watershed: 6 Subwatershed: 18

3.

Tax Account Numbers	Deed Reference	Tax Account Numbers	Deed Reference
11-14-068241,2	4857/626	11-09-004499	5479/48
11-14-068422	2987/349	11-09-000851	5304/205
11-14-068024	4856/454	11-14-065868	4033/538
11-14-065421	2671/627	18-09-013487	6145/293

4. Existing zoning is DR-16 with a special exception for continuing care facility. See Board of Appeals Case No. CR-94-157-XA. First Amendment to the Documented Site Plan was approved 4/8/94. Second Amendment is to be heard 12/1/94.

5. Site Area and Allowable Density:

Zone	Net Area (Acres +/-)	Gross Area (Acres +/-)
DR-16	66.94	67.25
DR 5.5	.88	.88
Total	66.82	67.88

Maximum permitted development is 1,369.74 density units.
Area of Phase 2: 39.68 ± Acres

6. Density Calculations:

Type	Nbhd. 1	Nbhd. 2	Nbhd. 3 Dwelling	Units(DU)	Factor	Density Units(DnU)
Efficiency	46	26	39	111	0.5	55.5
1 BR	222	227	217	666	0.75	499.5
1 BR & Den	38	47	40	126	0.75	94.5
2 BR	208	194	224	624	1.0	624
Subtotals	513	494	520	1,527 DU	—	1,273.5 DnU
Assist. Liv. Units	126 beds			—	0.25	31.25
Nursing Units	240 beds			—	N/A	—
Totals				1,527 DU		1,304.75 DnU

Not more than 1,400.16 density units will be developed. All buildings will meet applicable building and fire codes.

7. Average Daily Trips (Phase 2 Only)
1014 (~~1012~~ Retirement Units @ 3.3 = 3346 (~~3340~~ ADTs

8. Parking Calculations-Continuing Care Facility:

a. Parking Required by Baltimore County Zoning Regulations

1527	DU @ 1 space/DU =	1527	Spaces
125	Assisted Living Units @ 1 space/2 beds =	63	Spaces
240	Nursing Beds @ 1 space/3 beds =	80	Spaces
	Total =	1670	Spaces
	Plus 15% residential guest spaces	230	Spaces
	Total Required	1900	Spaces

b. Parking Provided 1505 (~~1293~~) Spaces

A variance to permit 1,393 spaces in lieu of the 1,915 required spaces was granted by the Board of Appeals. See Case No. CR-94-157-XA, Second Amended Documented Site Plan.

Spaces will be a minimum of 8.5 x 18', paved with a durable, dustless surface and striped.

9. Planting is shown conceptually on the Schematic Landscape Plan and shall be in compliance with the Landscape Manual currently in effect.

10. Topography and major vegetation are based on aerial photogrammetry by P.D.S., Inc., dated August 1993 supplemented by field run topographic surveys completed in September 1993 by DMW, Inc. The site has been used as a sand and gravel extraction facility. All site features are predominantly man made. The boundary shown hereon is from a boundary survey dated February 9, 1994 completed by DMW, Inc. Existing vegetation consists primarily of early successional woodlands and old field plant communities with three areas of more mature forest outside of graded areas of the mine.

11. Stream centerlines and wetlands are based on field run topographic surveys. Limits of Forest Buffer Easement shown hereon have been approved by Baltimore County DEPRM. Final Flood Plain Limits are shown hereon. Floodplain and drainage and utility easements will be established in accordance with Baltimore County Regulations.

12. All existing structures and underground tanks have been removed.

13. The site is not in a National Registered or County Historic District; no existing structure is listed as a historic landmark.

14. All adjoining dwellings or vacant lots which generate a Residential Transition Area (RTA) have been shown and have resulted in the RTA as shown hereon.

15. The Joppa Road entrance is for emergency and construction access only. All other traffic will utilize the Walther Boulevard entrance.

16. This development is not within the Chesapeake Bay Critical Area.

17. There are no known significant geologic formations, critical areas, archaeological sites, endangered species habitats, or hazardous materials on the property.

18. Any existing access easements which ... provided for residents. The Mass Transit ... has been contacted to inform them of this project.

20. The limits of the 100-year floodplain, Forest Buffer Easement (F.B.E.) and Forest Conservation Easement (F.C.E.) are as shown on the plan. There shall be no clearing, grading, construction, or disturbance of vegetation in the F.B.E. except as permitted by the Baltimore County Department of Environmental Protection and Resource Management. Protective covenants governing the use of the F.B.E. and F.C.E. shall be recorded with the land Records of Baltimore County at the time of plat recordation and shall run with the land in perpetuity.

In accordance with Council Bill 224-92, use of Forest Conservation Easement areas is limited to those practices that are consistent with forest conservation, including recreational activities and forest management practices, that are used to conserve forests. Access to F.B.E. and F.C.E. shall be provided via the private loop road.

A Final Forest Conservation Plan has been approved by Baltimore County D.E.P.R.M.

21. Existing private sewage disposal systems have been pumped and either backfilled or removed. Existing well has been backfilled by a licensed well driller. A well-abandonment report will be submitted to Baltimore County DEPRM.

22. Open space provided will be retained and maintained by the developer, in perpetuity ... owner of lots 1 and 2.

Open Space Required ... (Phase 1): 513 x 650 s.f./unit = 7.65 Ac.
(Phase 2): 1014 - 1512 x 650 s.f./unit = 15.19 Ac.
Total 22.76 Ac.
Open Space Provided 22.84 Ac. +/-

23. Trash will be collected internally and picked up by a private trash service.

DOCUMENTED SITE PLAN ORDER

IT IS THEREFORE this ... day of December, 1993 by the County Board of Appeals ... Baltimore County

ORDERED that the Petition for Reclassification from R.O., R.L., D.R. 3, D.R. 5.5 and D.R. 16.5 to D.R. 16 be and is hereby GRANTED; and it is further

ORDERED that the Petition for Special Exception to permit a continuing care facility w... a utilization period of five years be and is hereby GRANTED; and it is further

ORDERED that the petitioned variances to permit a building height ... 80 ft. in lieu of the maximum 60 ft.; to permit a non-residential principa... building within the continuing care facility to have a maximum ... building length as long as 470 ft. in lieu of the permitted 200 ft ... and width as long as 400 ft. in lieu of the permitted 200 ft.; ... permit component elderly housing facility, institutional build... separated by exterior passageways to have a maximum width and l...gth as much as 140 ft. in lieu of the permitted 200 ft.; to pe...mit a continuing care facility to provide 1,557 off-street par...ing spaces in lieu of the required 1,927 spaces; and to perm... an externally illuminated sign identifying the elderly housi... community to have a double-faced sign with an area of 75 sq. ft. ... lieu of the permitted 15 sq. ft. per face be and are hereby GRA...D; and it is further

ORDERED that the Agreeme... between the Petitioner and the Ridgedale News Homeowners' As...ciation, Inc., as set forth in Petitioner's Exhibit 2B, shall ... incorporated and become a part of this Order.

Any petition for judicial ...view from this decision must be made in accordance with Rules ...01 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
BALTIMORE COUNTY

...illiam T. Hackett, Chairman

Richard E. Ja...

...ene K. Lipowitz

REV. DOCUMENTED SITE PLAN ORDER

IT IS THEREFORE this 23rd day of December, 1994 by the County Board of Appeals of Baltimore County

ORDERED that Petitioner's Second Amended Documented Site Plan be and the same is hereby granted and approved in accordance with the Daft McCune Walker plan revised as of October 28, 1994, filed herein as Petitioner' Exhibit 1.

Any petition for judicial review from this decision must be made in accordance With Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

APPROVED AS TO FORM:

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Stephen J. Nolan
Attorney for the Petitioner
NOLAN, PLUMHOFF & WILLIAMS CHARTERED
Counsel for Petitioner

C. William Clark, Chairman

Peter Max Zimmerman
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

S. Diane Levero

Hudson R. Lipowitz

PHASE 1 DEVELOPMENT PLAN ORDER

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 14th day of February, 1994 that the development plan for Oak Crest Village identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variances seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: from Section 1B01.1.B.1(e)1 (Section IX.A, p.15 of the C.M.D.P.), to permit the operations and maintenance building to be as close as 50 feet to the property line in a residential transition area (RTA) in lieu of the required setback of 75 feet and, in accordance with Section 1B01.1.B.1(e).3, to permit a graded buffer and 40-foot landscape buffer for construction of the operations and maintenance building in the RTA in lieu of the required ungraded and 50-foot landscaped buffer; and from Section 1B01.1.B.1.e(2) and (3) of the B.C.Z.R. (Section IX.B, p.15 and 16 of the C.M.D.P.) to permit a setback and buffer of 10 feet each in lieu of the required 75 feet and 50 feet, respectively, and from Section 1B01.1.B.1(e)1 (Section IX.B, p.15 and 17 of the C.M.D.P.) to permit the buffer to be graded and planted in lieu of the ungraded required, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Owner/Developer may apply for its building permit and be granted same upon receipt of this Order; however, the Owner/Developer is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) As previously noted within this Order, Baltimore County is planning to install 4-foot wide sidewalks along a portion of the Owner's property on Walther Boulevard in a southerly direction from Dunfield Road. The Owner shall be required to continue the installation of sidewalk along the remaining portion of their property on Walther Boulevard to the point where their property ends. The Owner's portion of the required sidewalk shall be installed prior to the issuance of any occupancy permits of the proposed facility.

3) ...ther shall be permitted to install a 6-foot ...ty fence around the perimeter of the property, thereby causing the 7.3 acres of local open space ...ireas to remain under the exclusive use and control of the Owner.

4) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

TIMOTHY M. KOTROCO
Hearing Officer
for Baltimore County

24. Required Setbacks:

Residential Transition Area (RTA):

75 feet from property line to building or parking
50 feet ungraded, vegetated buffer

All other areas:

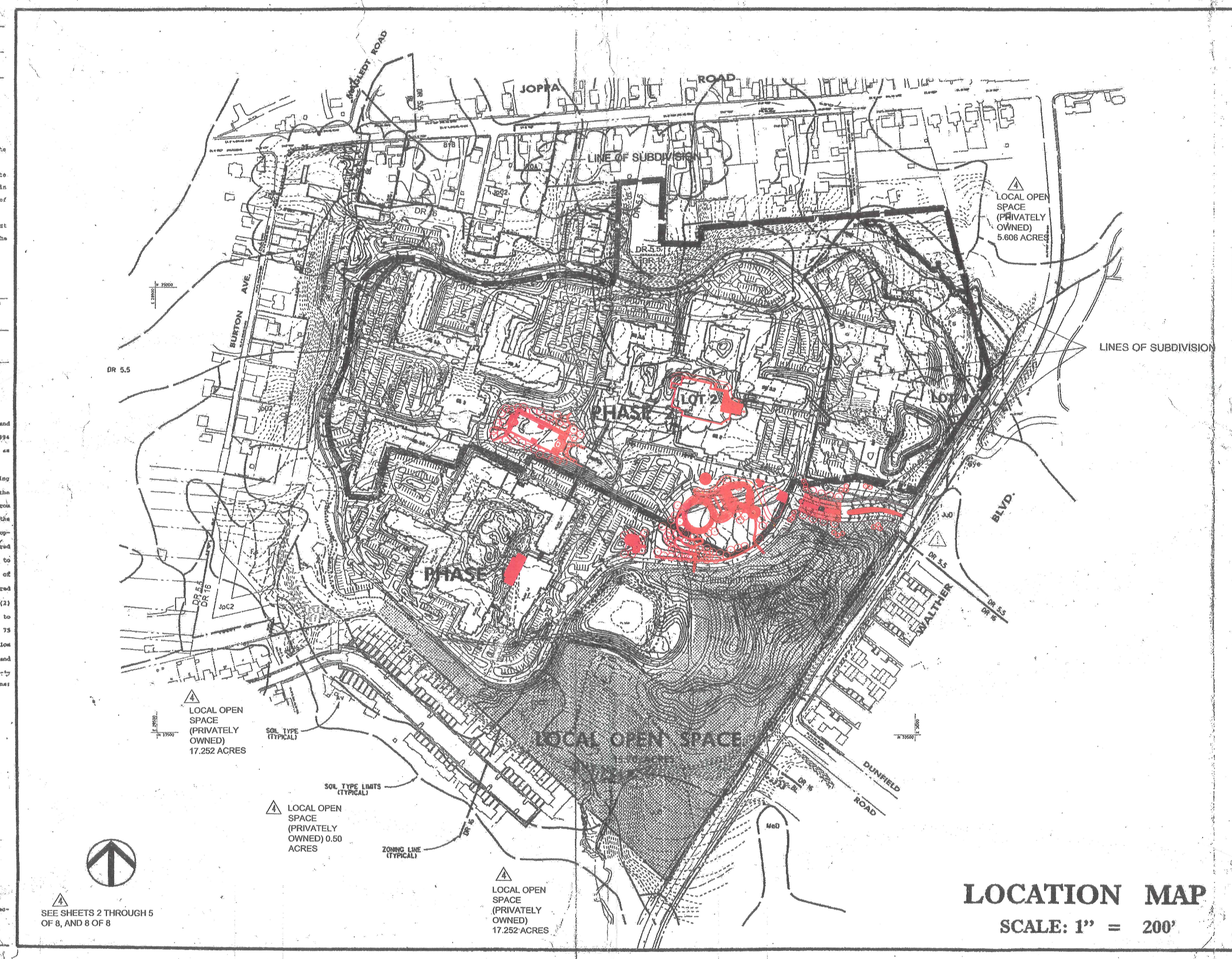
	Front Yard	Side Yard	Corner Street Side	Rear Yard
DR-16	30 ft.	25 ft.	25 ft.	30 ft.

Front yards are those areas adjacent to street rights-of-way for Walther Boulevard, Joppa Road, and Burton Avenue. All other yards are rear yards. A building setback of 25 feet from the Forest Buffer and Forest Conservation Easements is required.

See Zoning Order for building height and width requirements and setback variances granted.

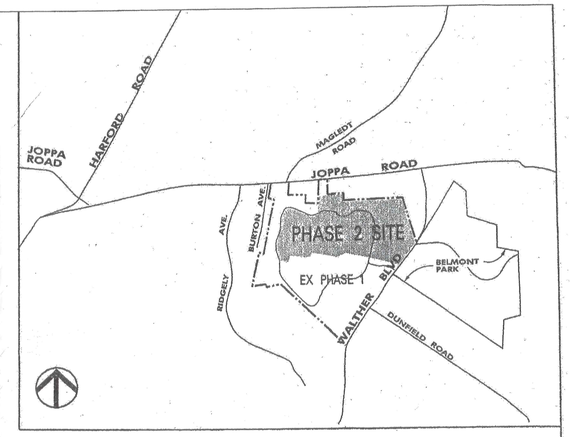
Minor modifications to building footprints shown hereon may occur within the maximum building envelope following final architectural design.

25. The entire property will be fenced. An ornamental metal fence will be provided along Walther Boulevard where visible from Walther Boulevard. Remaining perimeter fence will be chain link with black vinyl coating on fence fabric.



SEE SHEETS 2 THROUGH 5 OF 8, AND 8 OF 8

LOCATION MAP
SCALE: 1" = 200'



VICINITY MAP
SCALE: 1" = 1000'

Accessory Structure Note:

a. Envelopes shown hereon are for the location of all principal buildings only. Accessory structures, fences, and projections into yards may be constructed outside the envelope, but must comply with Sections 400 and 301 of the Baltimore County Zoning Regulations (Subject to covenants and applicable building permits).

b. Accessory structures, fences, and projections into yard cannot be located in floodplain areas or hydric soils.

Zoning Commissioner's Note

This development plan is approved by the Director of ZADM based on his interpretation of the Zoning Regulations; that it complies with present policy, density, and bulk controls as they are delineated in the Regulations. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided, or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.

Community Input Meeting was held Nov. 17, 1994, with the following concerns being identified:

a. Adjoining residents requested that the site perimeter fence (then under construction) be completed to prevent youths and children from entering the property.

Zoning History

This property was the subject of 1982 CZM Issue 8-094 by Nottingham Properties, Inc. The County Council agreed with the Planning Board recommendation and changed the previous DR-16 and DR-5.5 zoning to DR-2, DR-5.5, and DR-10.5 with very small portions of RO and BL zoning.

Baltimore County Board of Appeals Case No. CR-94-157-XA then changed the zoning to entirely DR-16 in final action and order dated December 8, 1982. This order also granted a special exception for use of the property as a continuing care facility and granted numerous variances related to building size, height, parking, and signage.

Development Plan for Phase 1 was approved by the Zoning Commissioner by order dated February 14, 1994.

The First Amendment to County Board of Appeals Case No. CR-94-157-XA, modifying the Maximum Building Envelope for the HVAC building, was approved in final opinion and order dated April 8, 1994.

The Second Amendment to County Board of Appeals Case No. CR-94-157-XA is was heard hearing on December 1, 1994. The second amendment further modifies the maximum building envelope for the Care Center and Assisted Living buildings, modifies the proposed density relative to more detailed building design, further modifies the parking variance, and incorporates additionally purchased land into the development.

PHASE 2 DEVELOPMENT PLAN ORDER

THEREFORE, IT IS ORDERED by the Hearing Officer of Baltimore County this 17th day of January 1995, that the development plan submitted in the within case as Developer's Exhibit No. 3, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Zoning Administration and Development Management (ZADM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions, if any, of this opinion and Order and/or the development plan comments.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

The Baltimore County Zoning Review Office has determined that this red-lined Development Plan dated, January 6, 2015, is within the "spirit and intent" of Zoning Cases CR-94-157-XA and 1994-0263-A.

Director of Permits Approvals and Inspections (PAI) — Date 1/9/2015

JAN 16 2008

PLAN TO ACCOMPANY HEARING OFFICER'S ORDER
3-1-96 — David Flowers — PROJECT MANAGER

PLAN TO ACCOMPANY HEARING OFFICER'S ORDER
7/24/08 — Walt Smith — PROJECT MANAGER

DATE	ITEM
2015.01.06	ADD BLDG CB 2.0 POOL BLDG ADDITION, OPEN SPACE AREA SITE IMPROVEMENTS AND BLDG 1.0 IMPROVEMENTS
06.17.08	ADD PARKING LOT, REVISE LOS, CHANGE NOTES 8,22 PER DRC # 110507 F
2.15.96	ADD LINE OF SUBDIVISION, LOT #5 & REV. ACREAGE & BLDG LAYOUT
9.7.95	REV. CARE CENTER FOOTPRINT, ADD LINES OF SUBDIVISION
1.19.95	ADDED ORDERS, TITLE
12-6-94	REV. NOTE 5 & 22, ADD LOCAL OPEN SPACE TO LOCATION MAP

REVISIONS
~~1ST REVISED~~ 2ND REVISED

DEVELOPMENT PLAN
FINAL DEVELOPMENT PLAN
PHASE 2
PLAN TO ACCOMPANY DRC REQUEST

OAK CREST VILLAGE
Walther Boulevard at Joppa Road
Baltimore County, Maryland 21234

RECEIVED MAR 01 1996 BALTIMORE COUNTY, MARYLAND

TAX ACCOUNT NUMBER 2300005682

Election District: 11 — County Council District: 5

Revision Only

Tesseract Sites Inc.
401 Washington Ave Suite 303
Towson, MD 21204

OFFICE OF PLANNING AND ZONING
Approved by:

Director of Planning — Date

Director of ZADM — Date

Daft · McCune · Walker, Inc.
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals
200 East Pennsylvania Avenue Towson, Maryland 21286 410 296 3333 Fax 296 4705

MARKS, THOMAS AND ASSOCIATES, INC.
ARCHITECTS
2300 NORTH CHARLES STREET BALTIMORE, MD 21218 (301) 467-8800

OWNERS: OAK CAMPUS PTNRS., L.L.C. c/o
SENIOR CAMPUS LIVING
LIFE CARE RETIREMENT COMMUNITIES
DEVELOPER
703 MAIDEN CHOICE LANE
BALTIMORE, MARYLAND 21228
(410) 242-2880 FAX (410) 247-7881

PROJECT NO.: 83100.F
COUNTY PROJECT NO.:

SCALE 1" = 200'

DATE: November 1994

1 of 8

1994-0263/CR 1994-0157 SPI

MATCH LINE SEE SHEET 3 OF 8

MATCH LINE SEE SHEET 4 OF 8

MATCH LINE SEE SHEET 5 OF 8

WHITECLIFF ROAD

WALTHER BLVD.

FORMER DIETZ PROPERTY

Leonard C. Reihl & Wife
5.M. 8012/559

Leonard C. Reihl & Wife
Vacant
4th Parcel
S.M. 8012/559

Norman Lewis Brandt & Wife
E.H.K. Jr. 565/15

Norman Lewis Brandt & Wife
S.M. 3012/106

Lawrence C. Buell
E.H.K. Jr. 5694/667

Harry Monroe Harrower & Wife
T.B.S. 1787/183

Vacant
Leonard C. Reihl & Wife
1st Parcel
S.M. 8012/559

DENSE TREES

N 85°13'00" E 818.68'

S 58°35'55" E 35.22'

S 87°34'25" E 123.90'

LIMITS OF FOREST BUFFER

PRIVATELY OWNED LOCAL OPEN SPACE

WETLAND LIMITS

CONSERVATION EASEMENT

LOCAL OPEN SPACE (PRIVATELY OWNED) 5.606 ACRES

Ex. 8" S. DWG. NO. 86-1600

Ex. 8" W. DWG. NO. 86-1600

Ex. 18" RCCP DWG. NO. 86-077

Ex. 24" RCCP

Morton R. Slater Et. Al
E.H.K. Jr. 1953/105

S 41°58'40" E 1,153.00'

Ex. 8" S. DWG. NO. 86-195

Ex. 12" RCCP

Ex. 72" D.

Ex. 60" RCCP

Ex. 21" RCCP

Ex. 8" W. DWG. NO. 86-1600

Ex. 8" RCCP DWG. NO. 86-1600

S 80°58'00" E 350.00'

Baltimore County, Maryland
E.H.K. Jr. 6464/328

RB 2.4

RB 2.3

RB 2.2

RB 2.1

CB 2

LOT 2

LOT 1

ASSISTED LIVING FACILITY

CARE CENTER

CHAPEL

MAXIMUM BUILDING ENVELOPE

MAXIMUM BUILDING HEIGHT

PHASE 2

INITIAL GRADE

N 35250

E 30000

N 35250

E 30750

N 34000

E 30000

PLAN TO ACCOMPANY
HEARING OFFICER'S ORDER

7/24/08 Walter Smith
DATE PROJECT MANAGER

DATE	ITEM
2015.01.06	ADD BLDG CB 2.0 POOL BLDG ADDITION, OPEN SPACE AREA SITE AND BLDG 1.0 IMPROVEMENTS
06.17.08	Add LOS Limits; Add new parking
2.15.96	ADDED FOREST BUFFER, BLDG. LABELS & LOT #s
1.2.96	REVISE CARE CENTER FOOTPRINT & ADD LINES OF SUBDIVISION
1.19.95	ADDED DIETZ PROP. OUTLINE, CC HEIGHT
12-16-94	ADD 25' DIM. O.C. BLDG & FOREST BUFFER DIST., ADD DIST. TO FOREST BUFFER TITLE

REVISIONS

2ND REVISED
DEVELOPMENT PLAN
FINAL DEVELOPMENT PLAN
PHASE 2
PLAN TO ACCOMPANY DRC REQUEST
OAK CREST VILLAGE
Walther Boulevard at Joppa Road
Baltimore County, Maryland 21234

Election District: 11 — TAX ACCOUNT NUMBER: 2300005682 — County Council District: 5

STATE OF MARYLAND — GRAIG WALKER — No. 1475 — REGISTERED LANDSCAPE ARCHITECT

Revision 4 Only

Tesseract Sites Inc.
401 Washington Ave Suite 303
Towson, MD 21204

OFFICE OF PLANNING AND ZONING
Approved by:

Director of Planning — Date

Director of ZADM — Date

DMW
Daft • McCune • Walker, Inc.
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals
200 East Pennsylvania Avenue, Towson, Maryland 21286
410 296 3333 Fax 296 4705

MARKS, THOMAS AND ASSOCIATES, INC.
ARCHITECTS
2300 NORTH CHARLES STREET BALTIMORE, MD 21218 (301) 467-8600

DEVELOPER
SENIOR CAMPUS LIVING
LIFE CARE RETIREMENT COMMUNITIES
708 MAIDEN CHOICE LANE
BALTIMORE, MARYLAND 21228
(410) 242-2880 FAX (410) 247-7881

PROJECT NO.: 83100.F
COUNTY PROJECT NO.: XI695

STATE OF MARYLAND — CHARLES F. WELLS — No. 9880 — REGISTERED PROFESSIONAL ENGINEER

SCALE 1" = 50'
0 25 50

DATE: November 1994

2 of 8

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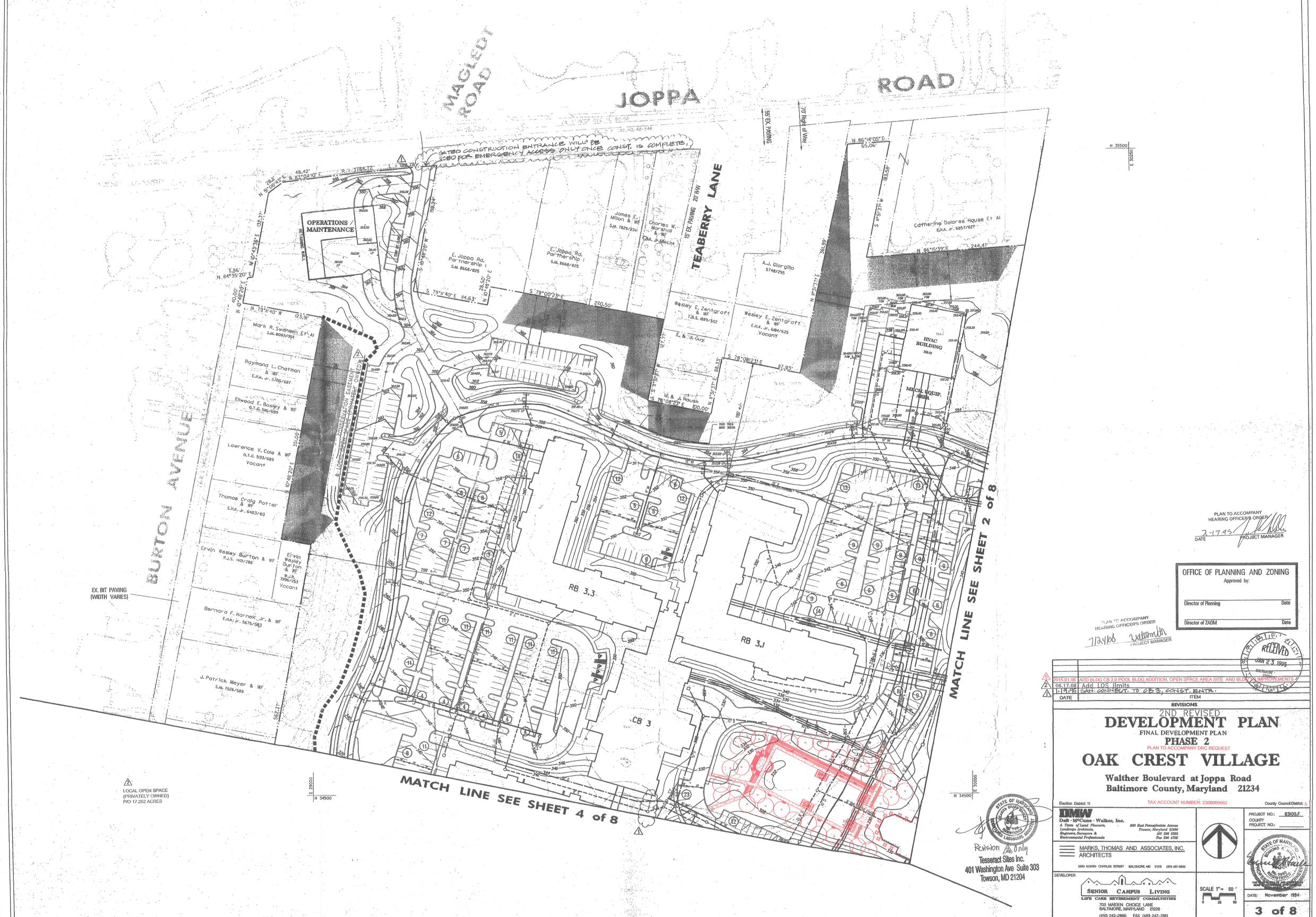

PLAN TO ACCOMPANY HEARING OFFICER'S ORDER

1-17-95 DATE — PROJECT MANAGER

OFFICE OF PLANNING AND ZONING
Approved by:

Director of Planning — Date

Director of ZADM — Date

PLAN TO ACCOMPANY HEARING OFFICER'S ORDER

7/24/08 DATE — PROJECT MANAGER

RECEIVED JAN 23 1995 BALTIMORE COUNTY

DATE	ITEM
2015.01.06	ADD BLDG CB 2.0 POOL BLDG ADDITION, OPEN SPACE AREA SITE AND BLDG. IMPROVEMENTS
2 06.17.08	Add LOS limits
1 1.19.95	SAN. CONNECT. TO CB 3, CONST. ENTR.

REVISIONS

2ND REVISED
DEVELOPMENT PLAN
FINAL DEVELOPMENT PLAN
PHASE 2
PLAN TO ACCOMPANY DRC REQUEST
OAK CREST VILLAGE
Walther Boulevard at Joppa Road
Baltimore County, Maryland 21234

Election District: 11 — TAX ACCOUNT NUMBER: 2300005682 — County Council District: 5

DMW
Daft · McCune · Walker, Inc.
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200 East Pennsylvania Avenue Towson, Maryland 21286 410 296 3333 Fax 296 4705

MARKS, THOMAS AND ASSOCIATES, INC. ARCHITECTS
2200 NORTH CHARLES STREET BALTIMORE, MD 21218 (301) 467-8600

DEVELOPER
SENIOR CAMPUS LIVING
LIFE CARE RETIREMENT COMMUNITIES
703 MARDEN CHOICE LANE
BALTIMORE, MARYLAND 21228
(410) 242-2880 FAX (410) 247-7881

PROJECT NO.: 83100.F
COUNTY PROJECT NO.:

SCALE 1" = 50' (0 25 50)

DATE: November 1994

3 of 8

Revision 2 Only
Tesseract Sites Inc.
401 Washington Ave Suite 303
Towson, MD 21204

83100\83100.SSI\ENGR\CAD Files\Development Plans\PropDevelopSubPlan.dwg, 1/6/2015 3:53:56 PM, 1:50

MATCH LINE SEE SHEET 2 of 8

MATCH LINE SEE SHEET 3 of 8

MATCH LINE SEE SHEET 5 of 8

PHASE 1
(NOT PART OF THIS PLAN)

R8 3.2

LOCAL OPEN SPACE (PRIVATELY OWNED) 0.5 AC.

LOCAL OPEN SPACE (PRIVATELY OWNED) P/O 17.252 ACRES

FOREST CONSERVATION EASEMENT & LOCAL OPEN SPACE (PRIVATELY OWNED)

FOREST BUFFER EASEMENT

WETLAND LIMITS

WETLAND

BLDG L1 thru L12

William H. Ransley & WF O.T.G. 4648/226

Anthony J. Cosentino & WF O.T.G. 4521/478

Anthony J. Cosentino & WF E.H.K. Jr. 6145/297 Vacant

R. & D. Prueht

C. & R. Shaffer (Vacant)

J. Lubhehusen

Carney Grove W.P.C. 7/20

Faith Law, et al

Faith Law, et al (Vacant)

C. & D. Brazil

M. Watson

C. & A. Thomas

F. Elder

B. & D. Staewer

Randolf L. Lichtenberg Et. Al. (Vacant) S.M. 1376/468

Upton Village North Plat Six - Section two E.H.K. 51/60

Upton Village North Plat Eight Section Two E.H.K. Jr. 53/77

Townhouse Residences

CARTAN COURT

Local Open Space Stream Valley Park

S 79°11'40" E 171.16'

S 76°49'47" W 276.35'

S 76°49'47" W 346.35'

S 47°30'50" W 130.73'

N 47°30'50" W 196.73'

N 10°48'20" E 365.12'

N 10°48'20" E 60.00'

E 28750 N 33250

E 30000 N 33250

N 34500 E 30000

PLAN TO ACCOMPANY HEARING OFFICER'S ORDER
2-17-99 DATE — PROJECT MANAGER

PLAN TO ACCOMPANY HEARING OFFICER'S ORDER
7/24/08 DATE — PROJECT MANAGER

RECEIVED JAN 23 1995 Baltimore County Department of Permits & Development Management

DATE	ITEM
2015.01.06	ADD BLDG CB 2.0 POOL BLDG ADDITION, OPEN SPACE AREA SITE AND BLDG 2.0 IMPROVEMENTS
2 6.17.08	Add LOS limits

REVISIONS

OFFICE OF PLANNING AND ZONING
Approved by:
Director of Planning — Date
Director of ZADM — Date

Revision Only

Tesseract Sites Inc.
401 Washington Ave Suite 303
Towson, MD 21204

2ND REVISED
DEVELOPMENT PLAN
FINAL DEVELOPMENT PLAN
PHASE 2
PLAN TO ACCOMPANY DRC REQUEST
OAK CREST VILLAGE
Walther Boulevard at Joppa Road
Baltimore County, Maryland 21234

Election District: 11 — TAX ACCOUNT NUMBER: 2300005682 — County Council District: 5

DMW
Daft · McCune · Walker, Inc.
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals
200 East Pennsylvania Avenue Towson, Maryland 21286 410 296 3333 Fax 296 4705

MARKS, THOMAS AND ASSOCIATES, INC.
ARCHITECTS
2300 NORTH CHARLES STREET BALTIMORE, MD 21218 (301) 467-8800

DEVELOPER
SENIOR CAMPUS LIVING
LIFE CARE RETIREMENT COMMUNITIES
703 MAIDEN CHOICE LANE
BALTIMORE, MARYLAND 21228
(410) 242-2880 FAX (410) 247-7881

PROJECT NO.: 83100.F
COUNTY PROJECT NO.:

SCALE 1" = 50'
0 25 50

DATE: November 1994

4 of 8

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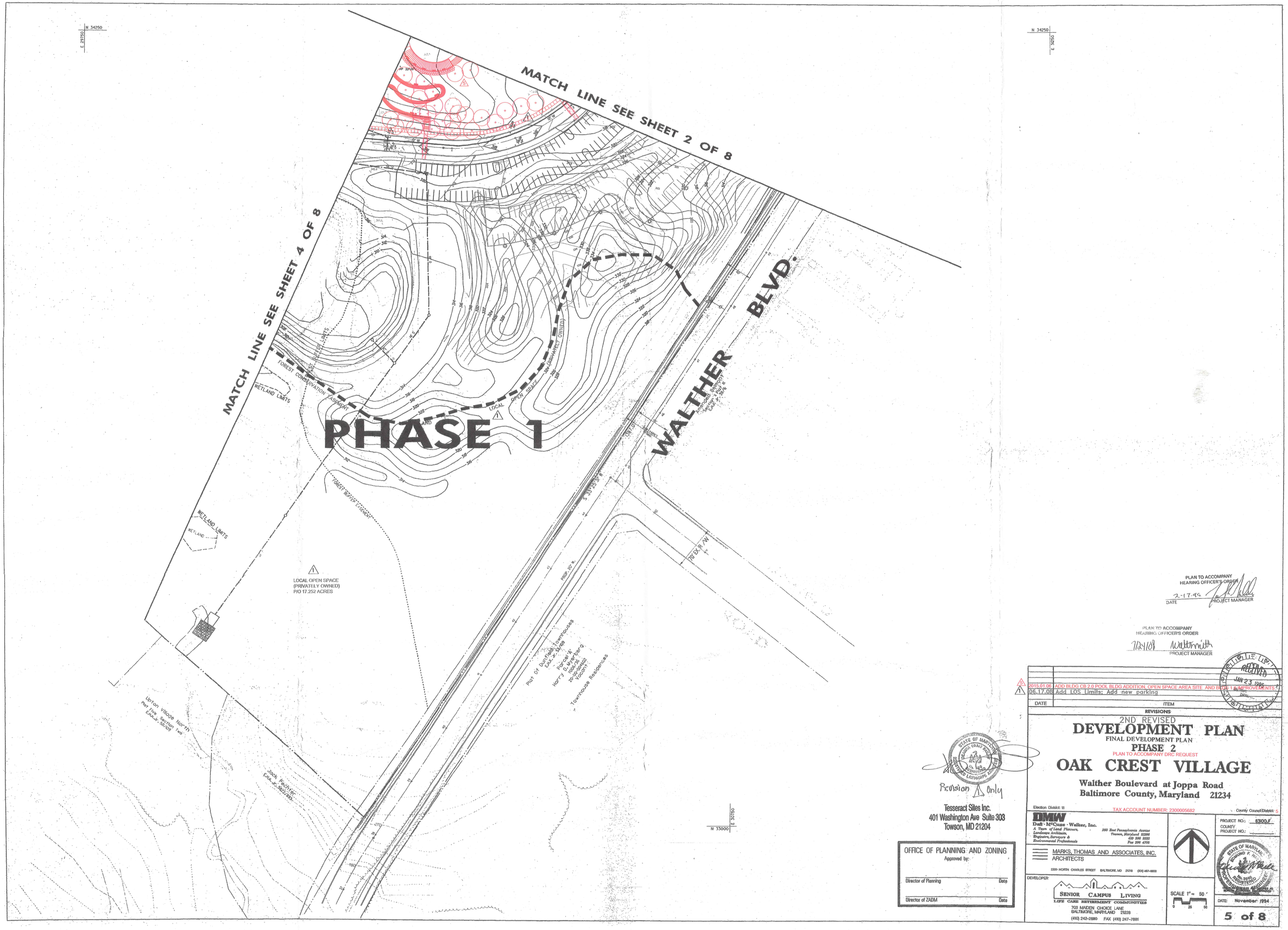


PLAN TO ACCOMPANY
HEARING OFFICER'S ORDER

2-17-09 — PROJECT MANAGER
DATE

PLAN TO ACCOMPANY
HEARING OFFICER'S ORDER

7/24/08 — PROJECT MANAGER

RECEIVED
JAN 23 1995
BALTIMORE COUNTY, MD
DEPT. OF PERMITS & LICENSES

DATE	ITEM
2015.01.06	ADD BLDG CB 2.0 POOL BLDG ADDITION, OPEN SPACE AREA SITE AND BLDG LIMPROVEMENTS
06.17.08	Add LOS Limits; Add new parking

REVISIONS

2ND REVISED

DEVELOPMENT PLAN

FINAL DEVELOPMENT PLAN

PHASE 2

PLAN TO ACCOMPANY DRC REQUEST

OAK CREST VILLAGE

Walther Boulevard at Joppa Road
Baltimore County, Maryland 21234

Election District: 11 — TAX ACCOUNT NUMBER: 2300005682 — County Council District: 5

STATE OF MARYLAND — EDMUND A. WALTHER — No. 9986 — REGISTERED PROFESSIONAL ENGINEER

Revision Only

Tesseract Sites Inc.
401 Washington Ave Suite 303
Towson, MD 21204

OFFICE OF PLANNING AND ZONING
Approved by:

Director of Planning — Date

Director of ZADM — Date

DMW
Daft · McCune · Walker, Inc.
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals
200 East Pennsylvania Avenue, Towson, Maryland 21286
410 296 3333 Fax 296 4705

MARKS, THOMAS AND ASSOCIATES, INC.
ARCHITECTS
2300 NORTH CHARLES STREET BALTIMORE, MD 21218 (800) 487-6800

DEVELOPER
SENIOR CAMPUS LIVING
LIFE CARE RETIREMENT COMMUNITIES
703 MAIDEN CHOICE LANE
BALTIMORE, MARYLAND 21228
(410) 242-2880 FAX (410) 247-7881

PROJECT NO.: 83100.5
COUNTY PROJECT NO.:

SCALE 1" = 50'
0 25 50

DATE: November 1994

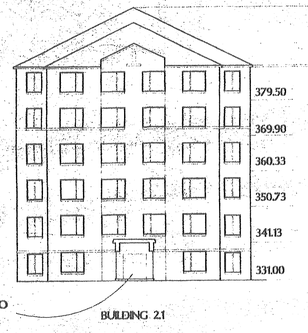
5 of 8

83100\83100.5\ENGR\CAD Files\Development Plans\PropDevelopSdt8.dwg, 1/6/2015 2:58:12 PM, 1:50

CB2 – SEE COMMUNITY BUILDING PACKAGE FOR MOST RECENT ELEVATIONS

BUILDING 2.1

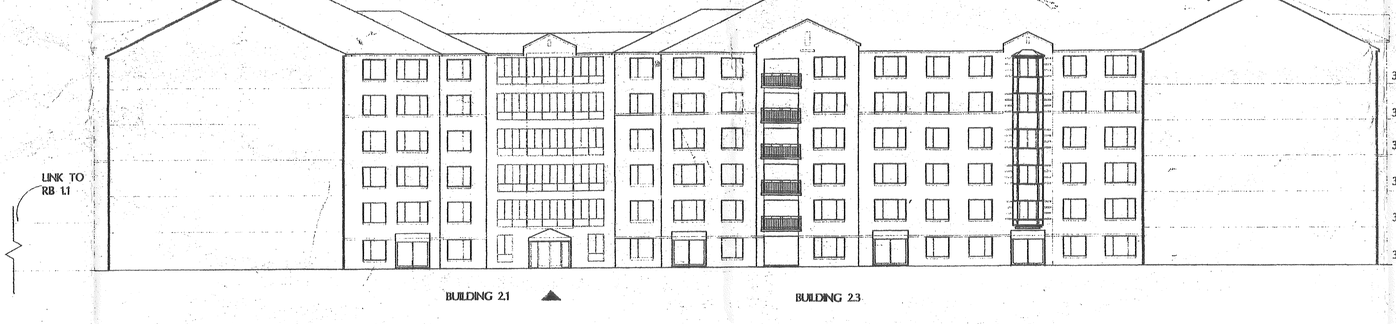
3A/3104 NORTH ELEVATION @ BUILDING 2.1
SCALE: 1/16" = 1'-0"



LINK TO C.B. 2

BUILDING 2.1

5A/3104 EAST ELEVATION @ BUILDING 2.1
SCALE: 1/16" = 1'-0"

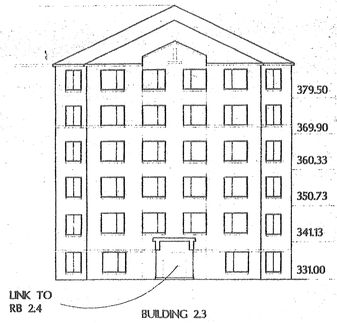


LINK TO RB 1.1

BUILDING 2.1

BUILDING 2.3

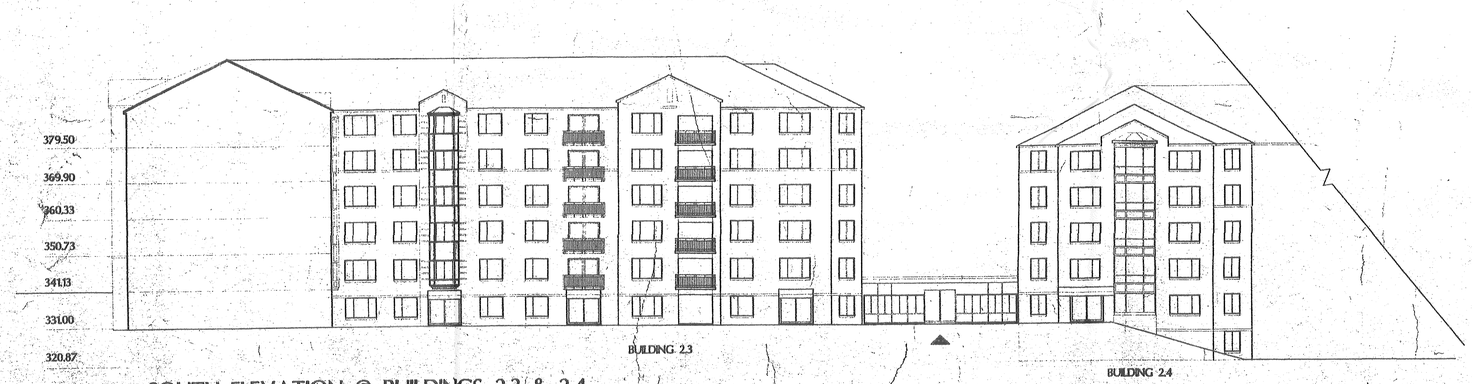
5C/3104 EAST ELEVATION @ BUILDINGS 2.1 & 2.3
SCALE: 1/16" = 1'-0"



LINK TO RB 2.4

BUILDING 2.3

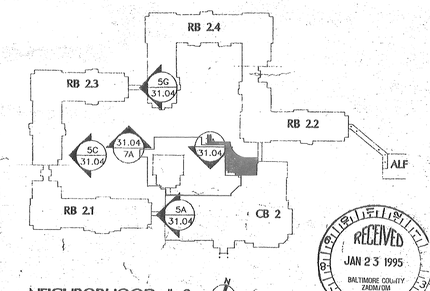
5G/3104 EAST ELEVATION @ BUILDING 2.3
SCALE: 1/16" = 1'-0"



BUILDING 2.3

BUILDING 2.4

7A/3104 SOUTH ELEVATION @ BUILDINGS 2.3 & 2.4
SCALE: 1/16" = 1'-0"



NEIGHBORHOOD # 2

RECEIVED
JAN 23 1995
BALTIMORE COUNTY
ZADM/ZOM

MARKS, THOMAS AND ASSOCIATES INC.
ARCHITECTS
200 NORTH CHARLES STREET · BALTIMORE, MARYLAND 21218 · (301) 467-8600

CERTIFIED

PLAN TO ACCOMPANY HEARING OFFICER'S PETITION
DATE 2-17-95
PROJECT MANAGER

RESIDENTIAL BUILDINGS 2.1–2.4

OAK CREST VILLAGE

Retirement Community
Baltimore County, Maryland

SHEET TITLE
1/16" ELEVATIONS

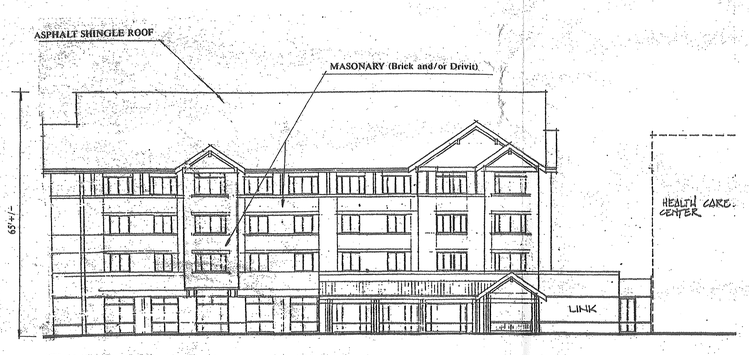
JOB 94115-18	DATE 11/10/94
DRN CC	CHKD CDW

REVISIONS
100% SCHEMATICS

STATE OF MARYLAND · DAVID F. MARKS · 5870 · REGISTERED PROFESSIONAL ARCHITECT

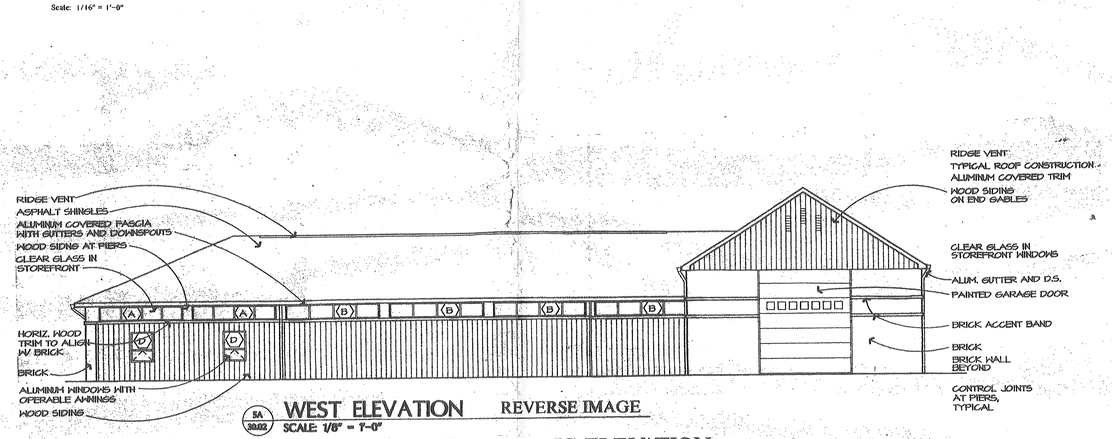
THESE DRAWINGS AND PROJECTS ARE THE PROPERTY OF THE ARCHITECT AND SHALL NOT BE REUSED WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

6 OF 8



ASSISTED LIVING FACILITY — EAST ELEVATION

Scale: 1/16" = 1'-0"

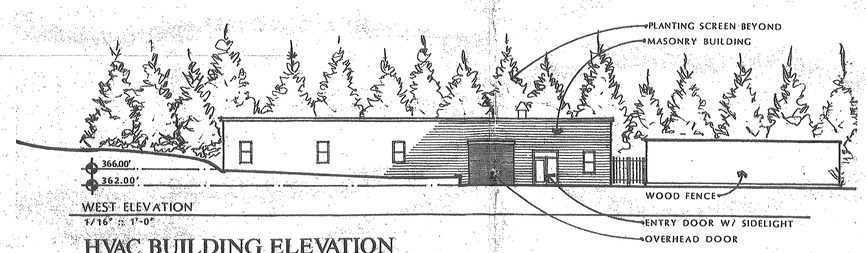


5A 30.02 WEST ELEVATION REVERSE IMAGE

SCALE 1/8" = 1'-0"

MAINTENANCE BUILDING ELEVATION

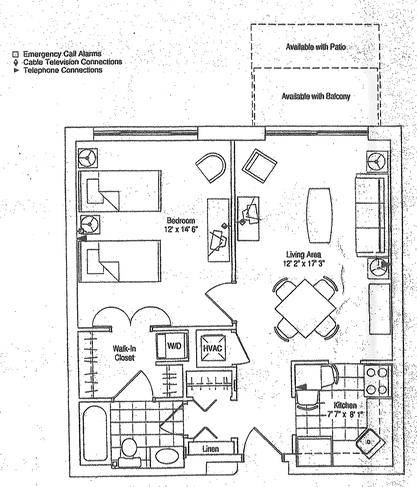
(PHASE I)



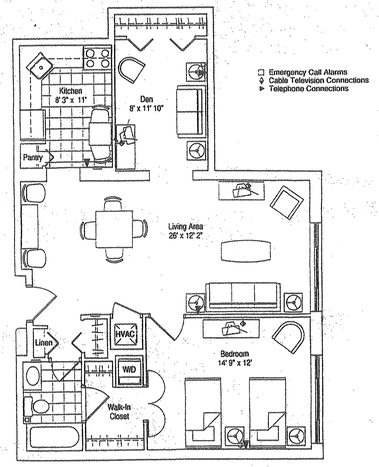
HVAC BUILDING ELEVATION

(PHASE I)

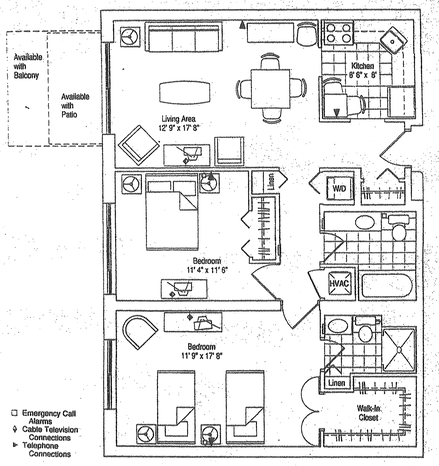
Large One Bedroom
(The Brighton)



One Bedroom with Den
(The Georgetown)



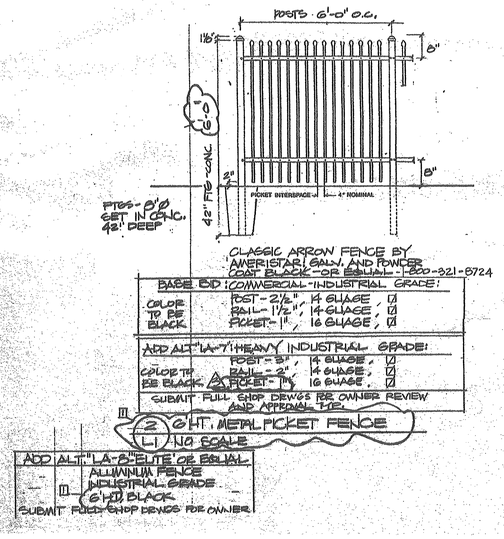
Two Bedroom, Two Bath
(The Hamilton)

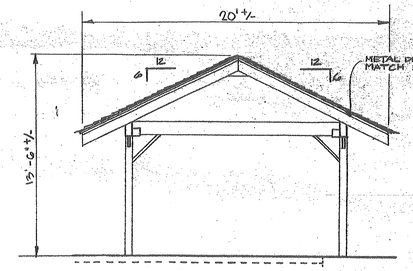


TYPICAL FLOOR PLANS – NOT TO SCALE

Pylon Entrance Signage (PHASE I)

3/8" - 1'-0"





CARPORT – END ELEVATION

SCALE 1/4" = 1'-0"

PLAN TO ACCOMPANY HEARING OFFICER'S DEC.

PROJECT MANAGER

DATE 3-17-95

DATE	ITEM
3-7-94	TO COMPLY WITH DEVELOPMENT PLAN ORDER.

REVISIONS

RECEIVED JAN 23 1995 BALTIMORE COUNTY DEPARTMENT OF PERMITS & LICENSES

FINAL DEVELOPMENT PLAN

DEVELOPMENT PLAN
Phase 2
OAK CREST VILLAGE

Walther Boulevard @ Joppa Road
Baltimore County, Maryland 21234

Election District: 11 — County Council District: 6

DMW
Daft · McCune · Walker, Inc.
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals
200 East Pennsylvania Avenue, Towson, Maryland 21286
410 296 3333 Fax 296 4705

MARKS, THOMAS AND ASSOCIATES, INC.
ARCHITECTS
2300 NORTH CHARLES STREET BALTIMORE, MD 21218 (301) 467-8600

Nottingham Properties, Inc.
OWNER
100 W. PENNSYLVANIA AVENUE

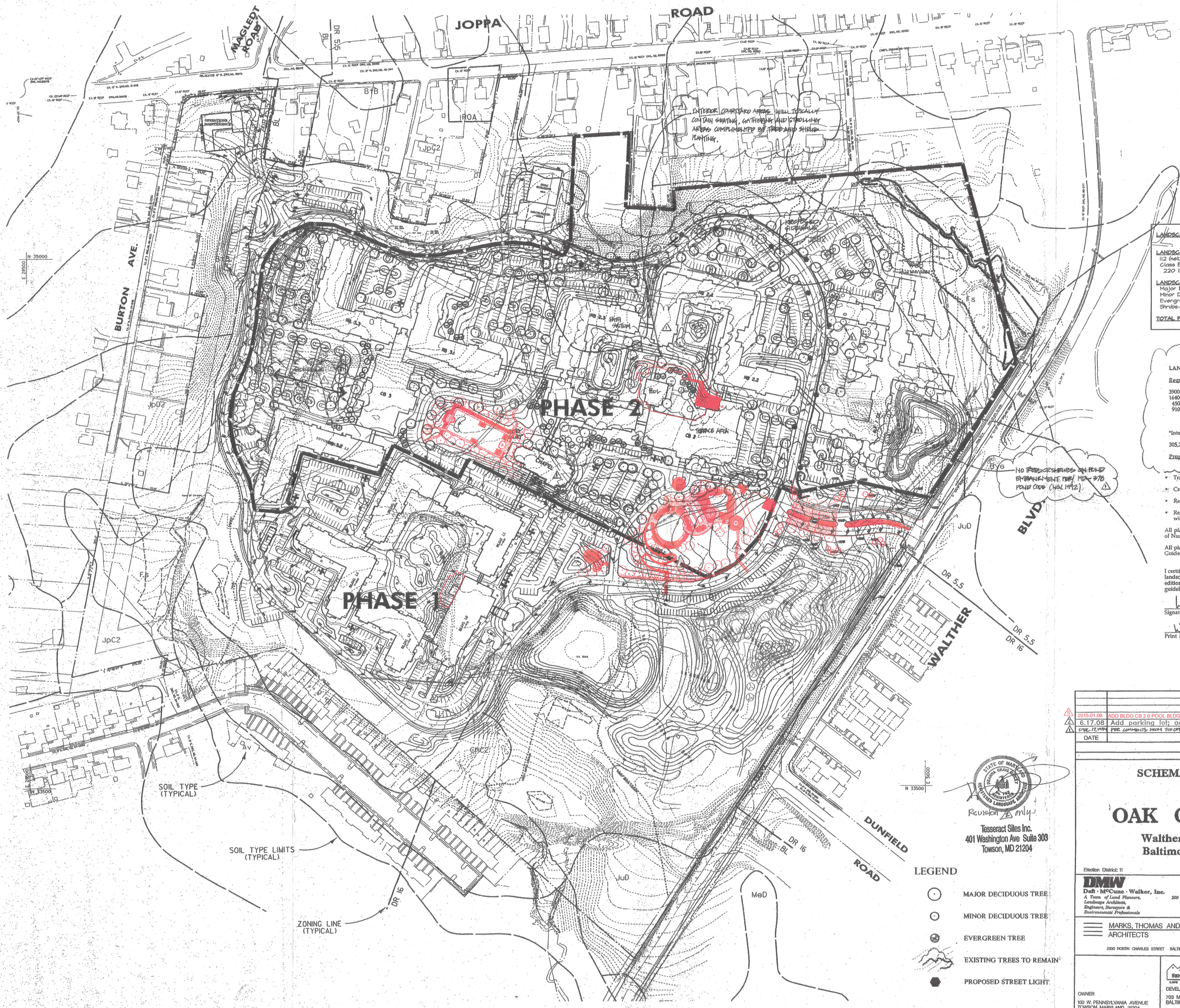
SENIOR CAMPUS LIVING
LIFE CARE RETIREMENT COMMUNITIES
DEVELOPER
703 MAIDEN CHOICE LANE
BALTIMORE, MARYLAND 21228

SCALE 1" = 200'

PROJECT NO.: 83100.D
COUNTY PROJECT NO.: XI-603

STATE OF MARYLAND — RICHARD W. TALKIN — No. 9869 — REGISTERED PROFESSIONAL ENGINEER

DATE: November 1994



LANDSCAPE REQUIREMENTS FOR ADDITIONAL PARKING LOT ⚠2

LANDSCAPING REQUIRED:			
112 (net) new parking spaces @ 1 P.U./12 spaces		=	9.3 P.U.'s
Class B screening adjacent to public right-of-way: 220 linear feet @ 1 P.U./20 L.F.		=	21 P.U.'s
LANDSCAPING PROVIDED:			
Major Deciduous Trees:	10 Trees @ 1 P.U./Tree	=	10 P.U.'s
Minor Deciduous Trees:	6 Trees @ 0.5 P.U./Tree	=	3 P.U.'s
Evergreen Trees:	6 Trees @ 0.5 P.U./Tree	=	3 P.U.'s
Shrubs:	30 Shrubs @ 0.2 P.U./Shrub	=	6 P.U.'s
TOTAL PLANTING UNITS PROVIDED:		=	22 P.U.'s

LANDSCAPE PLANTING ⚠1

Required

3900 LF Int. Rd. @ 1/20	=	195 PU (93 MD)
1640 LF Int. Rd. @ 1/40*	=	41 PU (21 MD)
450 LF Adj. Rd. @ 1/40	=	11 PU (6 MD)
910 Parking Sp. @ 1/12	=	76 PU (57 MD)
Total	=	323 PU (177 MD)

*Interior Loop Road partially counted in Phase 1

305,700 SF Parking Lot @ 0.07 = 21,399 SF Pervious Area

Proposed = 323 PU (177 MD) Min.
22,000 SF Pervious Area

- Trash dumpsters are located within buildings and require no screening.
- Credit for existing trees retained will be sought on Final Phase 1 Landscape Plan.
- Refer to Sheets 2&5 of Development Plan for grading and utilities.
- Reforestation/afforestation plans have been approved and will be in accordance with DEPRM requirements.

All plant materials will be nursery grown and will conform to American Association of Nurserymen, Inc. standards.

All planting procedures and specifications will conform to "Landscape Specification Guidelines for Baltimore-Washington Metropolitan Area," latest edition.

I certify that I have reviewed this Schematic Landscape Plan, that I am aware of the landscape regulations presented in the Baltimore County Landscape Manual, latest edition, and I agree to comply with these regulations and all applicable policy, guidelines and ordinances.

Wayne M. Rush — 11/3/94
Signature of Applicant — Date

Wayne M. Rush
Print Name

PLAN TO ACCOMPANY HEARING OFFICER'S ORDER
7/24/08 — DATE — Will Smith — PROJECT MANAGER

PLAN TO ACCOMPANY HEARING OFFICER'S ORDER
2-7-95 — DATE — PROJECT MANAGER

DATE	ITEM
	REVISIONS
2015.01.06	ADD BLDG CB 2.0 POOL BLDG ADDITION, OPEN SPACE AREA SITE AND BLDG 1.0 IMPROVEMENTS
6.17.08	Add parking lot; add landscape requirements and schematic planting
DEPRM COMMENTS FROM THE OFFICE OF PLANNING AND ZONING (12/19/94)	

RECEIVED JAN 23 1995 BALTIMORE COUNTY ZONING OFFICE

2nd REVISED FDP
SCHEMATIC LANDSCAPE PLAN
PHASE 2
PLAN TO ACCOMPANY DRC REQUEST

OAK CREST VILLAGE
Walther Boulevard @ Joppa Road
Baltimore County, Maryland 21234

Election District: 11 — TAX ACCOUNT NUMBER 2300005682 — County Council District: 5

DMW
Daft • McCune • Walker, Inc.
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals
200 East Pennsylvania Avenue, Towson, Maryland 21286
410 296 3333 Fax 296 4705

MARKS, THOMAS AND ASSOCIATES, INC.
ARCHITECTS
2300 NORTH CHARLES STREET BALTIMORE, MD 21218 (301) 467-8600

SENIOR CAMPUS LIVING
LIFE CARE RETIREMENT COMMUNITIES
DEVELOPER
703 MAIDEN CHOICE LANE
BALTIMORE, MARYLAND 21228
(410) 242-2880 FAX (410) 247-7881

OWNER
100 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

Tesseract Sites Inc.
401 Washington Ave Suite 303
Towson, MD 21204

Revision ⚠1 only

SCALE 1" = 100'

PROJECT NO.: 83100.0
COUNTY PROJECT NO.: XI695

DATE: NOVEMBER 1994

8 OF 8

STATE OF MARYLAND — EDWARD A. WALKER — REG. NO. 7711 — PROFESSIONAL ENGINEER

I:\1995\83100.55\ENGR\CAD Files\Development Plans\Prop Development Plans\Prop Development Plan.dwg, 1/6/2015 3:02:06 PM, 1:100

11/20/95

5488-95

Baltimore County
Department of Public

Division of Traffic Engineering
401 Bosley Avenue, Suite 405
Towson, Maryland 21204
(410) 887-3554
Fax: (410) 887-5784

Supplemental
Case #CR-94-157-XA

CR-94-157

Mr. Brian Froelich, President
Charlestown Retirement Community
715 Maiden Choice Lane
Baltimore, Maryland 21228

Dear Mr. Froelich:

This agency has received a complaint regarding northbound vehicles on Maiden Choice Lane stacking in the single thru lane while attempting access to the Charlestown Retirement Community. Thru vehicles, frustrated with the delay, are bypassing the queue by using the center two-way left-turn lane. This maneuver is certainly increasing the chance for head-on collisions given the significant volume of southbound motorists attempting a left turn into Charlestown. Additionally, the queue itself is increasing the opportunity for northbound rear-end collisions.

All of these concerns were expressed by Baltimore County during negotiations for this facility. Based upon Charlestown's concern for the expense of an additional manned entrance for the community to the north, the agreement was made to permit a wait-and-see attitude regarding this issue. Due to this complaint I strongly urge that alternatives be addressed within your property to curtail this. When Charlestown moved the gatehouse further from Maiden Choice Lane, your traffic studies intended to insure the County that your traffic would not back out onto Maiden Choice Lane due to stoppages at the gatehouse. However, it appears that more will have to be done to insure that this does not continue during peak times. Should the problem continue we will be forced to pursue the previous proposal for the opening of the north entrance to address this potential safety problem.

Should you care to discuss this issue any further, please feel free to contact me at 887-3554.

Very truly yours,

Stephen E. Weber, P.E., Chief
Division of Traffic Engineering

SEW/CMW/lvd

cc: Arnold Jablon, Director, Permits & Development Management

RECEIVED
NOV 20 1995
PDM

Printed with Soybean Ink on Recycled Paper

B A L T I M O R E C O U N T Y, M A R Y L A N D

Inter-Office Correspondence

TO: W. Carl Richards
Zoning Office

DATE: October 6, 1993

FROM: Kathleen C. Weidenhammer
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption-
Reclassification Petition / Senior Campus Living
Approval by Council Council and
Date for Hearing before the Board

Carl:

Pursuant to Section 2-356(i), the Board has scheduled the subject out-of-cycle reclassification petition for hearing on two consecutive dates: Wednesday, November 17, 1993 and Thursday, November 18, 1993 at 10:00 a.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its October 4, 1993 meeting (a copy of Resolution 84-93 is attached for your information and file).

I have copied Gwen on this memorandum so that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing dates of November 17 and 18, 1993.

Should you have any questions, please call me at extension 3180.

CR-94-157-XA

cc: Gwen Stephens w/notation that she provide number when assigned and also that Newton would be filing petition in next day or so.

bcc: People's Counsel for Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
93 OCT -6 AM 10: 36

County Council of Baltimore County

Court House, Towson, Maryland 21204
(410) 887-3196
Fax (410) 887-5791

Berchie L. Manley
FIRST DISTRICT

Melvin G. Mintz
SECOND DISTRICT

Charles A. Ruppersberger, III
THIRD DISTRICT

Douglas B. Riley
FOURTH DISTRICT

Vince Gardina
FIFTH DISTRICT

William A. Howard, IV
SIXTH DISTRICT

Donald C. Mason
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

October 5, 1993

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Attached please find a copy of Resolution 84-93 to approve the Planning Board's certification that the zoning reclassification petition filed by Senior Campus Living, contract purchaser, for the 85-acre tract of property located south of Joppa Road, west of Walther Boulevard and east of Burton Avenue and situated in the Sixth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-346(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the County Council at its October 4, 1993 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure
R8493/DAPTJP

cc: Mr. P. David Fields, Director
Office of Planning and Zoning

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 18

RESOLUTION NO. 84-93

MR. WILLIAM A. HOWARD, IV, COUNCILMAN

BY THE COUNTY COUNCIL, OCTOBER 4, 1993

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by Senior Campus Living, contract purchaser, for the 85-acre tract of property located south of Joppa Road, west of Walther Boulevard and east of Burton Avenue and situated in the Sixth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-346(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated September 23, 1993, has certified that early action on the Petition for Zoning Reclassification filed by Senior Campus Living, requesting a reclassification of the above described property would be in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by Senior Campus Living be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(i) of the Baltimore County Code.

R08493/RES93

dp

CR-94-157-XA

7109-93

AJ

WCR

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
E. BRUCE JONES**
J. JOSEPH CURRAN, III
CHRISTINE K. McSHERRY

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES D. NOLAN (RETIRED 1980)
J. EARLE PLUMHOFF (1940-1988)
RALPH E. DEITZ (1918-1990)
OF COUNSEL
T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL
823- 7853

August 17, 1993

RECEIVED
AUG 18 1993
ZADM

HAND DELIVERY

Mr. P. David Fields
Director
Baltimore County Office
of Planning and Zoning
County Courts Building
Towson, Maryland 21204

RE: Charlestown II - Proposed Zoning Reclassification, etc. for the 85 acre Nottingham Property located at the Southwest Quadrant of Joppa Road and Walther Blvd. Sixth Councilmanic District
Request for Baltimore County Planning Board Consideration and Action

Dear Mr. Fields:

This office represents Senior Campus Living, the contract purchaser of an 85 acre, more or less, tract of land located south of Joppa Road, west of Walther Boulevard and east of Burton Avenue in the Sixth Councilmanic District. The subject property is presently owned by Nottingham Properties, Inc. Our client desires to develop the property for use as a lifecare retirement community providing needed, affordable elderly housing for Baltimore County residents.

On or about August 23, 1993, our client and its land planning firm, Daft, McCune, Walker intend to file a documented site plan, together with the reclassification petition seeking DR16 zoning. Pursuant to Section 2-356(i) of the Baltimore County Code, our client - petitioners desire to obtain an exemption from the cyclical procedures because early action upon this zoning reclassification petition is manifestly required in the public interest, in order to fulfill the unmet housing needs of Baltimore County's elderly residents. Also, this unmet need constitutes an emergency under the applicable Regulations.

Accordingly, I am respectfully requesting that you place this item on the Agenda of the Baltimore County Planning Board for consideration by the appropriate committee at the September 2, 1993, Planning Board meeting and for final action by the full Board at its September 23, 1993 meeting.

At the present time, representatives of Nottingham and Senior Campus Living are making arrangements to meet with the representatives of the surrounding communities, based upon a list that was furnished to me yesterday by Mr. Dennis Wertz, a Senior Area Planner. At the same time, Senior Campus Living is most desirous of addressing any other questions which members of the Planning Board, the County Council, other County departments and the general public may have with regard to this important residential development.

If you require any additional information with regard to this matter, please do not hesitate to contact me.

Very truly yours,

Stephen J. Nolan

SJN/mks

cc: Honorable Roger B. Hayden
County Executive
Mr. Harold Gibbs Reid
Chairman, Planning Board
Mr. Timothy K. Dugan
Chief, Strategic Planning
Mr. Harold Gibbs Reid
Chairman
Mr. Richard R. Jones
Nottingham Properties
Mr. James Dieter
Director, Department of
Environmental
Protection & Resource
Management
Mr. Arnold Jablon
Director, Zoning Administration &
Development Management
Mr. John Alexander, ZADM
Mr. Donald T. Rascoe, ZADM
Peter Max Zimmerman, Esquire
Office of People's Counsel
Ms. Tracy Gingher
Sixth Councilmanic Aide
Mr. Ed Haile, Daft, McCune, Walker
Mr. George Gavrelis, Daft, McCune, Walker
Ms. Jean Tansey, Daft, McCune, Walker
Mr. John C. Erickson, Senior Campus Living
Paul L. Erickson, Esquire, Senior Campus Living
Mr. William Fred Walker, IV, Senior Campus Living
Mr. Wayne M. Rush, Senior Campus Living
Honorable William A. Howard, IV
Sixth District Councilman
Mr. Arnold F. (Pat) Keller, III
OPZ Deputy Director
Mr. Bruce S. Campbell, III
Nottingham Properties
Mr. Dennis E. Wertz
Senior Area Planner
Mr. Gene Neff
Director, Department of
Public Works

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	
NOTTINGHAM PROPERTIES, INC./LEGAL OWNER AND RETIREMENT AND HEALTH SERVICES, CORP. d/b/a/ SENIOR CAMPUS LIVING /PETITIONERS FOR A ZONING RECLASSIFICATION, SPECIAL EXCEPTION AND VARIANCES ON PROPERTY	*	COUNTY BOARD OF APPEALS
	*	OF
	*	BALTIMORE COUNTY
LOCATED ON THE SW SIDE JOPPA ROAD AND WALTHER BOULEVARD, E OF BURTON AVE. /CHARLESTOWN VILLAGE 11TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	CASE NO. CR-94-157-XA (Out of Cycle)

* * * * * * * * * *

O P I N I O N

This matter comes before the Board on Petition for Zoning Reclassification from R.O., B.L., D.R. 2, D.R. 5.5 and D.R. 10.5 to D.R. 16; for a special exception to permit a continuing care facility with a utilization period of five years; and for five zoning variances. Petitioner appeared and was represented by Stephen J. Nolan, Esquire. Participating in these proceedings was Peter Max Zimmerman, People's Counsel for Baltimore County. This case consumed some 1-1/2 days of direct testimony, and included testimony from 13 witnesses and argument from both Counsel.

Appearing and testifying in favor of the Petition was John Erickson, the President of Senior Campus Living, who operates a continuing care facility at Charlestown in which between 2,000 and 2,400 elderly people now reside. He explained at great length the entire operation of this facility and its many advantages.

Paul J. Marks, an architect, testified that he designed this plan and further explained the plan in great detail. He noted that the height requested was necessary in order to reduce the lateral distances that the elderly must travel. He further noted that the

taller buildings reduce the amount of impervious surface and allow more green space than the same number of units would be with less elevation.

Edmond Haile, professional engineer, testified that his firm drew the documented site plan presented as Petitioner's Exhibit 1, and noted that everything on the site plan is from field information, and that adequate water and sewer are available.

Reed Huppman, an environmental scientist, studied the site, explained his conclusions at length, and it was his opinion that the proposed use was not detrimental to any of the surrounding areas, that it would be an improvement as far as the runoff and trash abatement and answered all the aspects of Section 502.1 necessary to obtain the special exception.

Wesley Guckert, traffic engineer, testified as to his study of the traffic situation. He noted this complex was the same as Charlestown as to cars and parking, and prepared both a traffic study of the site and the parking needs. He testified that the requested parking spaces from the study of Charlestown would be considerably more parking than will ever be needed. He also answered 502.1 that the proposed facility would create no congestion in streets or alleys and would not be detrimental to the neighborhood.

Amy Johanson, representing the Baltimore County Department of Community Development, testified that it was her job to promote elderly housing. Her office supports this project in its entirety. She noted that in this quadrant of the County, there is no

provision whatever for elderly housing.

Elwood Bosley, an abutting neighbor, testified that he was in favor of the project as it would get rid of a problem area that abuts his house from the rear.

George Frizzell, a real estate appraiser, did a study of this site and visited the site and surrounding area. It was his opinion, after these studies, that there would be no difference in value and no detrimental impact from the plan as proposed. He further testified that the proposed use created less traffic, less noise, and less impervious surface than if developed as housing units, and was in favor of granting the Petition.

Arnold "Pat" Keller, Deputy Director of the Office of Planning and Zoning, testified that he has reviewed the site plan and the other pertinent requests, and that his department supported the project, basing their support on the implementation of the documented site plan.

Leslie Pittler, a lawyer since 1964 and now concentrating his activity on affordable housing, testified that the need for a continuing care facility in this quadrant of the County was very essential. He further testified that he did a survey to find a site for elderly housing, and none were available. It was his opinion that this project is warranted and is an absolute necessity, and that the County Council erred in not providing zoning for the elderly.

Norman Slader, nearby resident, located his house on Petitioner's Exhibit 4, and testified that he had attended all the

prior meetings, and was in full support of this proposal.

Fred Walker, Vice President of Land Acquisition for Senior Campus Living, testified as to his diligent efforts to find a suitable location in this part of the County and that this was the only reasonable site.

George Gavrelis from Daft McCune Walker, a land planner, testified to his experience in working with elderly housing, testified as to the condition of the proposed site and proposed use as planned, and noted that there was no opposition from any County agency nor any neighbors to the proposed continuing care facility. It was his opinion that the 1992 classification was in error since it did not address the needs of the elderly at all. He further answered 502.1, all in the affirmative. He further testified as to the requested variances, and noted the practical difficulty and unreasonable hardship if the project was not allowed to proceed as indicated on the documented site plan. This basically concluded Petitioner's case.

People's Counsel presented no witnesses but presented the Board with a series of eight exhibits, and participated in closing arguments.

As a result of the consideration of all this testimony, the Board will find as a fact that the County Council did in fact err in their original classification in the 1992 Comprehensive Map Process. This project itself, as depicted on the documented site plan, was an event which occurred subsequent to the County Council vote. When the County Council received the request for an out of

cycle reclassification, it recognized the need for such a facility and immediately approved the request for the out of cycle petition for reclassification. The subsequent serious proposal to develop this property as a continuing care facility, an ideal use for this site, gives justification to the Board's granting the necessary zoning to permit the special exception to be granted. The Board will find as a fact, from the testimony of all the witnesses, that all the requirements of Section 502.1 have been met, and that this proposed facility will create no detriment of any kind to anyone. In order for it to be a viable institution, and in order to reduce the impact on any neighboring properties, the variances were requested. The variances as requested, if not granted, would definitely create a practical difficulty and unreasonable hardship not only to the developer himself but to the neighboring properties, and therefore they will be granted. There was ample testimony from Wesley Guckert, the traffic engineer, that the proposed parking spaces were considerably more than adequate, and therefore the parking variances should be granted and the Board will so order.

O R D E R

IT IS THEREFORE this 8th day of December, 1993 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Reclassification from R.O., B.L., D.R. 2, D.R. 5.5 and D.R. 10.5 to D.R. 16 be and is hereby **GRANTED**; and it is further

ORDERED that the Petition for Special Exception to permit a continuing care facility with a utilization period of five years be

and is hereby **GRANTED**; and it is further

ORDERED that the petitioned variances to permit a building height as tall as 80 ft. in lieu of the maximum 60 ft.; to permit a non-residential principal building within the continuing care facility to have a maximum building length as long as 450 ft. in lieu of the permitted 200 ft. and width as long as 400 ft. in lieu of the permitted 200 ft.; to permit component elderly housing facility, institutional buildings separated by exterior passageways to have a maximum width and length as much as 440 ft. in lieu of the permitted 200 ft.; to permit a continuing care facility to provide 1,557 off-street parking spaces in lieu of the required 1,927 spaces; and to permit an externally-illuminated sign identifying the elderly housing community to have a double-faced sign with an area of 75 sq. ft. in lieu of the permitted 15 sq. ft. per face be and are hereby **GRANTED**; and it is further

ORDERED that the Agreement between the Petitioner and the Ridgedale Mews Homeowners' Association, Inc., as set forth in Petitioner's Exhibit 28, shall be incorporated and become a part of this Order.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Michael B. Sauer

Jadson H. Lipowitz

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 8, 1993

Stephen J. Nolan, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. CR-94-157-XA
Nottingham Properties, Inc.
/Senior Campus Living

Dear Mr. Nolan:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer

Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Richard R. Jones, Senior V.P.
Nottingham Properties, Inc.
John C. Erickson, President
Retirement & Health Services Corp.
Paul L. Erickson, Esquire
Daft-McCune-Walker, Inc.
Mr. James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Jeffrey Long
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

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IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	
NOTTINGHAM PROPERTIES, INC./LEGAL OWNER AND RETIREMENT AND HEALTH SERVICES, CORP. d/b/a/ SENIOR CAMPUS LIVING /PETITIONERS FOR A ZONING RECLASSIFICATION, SPECIAL EXCEPTION AND VARIANCES ON PROPERTY	*	COUNTY BOARD OF APPEALS
	*	OF
	*	BALTIMORE COUNTY
LOCATED ON THE SW SIDE OF JOPPA ROAD AND WALTHER BOULEARD, E OF BURTON AVE. /CHARLESTOWN VILLAGE 11TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	CASE NO. CR 94 157 XA (Out of Cycle)

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

OPINION

This matter comes before the Board of Petitioners' February 16, 1994, request for approval of a First Amended Documented Site Plan asking for a technical adjustment of the maximum building envelope for this continuing care facility. The facility was originally approved by the Board by its Opinion and Order dated December 8, 1993. Petitioner appeared and was represented by Stephen J. Nolan, Esquire. Participating in these proceedings was Peter Max Zimmerman, People's Counsel for Baltimore County. There were no protestants at this minor, building envelope adjustment hearing.

At the outset of the March 17, 1994, hearing, Petitioners' counsel also renewed an oral motion to correct an apparent omission in the Board's December 8, 1993 Opinion and Order, which omission was first disclosed to the Board by Mr. Nolan at the public hearing held on February 16, 1994. More specifically, Petitioners' counsel reminded the Board that at

least two expert witnesses had presented testimony on behalf of the Petitioner at the November 17, 1993, hearing with respect to that portion of the original Petition that expressly requested "the Board to determine that BCZR [Section] 102.2 is not applicable." The Board's December 8, 1993, Opinion and Order do not contain any ruling on that segment of the zoning relief originally requested in the Petition, although the Board accepted the Petitioners' documented site plan with the implicit determination that Section 102.2 did not apply to a continuing care facility.

Appearing and testifying in favor of the Amended Documented Site Plan and the motion to correct was Edmond Haile, an expert professional engineer, who testified that the amendment of the building envelope in the northernmost portion of the site, (as shown on Petitioners' Exhibit 1) was necessary to more suitably locate the HVAC building. Mr. Haile testified that this revision results in part from accommodations and increased setbacks along the south side of the project for the benefit of the adjacent community residents. According to Petitioners' engineer, the site topography serves to mitigate any effects the building might otherwise have. Mr. Haile stated that nearby residents to the site had been shown the proposed amendment, and that Petitioners were not aware of any unresolved objections to the subject revision. Petitioners'

expert testified that all of the findings and factors set forth in Section 2-356(j)(2) of the Baltimore County Code were met and that the amendment was consistent with the spirit and intent of BCZR and would not be detrimental to the health, safety and welfare of the locality involved.

Next, Mr. Haile explained the potential practical difficulty posed by virtue of the oversight which occurred in the Order with regard to Petitioners' Section 102.2 interpretation request. In light of the definition of a "continuing care facility" in Section 101 and the supporting testimony given by Mr. George Gavrelis and Deputy Planning Director Keller before the Board on November 17, 1993, Mr. Haile stated that Section 102.2 was clearly not applicable and the Board should so hold.

There was no additional testimony or evidence presented at the hearing. The Board specifically finds that there was ample testimony to meet all of the applicable provisions of the Baltimore County Code, and therefore the requested amendment to the documented site plan and Petitioners' motion to correct the Order dated December 8, 1993, should be granted and the Board will so order.

ORDER

IT IS THEREFORE this 8th day of April, 1994 by the County Board of Appeals of Baltimore County

ORDERED that Petitioners' Amended Documented Site Plan with the revised building envelope be and the same is hereby granted and approved in accordance with the Daft McCune Walker plan revised as of December 16, 1993, filed herein as Petitioners' Exhibit 1; and it is further

ORDERED that the Petitioners' motion renewing its request for a determination that Section 102.2 of the Baltimore County Zoning Regulations is not applicable to an approved continuing care facility or to Petitioners' approved documented site plan be and the same is hereby GRANTED, nunc pro tunc.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

C. William Clark

S. Diane Levero

6614C

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

April 8, 1994

Stephen J. Nolan, Esquire
Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. CR-94-157-XA
NOTTINGHAM PROPERTIES, INC./
Retirement and Health Services
Corporation D/B/A Senior Campus
Living /Oak Crest Village

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Richard R. Jones, Senior V.P.
Nottingham Properties, Inc.
John C. Erickson, President
Retirement & Health Services Corp.
Paul L. Erickson, Esquire
Daft-McCune-Walker, Inc.
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Jeffrey Long
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

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IN THE MATTER OF THE APPLICATION OF RETIREMENT AND HEALTH SERVICES, CORP. d/b/a/ SENIOR CAMPUS LIVING /PETITIONERS FOR A ZONING RECLASSIFICATION, SPECIAL EXCEPTION AND VARIANCES ON PROPERTY LOCATED ON THE SW SIDE OF JOPPA ROAD AND WALTHER BOULEVARD, E OF BURTON AVE. /OAK CREST VILLAGE 11TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. CR-94-157-XA

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

OPINION

This matter comes before the Board on Petitioner's November 2, 1994, request for approval of a Second Amended Documented Site Plan seeking four (4) minor refinements for this continuing care facility. The facility was originally approved by the Board by its Opinion and Order dated December 8, 1993. On April 8, 1994, the Board granted Petitioner's First Amended Documented Site Plan to permit a technical adjustment of the maximum building envelope to accommodate the relocated HVAC building for the facility. Petitioner appeared and was represented by Stephen J. Nolan, Esquire. Participating in these proceedings was Peter Max Zimmerman, People's Counsel for Baltimore County. There were no protestants at this amendment hearing.

At the outset of the December 1, 1994, hearing, Petitioner's Director of Civil Engineering, Wayne Rush, testified concerning the development history of Charlestown in southwest Baltimore County. Mr. Rush described for the Board

the overall plan for development at Oak Crest Village and the construction progress to date. As a result of final architectural drawings and building designs, Senior Campus Living had determined that four (4) minor amendments to the original approved documented site plan were necessary as shown on Petitioner's Exhibit No. 1 filed herein and as follows:

1. A minor enlargement of the maximum building envelope is necessary to accommodate an extension of the nursing care building;
2. The addition of 8 more dwelling units to the project;
3. The non-density transfer of the adjacent and recently acquired Deitz property into the development; and
4. An amendment of the parking variance to permit 1,393 spaces in lieu of the 1,915 required spaces (namely, not less than 0.90 spaces per residential dwelling unit).

According to Mr. Rush, there will be no increase in or affect on the maximum number of permitted density units (1400.16) to be developed. This witness also provided the Board with background data concerning actual parking utilization at Charlestown, indicating that most elderly residents discontinue their vehicle ownership after the first two years because of the wide range of transportation and shuttle services provided at the community.

Also appearing and testifying in favor of the Second Amended Documented Site Plan was Edmond Haile, an expert land planner and surveyor, who testified that the requested

amendments were necessary due to the final design and build-out of the development. After describing the development history of the site and the fact that the open space areas would remain private and an integral part of the campus community, Mr. Haile testified that the revisions are minor refinements and completely consistent with the original development scheme for this continuing care facility. According to Petitioner's expert, nearby residents to the site had been shown the proposed amendments at a Community Input meeting on November 17, 1994, and Petitioner was not aware of any unresolved objections to the subject revisions. Petitioner's expert also testified that all of the findings and factors set forth in Section 2-356(j)(2) of the Baltimore County Code were met and that the amendment was consistent with the spirit and intent of BCZR and would not be detrimental to the health, safety and welfare of the locality involved. Petitioner also introduced as its Exhibit No. 3 a copy of the Baltimore County Planning Board's November 18, 1994 memorandum to Board Chairman Hackett confirming the Planning Board's review and approval of the amendments on November 17, 1994, pursuant to Section 2-356(m)(2).

Next, Mr. Haile explained the potential practical difficulty posed by virtue of overpaving and overbuilding parking spaces when actual utilization experience discloses the need for only 1,393 spaces.

Petitioner also called Mr. Wes Guckert, President of the Traffic Group, as an expert witness in the field of traffic and transportation planning. After describing and comparing his site analysis of actual parking utilization at Charlestown, namely an actual observed rate of 0.66 per dwelling unit, Mr. Guckert testified that the 1,393 parking spaces to be provided at Oak Crest Village were more than adequate and sufficient to meet peak period demands, including a margin for special events that might occur on the site. Petitioner's independent traffic engineer also testified that in his expert opinion practical difficulty and unreasonable hardship would result if the Petitioner was required to install 1,915 required spaces. A modification of the original parking variance which had required 1,557 spaces was consistent with the spirit and intent of the Baltimore County Zoning Regulations, according to Mr. Guckert. The Board finds that there are special circumstances and unique factors which are specific to the subject site and which would cause practical difficulty to the Petitioner if we required it to overbuild parking at the site.

There was no additional testimony or evidence presented at the hearing. The Board specifically finds that there was ample testimony to meet all of the applicable provisions of the Baltimore County Code including but not only Section 2-356(j)(2), and therefore the requested amendments to the

PC Exh 5

FINAL Report of the
Baltimore County Planning Board
Adopted October 20, 1977

PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY CODE:
MODIFICATION OF "CHANGE-MISTAKE" ZONING RULE;
COMPLIANCE WITH SUBMITTED PLAN
AFTER REZONING BY PETITION

Baltimore County Office of Planning and Zoning
Towson, Maryland 21204

PC Exh 6

County Council of Baltimore County
Maryland

Legislative Session 1978, Legislative Day No. 24

BILL NO. 122-78

Mr. John O'Rourke, Councilman

By the County Council, October 2, 1978

A BILL
ENTITLED

AN ACT to change the method of interim zoning reclassification, to provide the documentation requirements when documentation is included in a reclassification petition, to provide amendment procedure for a reclassification petition and to provide reclassification guidelines and conditions relating to use upon reclassification, by repealing and re-enacting with amendments subsections (a) and (b) of Section 22-22, Article III. Zoning, title "Planning, Zoning and Subdivision Control" of the Baltimore County Code, 1968, as amended, by redesignating subsection (j) as new subsection (k) of said section, article, title and code and by adding new subsections (j), (l), (m) and (n) to said section, article, title and code.

WHEREAS, the rezoning of property is permitted when it is shown that there is a mistake in the original zoning or comprehensive rezoning or a substantial change in the character of the neighborhood, the basis for such rezoning being known as the "change-mistake" rule; and

WHEREAS, frequent interpretations of the "change-mistake" rule have allowed rezoning, even though the rezoning may not be consistent with public policy; and

WHEREAS, there is a need for legislative guidelines upon which to base the granting of rezoning petitions; and

PC Exh 7

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1979, Legislative Day No. 5

BILL NO. 46-79

Mr. Norman W. Lauenstein, Councilman

By the County Council, March 5, 1979

A BILL
ENTITLED

AN ACT to provide the procedures whereby the Board of Appeals exercises original and exclusive jurisdiction over all petitions for reclassification of property; suspension of reclassification petition filing to provide guidelines and conditions relating to reclassification, and to provide for transfer to the board of appeals of reclassification petitions pending before the zoning commissioner, by repealing Sections 22-22 and 22-22.1 of Article III, Zoning, title "Planning, Zoning and Subdivision Control" of the Baltimore County Code, 1968, as Amended, and adding new Sections 2-40.1 and 2-40.2 to Article V, Board of Appeals, title "Administration" of said Code, and by repealing and re-enacting with amendments Section 22-23 of Article III, Zoning, title "Planning, Zoning and Subdivision Control" of said code.

WHEREAS, by Council Bill No. 85-78, adopted by the voters of the County on November 7, 1978, Section 602 of the Charter confers upon the County Board of Appeals original and exclusive jurisdiction over all petitions for reclassification; and

WHEREAS, by Section 606 of the Charter, the County Council has the power to enact furthering legislation, not inconsistent with the provisions of Article VI of the Charter, to implement and define the powers and functions of the County Board of Appeals as specified in said article; and

WHEREAS, by Council Bill No. 84-78, adopted by the voters of the County on November 7, 1978, Section 524 of the Charter empowers the County Council, by legislative act, to define the duties of the director of the office of planning and zoning and to establish the powers and duties of the planning board; now, therefore

SECTION 1. Be it enacted by the County Council of Baltimore County, Maryland, pursuant to Sections 524, 602 and 606 of the Baltimore County Charter,

IN RE: PETITION FOR SPECIAL HEARING
6975 Chestnut Avenue
SW/S Chestnut Avenue
NW/S of Joppa Road
(6975 Chestnut Avenue)
9th Election District
4th Councilmanic District
Pickersgill, Inc.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. 89-518-SPH and
Case No. 89-444-SPH

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case comes before the Zoning Commissioner as a result of two separately filed Petitions for Special Hearing, specifically, Case No. 89-444-SPH, filed by Mary E. Moffet, et al, hereinafter referred to as Protestants, and Case No. 89-518-SPH, filed by Pickersgill, Inc., hereinafter referred to as Petitioners.

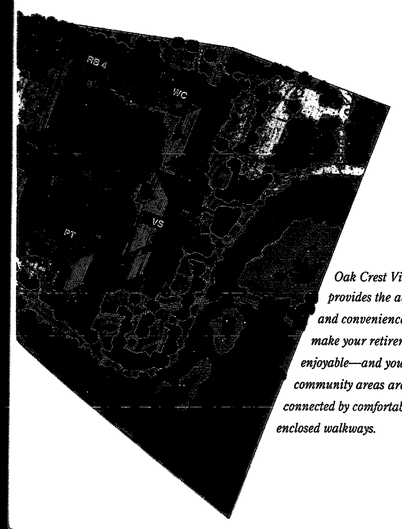
The Petitioners herein request a special hearing to approve an amendment to the special exception and site plan granted in Case No. 4124-X to permit the modification and expansion of an existing nursing home (formerly known as a convalescent home) and the addition of 156 Class B elderly housing units, together with accessory facilities, as an integrated facility as being consistent with Section 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described in Petitioner's Exhibit 1.

The Protestants request a determination by the Zoning Commissioner that the proposed additions and alterations to Pickersgill must be developed pursuant to Sections 101, 432, 1B01.1, 1B01.1.C, 1B02.2.C.1 and 1B02.2.A of the B.C.Z.R., and also a determination that a special exception is required.

Julius W. Lichter, Esquire and Howard L. Alderman, Esquire, appeared on behalf of Petitioners. J. Carroll Holzer, Esquire, appeared on

Pet. Ex. 2

Life Care Retirement Community



Oak Crest Village provides the activities and conveniences that make your retirement so enjoyable—and your community areas are all connected by comfortable, enclosed walkways.

Pet. Ex. 3

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

November 18, 1994

TO: William T. Hackett, Chairman
County Board of Appeals

FROM: Pat Keller, Secretary
County Planning Board

SUBJECT: Amendment to Documented Site Plan
"Oak Crest Village"
(Case No. CR-94-157-XA)

94 NOV 23 AM 10:12

Enclosed, pursuant to County Code Section 2-356(m)(2), is the staff report which was adopted by Resolution of the Baltimore County Planning Board in its regular monthly meeting on November 17, 1994 to constitute the Board's report recommending approval of the Petition to amend the documented site plan in Case No. CR-94-157-XA.

Pat Keller

Pat Keller

PK/TD/mjm
OAKCREST/PZONE/TXTMJM

Enclosure

cc: Stephen J. Nolan
Arnold Jablon
Peter Max Zimmerman

Printed with Soybean Ink on Recycled Paper

Hearing - 12/01/94

Pet. Ex. 4

Parking Analysis
Charlestown/Oak Crest

Charlestown

Parking Required per BCZR:

Type	Number	Spaces/Unit	Total
Independent Apartment Units	1650	1	1650.00
Assisted Living Units	132	0.5	66.00
Nursing Units	295	0.333	98.24
		Subtotal:	1814.24
Plus 15% residential guests	1650	0.15	247.50
		Total:	2061.74
Spaces Req'd/Independent Apts.			1.25

Parking Provided

Type	Total
Independent Apartment Units	1162.00
Assisted Living Units	0.00
Nursing Units	109.00
Total:	1271.00
Spaces Provided/Independent Apts.	0.77

Page 1

Pet. Ex 5

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX (410) 296-2765

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
E. BRUCE JONES**
J. JOSEPH CURRAN, III

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

JAMES D. NOLAN (RETIRED 1990)
J. EARLE PLUMHOFF (1908-1990)
RALPH E. DEITZ (1918-1990)
OF COUNSEL
T. BAYARD WILLIAMS, JR.

November 8, 1994

WRITER'S DIRECT DIAL NO. 7653

Cynthia Hitt, Esquire
Siskind, Grady, Rosen & Hoover, P.A.
2 East Fayette Street
Baltimore, Maryland 21202

Re: Charlestown Village at Walther Boulevard
(now known as Oak Crest Village)

Dear Ms. Hitt:

The purpose of this letter is to notify you that on December 1, 1994, at 10:00 a.m., the County Board of Appeals will hold a hearing in order to consider Senior Campus Living's proposed second amendment to the Documented Site Plan, originally approved on December 8, 1993. A copy of my November 2, 1994, letter addressed to the Chairman of the County Board of Appeals is enclosed herewith and sets forth the four minor refinements which are proposed by Senior Campus Living.

Also enclosed is an illustrative exhibit which shows that a minor expansion of the maximum building envelope is proposed in the northeast quadrant of the property in order to accommodate the final design for the project. I want to emphasize that there are no proposed refinements which will affect the Ridgedale Mews community residents along the southernmost boundary line of the property.

Please do not hesitate to call me if you have any questions.

Very truly yours,

Stephen J. Nolan

SJN/mao
encl.

cc: Edmond Haile, P.E.
Daft McCune Walker
W. Fred Walker, IV, SCL
John H. Haas, Esquire, SCL

documented site plan and the modification of the parking variance are warranted and should be granted and the Board will so order.

ORDER

IT IS THEREFORE this 20th day of December, 1994 by the County Board of Appeals of Baltimore County

ORDERED that Petitioner's Second Amended Documented Site Plan be and the same is hereby granted and approved in accordance with the Daft McCune Walker plan revised as of October 28, 1994, filed herein as Petitioner's Exhibit 1.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

APPROVED AS TO FORM:

Stephen J. Nolan
NOLAN, PLUMHOFF & WILLIAMS CHARTERED
Counsel for Petitioner

Peter Max Zimmerman
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

C. William Clark, Chairman

S. Diane Levero

Judson H. Lipowitz

8487C

10 65 6094-94

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 20, 1994

Stephen J. Nolan, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. **CR-94-157-XA**
NOTTINGHAM PROPERTIES, INC. /
RETIREMENT & HEALTH SERVICES CORP.
D/B/A/ SENIOR CAMPUS LIVING
(OAK CREST VILLAGE /FORMERLY
CHARLESTOWN VILLAGE)

Dear Mr. Nolan:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Richard R. Jones, Senior V.P.
Nottingham Properties, Inc.
John C. Erickson, President
Retirement & Health Services Corp.
Paul L. Erickson, Esquire
Daft-McCune-Walker, Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

RECEIVED
DEC 21 1994
ZADM

Printed with Soybean Ink on Recycled Paper

CR-94-157-XA 160

Petition for Reclassification

to the Board of Appeals of Baltimore County
for the property located at SW/S of Joppa Road and Walther Blvd. East of Burton Avenue
Sixth Councilmanic District

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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 (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an DR2, 5.5 & zone ~~D.R.10.5~~ DR16 zone, for the reasons given in the attached statement, and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for: Continuing care facility in accordance with BCZR Sections 432.1A.2 and 1B01.1C.21, with a utilization period of five years under 502.3; and for the Board to determine ~~and~~ BCZR Sec. 102.2 is applicable, and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Regulations of Baltimore County:

SEE EXHIBIT A ATTACHED HERETO

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.

(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 the Petition

Contract Purchaser/Lessee

RETIREMENT AND HEALTH SERVICES CORP.
(Type or Print Name) D/B/A Senior Campus Living
BY: John C. Erickson, President
Signature John C. Erickson, President
703 Maiden Choice Lane
Address
Baltimore, Maryland 21228
City State Zipcode

Legal Owner(s)

NOTTINGHAM PROPERTIES, INC.
(Type or Print Name)
BY: Richard R. Jones, Senior Vice President
(Type or Print Name)
Signature
100 W. Pennsylvania Ave. 825-0545
Address Phone No
Towson, Maryland 21204
City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted
Paul L. Erickson, Esquire
Name
703 Maiden Choice Lane
Address Baltimore, MD 21228 Phone No

Attorney for Petitioner
Stephen J. Nolan, Esquire
Newton A. Williams, Esquire
(Type or Print Name)
Nolan, Plumhoff & Williams, Chtd.
Signature
Suite 700, Court Towers
210 W. Pennsylvania Avenue 823-7800
Address Phone No
Towson, Maryland 21204
City State Zipcode

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates Next Two Months
ALL OTHER
REVIEWED BY DATE

CHARLESTOWN VILLAGE

EXHIBIT A TO
PETITION FOR RECLASSIFICATION, ETC.

VARIANCES REQUESTED

1. BCZR Section 1B02.2A to permit a building height as tall as 80 feet in lieu of the maximum 60 feet in a DR 16 zone.

2. BCZR Sections 432.1.C.1, 1B01.2B.2, 1B01.2C.2, and CMDP IIA, Page 29, pursuant to Section 504.2 to permit a nonresidential principal building within the continuing care facility to have a maximum building length as long as 450 feet in lieu of the permitted 200 feet and width as long as 400 feet in lieu of the permitted 200 feet.

3. BCZR Sections 432.1.C.1, 1B01.2.B.2, and CMDP IIA, Page 29, pursuant to Section 504.2 to permit component elderly-housing facility, institutional buildings separated by exterior passageways to have a maximum width and length as much as 440 feet in lieu of the permitted 200 feet.

4. BCZR Section 409.6A.1 and CMDP IIA, Page 26, pursuant to Section 504.2 to permit a continuing care facility to provide 1,557 off-street parking spaces in lieu of the required 1,927 spaces, including 228 required visitor spaces.

5. BCZR Section 413.1E.1 to permit an externally illuminated sign identifying the elderly housing community to have a double-faced sign with an area of 75 square feet per face in lieu of the permitted 15 square feet per face.

Date Filed: October 8, 1993

5497C

CR-94-157-XA #16C

BEFORE THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

IN THE MATTER OF THE APPLICATION OF RETIREMENT AND HEALTH SERVICES CORPORATION AND NOTTINGHAM PROPERTIES, INC. FOR A ZONING RECLASSIFICATION OF 86.2 ACRE, MOL, LOCATED AT THE SOUTHWEST QUADRANT OF JOPPA ROAD AND WALTHER BLVD. FROM D.R.2, D.R.5.5 D.R.10.5 R.O. and B.L. TO D.R.16 AND OTHER RELIEF	*	Case No.: _____ (Out-of-Cycle Council Res. 84-93)
	*	Hearing Dates: November 17-18, 1993
11th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT	*	

PETITIONER'S STATEMENT TO ACCOMPANY PETITION FOR RECLASSIFICATION, SPECIAL EXCEPTION AND ZONING VARIANCES

RETIREMENT AND HEALTH SERVICES CORPORATION, doing business as Senior Campus Living, Contract Purchaser, and NOTTINGHAM PROPERTIES, INC., Legal Owner (hereinafter collectively referred to as "Petitioners"), by their undersigned counsel, submit this statement in support of Petitioner's zoning reclassification request and also in support of the zoning variances enumerated on Exhibit A of the Petition.

Introduction

On October 4, 1993, pursuant to Baltimore County Code Section 2-356 (i), the Baltimore County Council approved the Planning Board's September 23, 1993 certification that early action upon this zoning reclassification petition is

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

#16C

manifestly required in the public interest. Accordingly the County Council's adoption of Resolution No. 84-93 exempts this petition from the normal cyclical procedures. The grounds of this Petition are set forth below.

I.
D.R.16 ZONING RECLASSIFICATION IS WARRANTED BY ERRORS AND BY ALL OF THE FACTORS IN SECTION 2-356(j)(2).

In accordance with Baltimore County Code, Section 2-356(b), the Petitioners respectfully state that the evidence to be presented at the hearing will establish that the classification of the subject 86.2 acre property as D.R.2, D.R.5.5 and D.R.10.5[1] by the Baltimore County Council during the 1993 Comprehensive Zoning Map process, rather than D.R.16, constitutes an error. The 1992 Comprehensive Zoning Map is in error because there were existing facts which the Council did not take into account, and there were subsequently occurring events which the Council could not have taken into account.

More specifically, the 1989 Master Plan recognized that by the "Year 2000, the County will contain the highest percentage of elderly persons in the Baltimore Region." Master Plan: Baltimore County 1989-2000, at p. 11. Although the subject property is just outside the Beltway, the Master Plan correctly observes that the "largest concentrations of elderly are typically found in older communities inside the Beltway."

[1] The subject property also contains 0.05 acre +/- of R.O. zoned land and 0.05 acre +/- of B.L. zoned land, as shown on the accompanying documented site plan.

#16C

While Baltimore County has recognized the need for affordable senior housing in its Master Plan, the County has not identified and made larger acreage sites available for senior campus projects of the scale of Charlestown.

Upon investigation and belief, Petitioners state that general population figures available during the 1991-92 Comprehensive Zoning Map process were very limited. Only after the adoption of the 1992 Zoning Maps did the Planning Staff and Planning Board have detailed demographic and census information with which to conduct a County-wide analysis which disclosed that the subject area was the only sector in Baltimore County without affordable continuing care facilities. Therefore, the Baltimore County Council did not have this fact before it to consider.

The subsequently occurring events which the Council could not have taken into account are twofold. First, the Planning Staff's analysis of the 1990 census data, as mentioned above, did not occur until mid 1993 and thus, the identification of the tremendous gap in facilities was a critical fact the Council could not have taken into account.

Secondly, the Council could not have taken into account the documented site plan for Charlestown Village within the comprehensive process because of the proscriptions against "contract zoning." Because the Council did not have available any elderly-only DR16 zone to confer on the property, it is only through this zoning reclassification petition process that the underlying error can be remedied.

#16C

II.
PRACTICAL DIFFICULTY AND UNDUE HARDSHIP WILL RESULT IF VARIANCES ARE NOT GRANTED

In the same manner that the Zoning Maps have not made provision for connected, senior campus living, the Zoning Regulations have failed to provide for Charlestown-like campuses. Of necessity, such complexes are larger, higher and closer together than ordinary garden apartment buildings. Also, these complexes do not need nearly as much parking as the Regulations would purport to require. These higher, closer buildings with less parking allow more open space and less impermeable surface coverage, an objective of the Regulations. These connected buildings allow seniors to walk to dinner, a vital socialization requirement, as well as to enjoy recreational and educational activities together. A 1517 unit project can offer far more of every service at a lesser cost than a smaller project can provide. The requested variances foster these benefits, serve the health, safety and welfare of the area, and are in harmony with the spirit and intent of the Zoning Regulations. Without them the Petitioners will sustain practical difficulty and unreasonable hardship.

CONCLUSION

The evidence to be presented at the hearing before the County Board of Appeals will clearly establish that the prospective reclassification of the property is warranted by all of the factors enumerated in Section 2-356(j)(2).

#160

The proposed continuing care facility will place less of a load on streets and roads than 650 townhouses of three bedrooms each. Also, its traffic will be off-peak, or opposite peak flows. The facility will place no load on area schools, and, in fact, will represent a relief for area schools as opposed to 650 townhouses. The environmental remediation of this former gravel pit is an extra public benefit.

Furthermore, the upshifted density of D.R.16 actually borrows the D.R.5.5 density from Belmont Park on the east side of Walther Boulevard, which will never be used otherwise. Also, the D.R.16 density on the tract is in keeping with the higher density D.R.16 areas to the southeast.

The subject site enjoys good Beltway access from both Joppa Road and Belair Road. The Whitemarsh Growth Area has numerous shopping facilities available to the site.

In summary, while generally acknowledging the need for affordable elderly housing, Baltimore County has failed to make campus-type sites available, particular in the northeastern county. To this extent, the subject site was erroneously zoned and DR16 coupled with the documented site plan is fully warranted.

Stephen J. Nolan
STEPHEN J. NOLAN

Newton A. Williams
NEWTON A. WILLIAMS

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS, CHARTERED

NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-7800

October 8, 1993

Attorneys for Petitioners

5089C

CR-94-157-XA #160

Description

To Accompany Petition for Documented Site Plan

Zoning Reclassification Southeast Side of

Joppa Road at Burton Avenue

Eleventh Election District, Baltimore County, Maryland

DMW

Dafi-McCune-Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333
Fax 296 4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

Beginning for the same at the end of the two following courses and distances measured from the intersection of the centerline of Joppa Road with the centerline of Burton Avenue (1) Southwesterly 45 feet, more or less, measured along the centerline of Burton Avenue, thence (2) Southeasterly 20 feet, more or less, measured at 90 degree angle from said centerline to the point of beginning, thence leaving said beginning point, thence binding on the easterly right-of-way line of said Burton Avenue, 40 feet wide, North 51 degrees 11 minutes 52 seconds East 28.11 feet to intersect the southern right-of-way line of said Joppa Road, 70 feet wide, thence binding on said right-of-way line the two following courses and distances, viz: (1) North 83 degrees 15 minutes 19 seconds East 48.42 feet, thence (2) Northeasterly by a line curving to the right with a radius of 3784.68 feet for a distance of 188.05 feet (the arc of said curve being subtended by a chord bearing North 84 degrees 40 minutes 44 seconds East 188.03 feet), thence leaving said right-of-way line and running the nine following courses and distances, viz: (1) South 10 degrees 54 minutes 45 seconds West 197.95 feet, thence (2) South 79 degrees 05 minutes 15 seconds East 114.63 feet, thence (3) North 10 degrees 54 minutes 45 seconds East 28.50 feet, thence (4) South 79 degrees 05 minutes 15 seconds East 270.23 feet, thence (5) South 11 degrees 46 minutes 45 seconds West 127.24 feet,

#160

thence (6) South 78 degrees 13 minutes 15 seconds East 100.00 feet, thence (7) North 11 degrees 46 minutes 45 seconds East 88.47 feet, thence (8) South 78 degrees 13 minutes 14 seconds East 117.96 feet, thence (9) North 10 degrees 21 minutes 12 seconds East 360.13 feet to the intersection of the southern right-of-way line of said Joppa Road, thence binding on said right-of-way line North 85 degrees 14 minutes 06 seconds East 64.90 feet, thence leaving said right-of-way line and running the nine following courses and distances, viz: (1) South 10 degrees 21 minutes 12 seconds West 184.67 feet, thence (2) North 86 degrees 13 minutes 57 seconds East 244.65 feet, thence (3) South 11 degrees 00 minutes 57 seconds West 255.79 feet, thence (4) South 87 degrees 42 minutes 08 seconds East 134.00 feet, thence (5) North 02 degrees 02 minutes 43 seconds East 48.75 feet, thence (6) South 87 degrees 35 minutes 03 seconds East 127.71 feet, thence (7) North 04 degrees 45 minutes 01 seconds West 66.64 feet, thence (8) North 85 degrees 13 minutes 10 seconds East 818.68 feet, thence (9) South 16 degrees 13 minutes 43 seconds East 592.19 feet to the intersection of the westerly right-of-way line of Walther Boulevard, 90 feet wide, thence binding on said right-of-way line the two following courses and distances, viz: (1) South 33 degrees 20 minutes 33 seconds West 625.97 feet, thence (2) South 51 degrees 46 minutes 44 seconds West 21.54 feet to intersect with the western right-of-way line of Walther Boulevard, 60 feet wide, thence binding on said right-of-way line South 33 degrees 40 minutes 17 seconds West 1387.31 feet, thence leaving said right-of-way line and running the ten following courses and distances, viz: (1) North 47 degrees 30 minutes 49 seconds West 1312.25 feet, thence (2) South 77 degrees 01 minutes 45 seconds West 346.04 feet, thence (3) North 10 degrees 55 minutes 05 seconds East 58.68 feet, thence (4) South 76 degrees 51

minutes 25 seconds West 276.35 feet, thence (5) North 10 degrees 54 minutes 45 seconds East 564.63 feet, thence (6) South 79 degrees 05 minutes 15 seconds East 171.16 feet, thence (7) North 10 degrees 54 minutes 45 seconds East 562.77 feet, thence (8) North 79 degrees 05 minutes 15 seconds West 47.25 feet, thence (9) North 10 degrees 54 minutes 45 seconds East 351.00 feet, thence (10) North 79 degrees 05 minutes 15 seconds West 123.92 feet to the eastern right-of-way line of Burton Avenue, 25 feet wide, thence binding on said right-of-way line the two following courses and distances, viz: (1) North 10 degrees 54 minutes 45 seconds East 40 feet, thence (2) North 84 degrees 41 minutes 40 seconds East 7.82 feet to the intersection of the widening of said eastern right-of-way line of Burton Avenue, 40 feet wide, thence North 10 degrees 54 minutes 45 seconds East 132.00 feet to the point of beginning; containing 86.21 acres of land, more or less

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

August 20, 1993

Project No. 83100.C (L83100C)

STATE OF MARYLAND
CARL L. WAHL
No. 10467
REGISTERED
PROFESSIONAL LAND SURVEYOR

CERTIFICATE OF POSTING CR-94-157-XA
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th Date of Posting 10/22/93
Posted for: Reclassification & Special Exception, Variance
Petitioner: Nottingham Properties, Inc. & Retirement & Health Services Corp.
Location of property: S/E side Joppa Rd. & W/S Walther Blvd. & E/S Burton Ave.
Location of Signs: Facing Joppa Rd. & E. corner of Burton Ave.
Remarks:
Posted by [signature] Date of return: 10/25/93
Signature
Number of Signs: 2

Petitioner/Contract Purchaser: Retirement and Health Services, Corp. d/b/a Senior Campus Living

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/21, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/21, 1993

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Date 11/7/94

Number CR-94-157-XA (Out-of-Cycle Reclassification)

#110 - REVISIONS ---------- $100.00

Legal Owner: Nottingham Properties, Inc.
Contract Purchaser: Retirement & Health Services Corporation D/B/A Senior Campus Living
Charlestown Village
11th ED; 6th CD
Attorney: Stephen J. Nolan

Check from: Nolan, Plumhoff, & Williams, Chartered

03A03M0438MICHRC $100.00
BA C011:37AM11-09-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

CR-94-157-XA receipt

Account: R-001-6150 R-001-6181

Date 10-5-93

Number 160

SJLA.

020 VARIANCES. 250
050 SPECIAL EXCEPTION 300
074 RECLASS W/IN W1S/1250
1800

SENIOR CAMPUS LIVING
PLUMSTEAD CHARLES TOWN

02A02M0190MICHRC $1,800.00
BA C004:10PM10-08-93

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: [redacted] 001-6181

Date 10/8/93

Number 160

Item #CR-94-157-XA (JRA)

#080 - SIGN POSTING -----$35.00 per sign---6 signs -------TOTAL - $210.00

Nottingham Properties, Inc. (Legal Owner)
Retirement and Health Services Corporation (Contract Purchaser)
Stephen J. Nolan (Attorney)

SW/S Joppa Road and Walther Boulevard, E of Burton Avenue
Charlestown Village

Election District: 11
Councilmanic District: 6

OUT-OF-CYCLE RECLASSIFICATION

Please Make Checks Payable To: Baltimore County

Cashier Validation

PRODUCT 8283

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 14, 1993

NOTICE OF HEARING

CASE NUMBER: CR-94-157-XA
SW/S Joppa Road and Walther Boulevard, E of Burton Avenue
Charlestown Village
Petitioner/Legal Owner: Nottingham Properties, Inc.
Petitioner/Contract Purchaser: Retirement and Health Services, Corp. d/b/a Senior Campus Living

Reclassification petition to change zoning to D.R. 16.
Special Exception petition for a continuing care facility with a utilization period of five years and to determine that Section 102.2 (BCZR) is not applicable.
Variance petition to permit a building height of 60 feet in lieu of the maximum of 45 feet; to permit a non-residential principal building within the continuing care facility to have a maximum building length of 450 feet in lieu of the permitted 200 feet and width of 300 feet in lieu of the permitted 200 feet; to permit component elderly housing facility, institutional buildings separated by exterior passageways to have a maximum width and length as much as 400 feet in lieu of the permitted 200 feet; to permit a continuing care facility to provide 1,557 off-street parking spaces in lieu of the required 1,927 spaces; and to permit an externally-illuminated sign identifying the elderly housing community to have a double-faced sign with an area of 75 square feet per face in lieu of the permitted 15 square feet per face.

HEARING: DAY 1 - WEDNESDAY, NOVEMBER 17, 1993 at 10:00 a.m.
DAY 2 - THURSDAY, NOVEMBER 18, 1993 at 10:00 a.m.

LOCATION: County Courthouse, Room 48
400 Washington Avenue
Towson, Maryland 21204

William T. Hackett

WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Nottingham Properties, Inc.
Paul L. Erickson, Esq.
Retirement and Health Services Corporation
Nolan, Plumhoff & Williams, Chtd.

93 OCT 15 AM 8:54

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 5, 1993

Stephen J. Nolan, Esquire
Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chartered
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. CR-94-157-XA, Item No. 160
Petitioner: Nottingham Properties, Inc., et al
Petition for Reclassification

Dear Messgrs. Nolan and Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 8, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Printed with Soybean Ink on Recycled Paper

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

10/5/93

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: BALTIMORE CO.
Item No.: 160 (JRA)
CASE NO.: CR-94-157-XA

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204

OCTOBER 18, 1993

(410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Contract Purchaser: NOTTINGHAM PROPERTIES, INC.

Location: CHARLESTOWN VILLAGE

Item No.: 160 (JRA) Zoning Agenda: MEETING OF OCTOBER 18, 1993

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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 edition prior to occupancy.

Noted and Approved

Fire Prevention Bureau
ROBERT P. SAUERWALD (887-4880)

CR-94-157-XA
REVISED 2-16-94

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO : P. David Fields, Director
Office of Planning & Zoning
Attention: Jeffrey Long

DATE: February 16, 1994

FROM: William T. Hackett, Chairman
County Board of Appeals

SUBJECT: Submittal of Amended Documented Site Plan --
Case No. CR-94-157-XA /Nottingham Properties, Inc.
/Oakcrest Village (formerly "Charlestown Village")

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on February 16, 1994, we are transmitting to you a copy of the Amended Documented Site Plan submitted to the County Board of Appeals. This amended documented site plan is being forwarded to you for processing with the Baltimore County Planning Board.

By copy of this memorandum, we are also forwarding nine copies of this Amended Documented Site Plan to the Office of Zoning Administration & Development Management.

William T. Hackett

Attachment (1 copy of Documented Site Plan)

cc: Pat Keller
W. Carl Richards, Jr. w/9 copies of Amended Documented Site Plan

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: June 1, 1994

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. CR-94-157-XA
NOTTINGHAM PROPERTIES, INC./Legal Owner and
RETIREMENT AND HEALTH SERVICES CORP. d/b/a/
SENIOR CAMPUS LIVING /Petitioners
District 11c6

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: W. Carl Richards
Zoning Office

DATE: October 6, 1993

FROM: Kathleen C. Weidenhammer
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption-
Reclassification Petition / Senior Campus Living
Approval by Council Council and
Date for Hearing before the Board

Carl:

Pursuant to Section 2-356(i), the Board has scheduled the subject out-of-cycle reclassification petition for hearing on two consecutive dates: Wednesday, November 17, 1993 and Thursday, November 18, 1993 at 10:00 a.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its October 4, 1993 meeting (a copy of Resolution 84-93 is attached for your information and file).

I have copied Gwen on this memorandum so that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing dates of November 17 and 18, 1993.

Should you have any questions, please call me at extension 3180.

CR-94-157-XA

cc: Gwen Stephens w/notation that she provide number when assigned and also that Newton would be filing petition in next day or so.

bcc: People's Counsel for Baltimore County

CR-94-157-XA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Members of the Baltimore
County Planning Board

Date: November 2, 1994

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Senior Campus Living/
Oak Crest Village

Pursuant to Section 2-356(m) of the Baltimore County Code, Retirement and Health Services Corporation D/B/A Senior Campus Living/Oak Crest Village, through their attorney, Steven J. Nolan, Esquire, filed an amendment to the Documented Site Plan with the Baltimore County Board of Appeals. The Documented Site Plan was approved on December 8, 1993, and an amendment was subsequently approved on April 8, 1994. The proposed Second Amendment to the Documented Site Plan has been filed to reflect four refinements which include enlargement of the maximum building envelope to accommodate the final design of the nursing care building; disclosure of eight additional dwelling units; the acquisition of an adjacent property; and an amendment to the parking variance to reflect the number of spaces to be provided.

Based on the fact that the proposed Second Amended Documented Site Plan is consistent with the overall development concept and that the plan portrays the ultimate build-out of the community, this office recommends the amendment be approved.

Pat Keller

JL
OAKCRT/PZONE/TXTJWL

RECEIVED
94 NOV 17 AM 10:39

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO : Pat Keller, Director
Office of Planning & Zoning
Attention: Jeffrey Long

DATE: November 2, 1994

FROM: William T. Hackett, Chairman
County Board of Appeals

SUBJECT: Submittal of Amendment to Documented Site Plan --
CR-94-157-XA /Retirement and Health Services Corp.
(Successor to Nottingham Properties, Inc.), d/b/a Senior
Campus Living (Oak Crest Village)

Pursuant to the appropriate sections of the Baltimore County Code and a public hearing on November 2, 1994, we are transmitting to you a copy of the Amended Documented Site Plan submitted to the County Board of Appeals. This amended site plan is being forwarded to you for processing with the Baltimore County Planning Board.

By copy of this memorandum, we are also forwarding nine copies of this Amended Documented Site Plan to the Office of Zoning Administration & Development Management.

RECEIVED
NOV 3 1994
ZADM

William T. Hackett

Attachment (1 copy of Amended/Documented Site Plan)

cc: W. Carl Richards, Jr. w/9 copies of Amended/Documented Site Plan

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

February 22, 1994

NOTICE OF ASSIGNMENT /Amended Documented Site Plan

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CR-94-157-XA — NOTTINGHAM PROPERTIES, INC. /RETIREMENT AND HEALTH SERVICES CORP. D/B/A/ SENIOR CAMPUS LIVING /Oak Crest Village
SW/s Joppa Road and Walther Boulevard, E of Burton Avenue (formerly Charlestown Village) 11th E; 6th C

12/08/93 -Petition for Reclassification GRANTED by County Board of Appeals.

2/17/94 -Planning Board recommendation for approval of amendment to documented site plan /relocation of HVAC Building.

ASSIGNED FOR: THURSDAY, MARCH 17, 1994 at 1:00 p.m.

cc: Stephen J. Nolan, Esquire — Counsel for Petitioner
Richard R. Jones, Senior V.P.
Nottingham Properties, Inc. — Petitioner /Legal Owner
John C. Erickson, President
Retirement & Health Svcs. Corp. — Petitioner /Contract Purchaser

Paul L. Erickson, Esquire
Daft-McCune-Walker, Inc.

James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

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County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

October 17, 1994

NOTICE OF ASSIGNMENT /Second Amended Site Plan

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CR-94-157-XA — NOTTINGHAM PROPERTIES, INC. /RETIREMENT AND HEALTH SERVICES CORP. D/B/A/ SENIOR CAMPUS LIVING /Oak Crest Village
SW/s Joppa Road and Walther Boulevard, E of Burton Avenue (formerly Charlestown Village) 11th E; 6th C

12/08/93 -Petition for Reclassification GRANTED by County Board of Appeals.

4/08/94 -Petitioner's Amended Documented Site Plan granted and approved.

The Board has scheduled a public hearing on November 2, 1994 for the purpose of receiving an amendment to the Documented Site Plan granted/approved on 12/08/93 and 4/08/94; no testimony or evidence to be submitted at this hearing; and has been

ASSIGNED FOR: WEDNESDAY, NOVEMBER 2, 1994 at 9:45 a.m.

cc: Stephen J. Nolan, Esquire — Counsel for Petitioner
Richard R. Jones, Senior V.P.
Nottingham Properties, Inc. — Petitioner /Legal Owner
John C. Erickson, President
Retirement & Health Svcs. Corp. — Petitioner /Contract Purchaser
Paul L. Erickson, Esquire
Daft-McCune-Walker, Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

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County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

November 2, 1994

NOTICE OF ASSIGNMENT /Second Amended Site Plan

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CR-94-157-XA — RETIREMENT AND HEALTH SERVICES CORP. (successor to Nottingham Properties, Inc.) D/B/A SENIOR CAMPUS LIVING (Oak Crest Village)
SW/s Joppa Road and Walther Boulevard, E of Burton Avenue (formerly Charlestown Village) 11th E; 6th C

12/08/93 -Petition for Reclassification GRANTED by County Board of Appeals.
4/08/94 -Petitioner's First Amendment to Documented Site Plan granted and approved by Board of Appeals.
11/02/94 -Second Amendment to Documented Site Plan filed by Petitioner.

ASSIGNED FOR: THURSDAY, DECEMBER 8, 1994 at 1:00 p.m.

cc: Stephen J. Nolan, Esquire — Counsel for Petitioner

Paul L. Erickson, Esquire
Retirement & Health Svcs. Corp. — Petitioner

Daft-McCune-Walker, Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

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County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

November 4, 1994

NOTICE OF REASSIGNMENT /Second Amended Site Plan

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CR-94-157-XA — RETIREMENT AND HEALTH SERVICES CORP. (successor to Nottingham Properties, Inc.) D/B/A SENIOR CAMPUS LIVING (Oak Crest Village)
SW/s Joppa Road and Walther Boulevard, E of Burton Avenue (formerly Charlestown Village) 11th E; 6th C

12/08/93 Petition for Reclassification GRANTED by County Board of Appeals.
4/08/94 -Petitioner's First Amendment to Documented Site Plan granted and approved by Board of Appeals.
11/02/94 Second Amendment to Documented Site Plan filed by Petitioner.

which was scheduled to be heard on 12/08/94 has been **REASSIGNED** at the request of the Office of People's Counsel due to schedule conflict, and with agreement of parties; and has been

REASSIGNED FOR: THURSDAY, DECEMBER 1, 1994 at 10:00 a.m.

cc: Stephen J. Nolan, Esquire — Counsel for Petitioner

Paul L. Erickson, Esquire
Retirement & Health Svcs. Corp. — Petitioner

Daft-McCune-Walker, Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

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Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX: (410) 296-2765

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
E. BRUCE JONES**
J. JOSEPH CURRAN, III
CHRISTINE K. McSHERRY

JAMES D. NOLAN (RETIRED 1980)
J. EARLE PLUMHOFF (1940-1988)
RALPH E. DEITZ (1918-1990)
OF COUNSEL
T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL 823-7853

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

October 8, 1993

HAND DELIVERY
Ms. Kathi Wiedenhammer
Administrative Secretary
County Board of Appeals of Baltimore County
Old Court House
Towson, Maryland 21204

Re: Out of Cycle Petition for Zoning Reclassification
Legal Owner: Nottingham Properties, Inc.
Contract Purchaser: Retirement and Health Services Corporation
Walter Boulevard and Joppa Road

11th Election District
6th Councilmanic District

Hearing Dates: November 17 and 18, 1993

Dear Ms. Wiedenhammer:

As counsel for Retirement and Health Services Corporation, I am writing to advise you that the Baltimore County Council passed resolution no. 84-93 which enables our client to proceed with its out of cycle zoning reclassification for the 86.2 acre site located at the southwest quadrant of Joppa Road and Walter Boulevard. Therefore, I am enclosing herewith a courtesy copy of the Petition and supporting brief which were filed today with the Zoning office.

We greatly appreciate the assistance which the Board of Appeals has provided our client scheduling hearing dates for November 17 and 18, 1993. In order to ensure the completion of this case, within the time allotted, I am requesting that the Board consider sitting longer on those afternoons than the normal adjournment time.

Thank you for your consideration of this matter.

Very truly yours,
Stephen J. Nolan

SJN/vrs
Enclosures
cc: Mr. John Alexander, ZADM
Peter Max Zimmerman, Esquire

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
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SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
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OF COUNSEL
T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL 823-7853

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

739 94
10/04 to 10/11

February 3, 1994

VIA HAND DELIVERY

P. David Fields
Director
Office of Planning and Zoning
Courts Building
401 Bosley Avenue, Suite 406
Towson, Maryland 21204

Re: Oak Crest Village
Proposed First Amended Documented
Site Plan for Relocation of HVAC Building

Dear David:

Per our telephone discussion yesterday evening, I am enclosing a copy of the first amended documented site plan for Oak Crest Village (Charlestown Village). I have made an appointment to file a supplemental petition letter modifying the maximum building envelope to permit the relocation of the HVAC building, which was necessary, in part, due to citizen comments at the community input meeting and due also to concessions which the developer made at the request of the Orbitan Road Community.

Pete Zimmerman has informed me that the Baltimore County Code requires that this amendment be sent to the Planning Board. Therefore, I am respectfully requesting that this minor amendment be scheduled as an agenda item for the Planning Board's February 17, 1994 meeting. Kathy Weidenhammer has stated that she will deliver the required number of copies of the plan to your office on February 16th for purposes of the Planning Board meeting.

Please let me know whether this is acceptable. Thank you for your kind assistance.

Very truly yours,
Stephen J. Nolan

RECEIVED
FEB 3 1994
ZONING OFFICE

SJN/mao
Tim please put this on PB agenda as requested - Thanks Pete

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
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RALPH E. DEITZ (1918-1990)
OF COUNSEL
T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL 823-7853

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

February 16, 1994

VIA HAND DELIVERY

Honorable William T. Hackett
Chairman
County Board of Appeals of Baltimore
Court House
Towson, Maryland 21204

Re: **First Amended Documented Site Plan for Technical Adjustment of Building Envelope for Charlestown Village (nka Oak Crest Village) -Walther Boulevard**
Sixth County Council District
Eleventh Election District
Case No: CR-94-157XA

Dear Mr. Chairman:

On behalf of the Petitioners and pursuant to Section 2-356(m) of the Baltimore County Code, we are respectfully submitting herewith eleven (11) copies of a revised Documented Site Plan dated December 16, 1993. By an Order dated December 8, 1993, the Board granted a petition for reclassification and other zoning relief. No protestants appeared at the November 1993 hearings and no appeals were taken from the Board's approval of the requested continuing care facility.

The proposed technical amendment of the building envelope line is necessary to more suitably locate the HVAC building and this revision results in part from accommodations and increased setbacks along the south side of the project for the benefit of the adjacent community residents.

Kindly transmit this amendment to the Director of Planning in accordance with the Code requirements for processing.

Thank you for your assistance.

Very truly yours,
Stephen J. Nolan

SJN/mao
encl.

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
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J. EARLE PLUMHOFF (1940-1988)
RALPH E. DEITZ (1918-1990)
OF COUNSEL
T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL 823-7853

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

March 23, 1994

VIA HAND DELIVERY

Ms. Kathi Weidenhammer
Board of Appeals of Baltimore County
Court House - Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No.: CR-94-157-XA

Dear Ms. Weidenhammer:

Pursuant to our telephone discussion, I have revised the Opinion and Order pursuant to the request of Peter Max Zimmerman, Esquire, and am enclosing an original and five (5) copies of the Amended version for the Board's signature.

Thank you for your assistance in this matter.

Very truly yours,
Stephen J. Nolan

SJN/mao
encl.

cc: Peter Max Zimmerman, Esquire
Paul Erickson, Esquire
Mr. Wm. Fred Walker, IV
Mr. Ed Haile

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman DATE: November 15, 1993
Baltimore County Board of Appeals

FROM: P. David Fields, Director
Office of Planning & Zoning

SUBJECT: CASE NO. CR-94-157-XA
RETIREMENT AND HEALTH SERVICES CORPORATION/SENIOR CAMPUS LIVING

At its regularly scheduled monthly meeting on September 23, 1993, the Baltimore County Planning Board voted in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the Petition for zoning reclassification of Retirement and Health Services Corporation/Senior Campus Living was manifestly required.

The County Council unanimously approved a Resolution approving the Planning Board's certification on October 4, 1993.

Enclosed herewith is copy of the report of the Office of Planning and Zoning.

P. David Fields

PDF:JL:lw
RETHEAL.MEM/PZONE/CYCLE

93 NOV 15 PM 1:56

Kathi
For your
files
-Sophia

CHARLESTOWN II
94-157-XA

Revised Documented Reclassification Plan Comments
Revised Plan Date: 12/16/93
Plan Received in ZADM: 2/16/94

96 FEB 24 PM 3:

1. Over 60 parking spaces have been lost in the new HVAC/Mech Storage area. Correct parking calculations accordingly. If new parking (replacement) is provided, indicate where and the number. Note this change in the revision block. This is of some importance since a parking variance has been requested.

2. Indicate the proposed building height. Within 100 feet of the tract boundary (in an RTA), the maximum permitted height is 35 feet.

3. All other plan changes must also be listed and red-lined on a plan to be accompanied by the necessary revised plans. In reviewing this plan, certain changes from the original documented plan appear to have been made which are not indicated in the revision block. All revised plans must list and reference all changes. Some, but not all, of these are:

A. interior zone lines removed;
B. relocation of certain uses such as the pool, clinic, and library changes in building footprint, etc.;
C. removal of parking subtotals; and
D. changes in parking layout.

Be aware that the reclassification plan and the development hearing plan must agree.

JOHN L. LEWIS
Planner II

JLL:scj

cc: Stephen J. Nolan, Esquire
Daft, McCune, Walker, Inc.

2/02/94 -Following parties notified of open hearing to receive amended site plan only set for Wednesday, February 16, 1994 at 9:30 a.m.:

Stephen J. Nolan, Esquire
Richard R. Jones, Senior V.P.
Nottingham Properties, Inc.
John C. Erickson, President
Retirement & Health Svcs. Corp.
Paul L. Erickson, Esquire
Daft-McCune-Walker, Inc.
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

2/16/94 -Amended Documented Site Plan hand-delivered to the Planning Office and copies hand-delivered to ZADM.

2/22/94 -Received recommendation of Planning Board for approval of amendment to documented site plan for relocation of HVAC building /approval recommended by Planning Board at its 2/17/94 meeting.

2/22/94 -Notice of Assignment sent to above parties for hearing on amendment to documented site plan scheduled for Thursday, March 17, 1994 at 1:00 p.m.

10/17/94 -Following parties notified of open hearing to receive amended site plan only set for Wednesday, November 2, 1994 at 9:45 a.m.:

Stephen J. Nolan, Esquire
Richard R. Jones, Senior V.P.
Nottingham Properties, Inc.
John C. Erickson, President
Retirement & Health Svcs. Corp.
Paul L. Erickson, Esquire
Daft-McCune-Walker, Inc.
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

11/02/94 -Revised Amendment [illegible] transmitted by the Board to [illegible] for submittal to Planning Board [illegible].

- Notice of Assignment sent to parties [illegible] merits for Thursday, November [illegible].

NOTE: As raised by S. Zimmerman, [illegible] Counsel for Petitioners, [illegible] "Retirement & Health Svcs. [illegible] Inc. d/b/a Senior Campus Living" [illegible] notices, orders, etc., will reflect [illegible].

11/03/94 -People's Counsel, [illegible] Requested petition requirements [illegible] morning of [illegible] availability [illegible] availability of all parties and [illegible] To advise when resolved. Left [illegible] [illegible].

11/04/94 - T/C from S. Nolan; [illegible] of Engineers, etc.) and [illegible]

- Spoke w/Geoff Long, Planning to [illegible]

-T/C from S. Nolan; 11/07/94 is okay.

- Notice of Reassignment sent to parties: [illegible] Thursday, December 1, [illegible] a.m.

11/23/94 -Planning Board's Report recommending approval of [illegible] amend documented site plan received by CBA.

12/01/94 -Hearing before the Board [illegible] deliberated immediately thereafter. Board approved amendment to Site Plan granted variance [illegible] unsel for Petitioner to prepare Order for Board's review and [illegible].

12/05/94 -Ltr dtd 11/29/94 from John Lewis, ZADM, to Stephen Nolan regarding possible revisions to plan as submitted.

AGENDA
ZONING ADVISORY COMMITTEE
ROOM 301, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING OF OCTOBER 18, 1993 - 2:30 p.m.

♦Distributed at Meeting
*Agenda Only
+Agenda and Petition
#Agenda, Petition and Plat

Distribution:

*Zoning Commissioner's Office (Lawrence Schmidt); Mail Stop 2112
#ZADM, Development Control H.O. Hearing File (Gwendolyn Stephens)
#ZADM, Development Control Work File (Charlotte Minton)
♦*ZADM, Development Management (David Flowers)
♦*ZADM, Development Management (Kurt Kugelberg)
♦*ZADM, Development Management (John Alexander)
♦#Public Works, Development Plan Review (Dennis A. Kennedy)
♦*#Planning Office Director (David Fields)
#Planning Office (Jeffrey Long)
*Recreation and Parks (Ronald Schaeffer); Mail Stop 52
♦#DEPRM (Larry Pilson)
*DEPRM, Air Quality Management (Dave Filbert); Mail Stop 3404
#State Highway Administration, Access Permits Division (David N. Ramsey)
#Fire Prevention, Plans Review (Captain Pfeifer); Mail Stop 1102F
#Dept. of Permits & Licenses, Building Plans Review (Dick Seim)
*Economic Development Commission, Business Development (Susan Brennan); M.S. 2N07
*Highways (Richard Cox); Mail Stop 1003
*Community Development (Amy Johanson); Mail Stop 1102M
+People's Counsel (Phyllis Friedman); Mail Stop 2010
#IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup)
#IF ELDERLY HOUSING, Community Development (Frank Welsh); Mail Stop 1102M

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office's or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received by the committee within two weeks, it is assumed that your agency has "no comment". All written comments must reference the reclassification case number. All comments received will be compiled and included in the reclassification file for review and consideration by the hearing officer during the course of the upcoming reclassification hearing.

If your agency is not represented at the meeting, you should return your written comments to Zoning Administration and Development Management, Room 109, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Charlotte Minton. If you have any questions regarding this reclassification petition, please contact Sophia Jennings or Carl Richards at 887-3391 (FAX - 887-5708).

RECLASS.OUT (TXTSOPH)
REVISED 10/12/93

ZONING ADVISORY COMMITTEE
MEETING OF OCTOBER 18, 1993

Case Number: CR-94-157-XA
Item Number: 160 (JRA)
Legal Owner: Nottingham Properties, Inc.
Contract Purchaser: Retirement and Health Services Corporation
D/B/A Senior Campus Living

Location: SW/S Joppa Road and Walther Boulevard, E of Burton Avenue (Charlestown Village)

Existing Zoning: R.O. & B.L. & D.R.-2 & D.R.-5.5 & D.R.-10.5
Proposed Zoning: Reclassification to D.R.-16. Special Exception for a continuing care facility with a utilization period of five years and to determine that Section 102.2 (BCZR) is not applicable. Variance to permit a building height as tall as 80 feet in lieu of the maximum 60 feet; to permit a non-residential principal building within the continuing care facility to have a maximum building length as long as 450 feet in lieu of the permitted 200 feet and width as long as 400 feet in lieu of the permitted 200 feet; to permit component elderly-housing facility, institutional buildings separated by exterior passageways to have a maximum width and length as much as 440 feet in lieu of the permitted 200 feet; to permit a continuing care facility to provide 1,557 off-street parking spaces in lieu of the required 1,927 spaces; and to permit an externally-illuminated sign identifying the elderly housing community to have a double-faced sign with an area of 75 square feet per face in lieu of the permitted 15 square feet per face.

Area: 86.20 net -- Total
.05 net -- R.O.
.05 net -- B.L.
6.00 net -- D.R.-2
37.60 net -- D.R.-5.5
42.50 net -- D.R.-10.5

District: 11th Election District
6th Councilmanic District

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Nottingham Properties, Inc.
/Oak Crest Village
Case No. CR-94-157-XA
Amendment to Documented Site Plan

DATE : March 17, 1994 /at conclusion of hearing

BOARD /PANEL : William T. Hackett, Chairman (WTH)
C. William Clark (CWC)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present included Stephen J. Nolan, Esquire, Counsel for Petitioners; and People's County for Baltimore County.

PURPOSE --to deliberate issues and matter of amendment to document site plan /petition for reclassification, special exception and variances granted by this Board December 1993. Opinion and Order to be issued by Board following this open deliberation.

CWC: No adverse impact on any items required to examine pursuant to the appropriate sections of Code; amended consistent with zoning regulations; briefly discussed BCZR Section 102.2 /was mistake in the Opinion of Board which granted relief /not ruled upon by Board; contained in the original Petition; no reason to not rule on this at this time; deferred briefly to WTH (member of panel which originally granted relief requested in original petition).

WTH: Had testimony from two witnesses as to 102.2; Petition calls for it; Board failed to address it when Opinion was written; will be addressed now.

CWC: Believes that 102.2 should not apply to continuing care facility; can be group of buildings.

Summary: Approval of amended site plan; clarify prior Opinion /102.2 does not apply.

SDL: Indicated her understanding of issues before the Board; clarifying the Board's prior Opinion; also Board is in agreement with approving the amended site plan; also believes that 102.2 does not apply.

Minutes of Deliberation /Oak Crest Village /Amended CR-94-157-XA

Summary: Will approve amended plan; Board should also clarify earlier opinion that 102.2 does not apply.

WTH: Petition for Reclassification specifically calls for an interpretation of 102.2 and whether or not it applies; had testimony at original hearing; Board will address that; does not apply in this case; mistake on part of Board not to have addressed this; has done so now.

Summary: Amended Site Plan as presented to be approved; ruling that 102.2 does not apply in this case.

Closing statement by Chairman Hackett; consensus of Board that Amended Site Plan to be approved; Board will also clarify its prior Opinion regarding 102.2 /does not apply and will so state. Written Opinion and Order to be issued by the Board reflecting that decision.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

Minutes /Deliberation / Retirement & Health Svcs, Inc. CR-94-157-XA

circumstances peculiar to this site that would warrant a deviation from parking requirements of the BCZR, in that it would cause practical difficulty to require developer to over-build site to have excess impervious surfaces that will not be utilized, in light of experience with similar facility in Baltimore County which demonstrates it would not be utilized; would grant the amendments as requested, including requested variance.

Summary: Grant request for amendments and variance.

Closing statement by Acting Chairman Clark; written Opinion and Order to be issued by the Board; Mr. Nolan will prepare proposed Order; provide copy to Mr. Zimmerman; and submit to Board for signature, approving this request.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Nottingham Properties, Inc.
/Senior Campus Living
Case No. CR-94-157-XA

DATE : November 18, 1993 /at conclusion of hearing

BOARD /PANEL : William T. Hackett, Chairman (WTH)
Michael B. Sauer (MBS)
Judson H. Lipowitz (JHL)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present included Stephen J. Nolan, Esquire, Counsel for Petitioners; and People's County and Deputy People's Counsel for Baltimore County.

PURPOSE --to deliberate issues and matter of petition for reclassification, special exception and variances presented to the Board; testimony and evidence taken on November 17 and November 18, 1993. Opinion and Order to be issued by Board setting forth written findings of fact.

Opening statement by Chairman Hackett:

Regarding Mr. Nolan's request to deliberate at close of hearing, no strenuous objection by People's Counsel; Board ready to render decision as to disposition of petitions.

WTH: Summarized testimony of each witness and reviewed testimony and evidence presented by Petitioner and arguments by People's Counsel; based on review of same, believes error was made in assigning present zoning; zoning should be changed to permit facility; requirements of 502.1 have been met; requirements for variances have been met; prepared to so state in written opinion and order in which findings of fact will be specifically noted.

Petitions should be granted.

MBS: Reviewed testimony and evidence presented as to petition for reclassification, special exception and variances; section 102.2 of BCZR is not applicable; utilization period of 5 years; satisfied by testimony of witnesses that error was committed; based on direct testimony of several witnesses, finds that requirements of 502.1 have been met; reviewed

Minutes of Deliberation /Nottingham Properties, Inc. CR-94-157-XA

variances and reasons for variances as testified to and stated opinion that variances should be granted; reviewed request for utilization period of 5 years.

Upon review and consideration of testimony and evidence, believes that petitions should be granted; written opinion and order to be issued setting forth findings of fact.

Petitions should be granted.

JHL: Found that Petitioner has met burden of proof; inclined to find error; considered all factors and case law of People's Counsel v. Mockard case, code sections, exhibits and testimony of witnesses; and subject to written opinion which will articulate findings of fact required to be addressed, finds that petition for reclassification should be granted and that all requirements for special exception as required and variances requested have been met.

Will rule in favor of Petitioner and will sign Order granting same.

Closing statement by Chairman Hackett; consensus of Board that Petitions for Reclassification, Special Exception and Variances are GRANTED; written opinion and order to be issued by the Board reflecting that decision.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Retirement & Health Services Corp.
(successor to Nottingham Properties, Inc.)
D/B/A Senior Campus Living (Oak Crest Village)
Case No. CR-94-157-XA

DATE : December 1, 1994 /at conclusion of hearing

BOARD /PANEL : C. William Clark, Acting Chairman (CWC)
Judson H. Lipowitz (JHL)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present included Stephen J. Nolan, Esquire, Counsel for Petitioners; and Peter Max Zimmerman, People's Counsel for Baltimore County.

PURPOSE --to deliberate issues and matter of Second Amendment to Documented Site Plan; testimony and evidence taken this date. Written Opinion and Order to be issued by Board.

Opening statement by Acting Chairman Clark regarding name and number of case to be deliberated.

JHL: Has very little to say; no negative evidence to request; will not restate testimony and evidence presented this date; worthwhile project; very familiar with section of Code that Mr. Nolan has kindly copied for the Board; believes that spirit and intent of Code have been complied with, as well as the BCZR; all requested refinements are minor and opinions of expert are very well taken; inclined to and would be glad to sign Order, approving the amendments as requested.

Summary: Amendments should be granted.

SDL: Would be glad to sign Order approving amendments also; familiar with Charlestown; adequate proof has been given that there will be adequate parking; will concur with JHL.

Summary: Should be granted as requested.

CWC: Will concur with colleagues; 356(j) has been met; no adverse effects on health, safety or general welfare of community; regarding variance, would find that there are special

CASE NO. CR-94-157-XA

PETITIONER:

Retirement and Health Services Corporation/Senior Campus Living

REQUESTED ACTION:

The petitioner is requesting the following actions:

1. Reclassification to D.R. 16.
2. Special exception for a continuing care facility with a utilization period of five years and to determine that Section 102.2 of the Baltimore County Zoning Regulations is not applicable.
3. Variances to permit a building height as tall as 80 feet in lieu of the maximum 60 feet; to permit a non-residential principal building within the continuing care facility to have a maximum building length as long as 450 feet in lieu of the permitted 200 feet and width as long as 400 feet in lieu of the permitted 200 feet; to permit a component elderly-housing facility, institutional buildings separated by exterior passageways to have a maximum width and length as much as 440 feet in lieu of the permitted 200 feet; to permit a continuing care facility to provide 1,557 off-street parking spaces in lieu of the required 1,927 spaces; and to permit an externally-illuminated sign identifying the elderly housing community to have a double-faced sign with an area of 75 square feet per face in lieu of the permitted 15 square feet per face.

EXISTING ZONING:

Zone	Net Acres	Gross Acres
ROA	0.05	0.05
BL	0.05	0.05
D.R. 2	6.00	6.00
D.R. 5.5	37.60	38.91
D.R. 10.5	42.50	42.50
Totals	86.20	87.51

LOCATION:

West side of Walther Boulevard south of Joppa Road and east of Burton Avenue.

AREA OF SITE:

87.51 gross acres

ZONING OF ADJACENT PROPERTY/USE:

North - D.R. 5.5, ROA, and B.L./Single family detached residential and commercial.

South - D.R. 16 and D.R. 5.5/Townhouses and single family detached residential.

East - D.R. 16, D.R. 5.5, and B.L./Townhouses, parkland, and vacant land.

West - D.R. 5.5/Single family detached residential.

SITE DESCRIPTION:

The existing site is a partially reclaimed sand and gravel quarry. Existing site features are predominately manmade. The petitioner has submitted a report on existing site conditions which describes the following features: geology, topography, hydrology, soils, vegetation and wildlife.

PROPERTIES IN THE VICINITY:

The surrounding area, for the most part, is zoned and used for residential purposes. Land to the west of the site is zoned D.R. 5.5 and used for single family detached dwellings. Land to the south is zoned D.R. 16 and D.R. 5.5 and used for townhouses and single family detached dwellings.

Land to the north of the site is largely zoned D.R. 5.5 and used for single family detached dwellings. There is also a small area of BL zoning containing commercial uses and a small area of ROA zoning containing two single family detached dwellings.

Land to the east of the site lying between the site and Walther Boulevard is zoned D.R. 5.5 and presently undeveloped. Land to the east of the site lying on the opposite side of Walther Boulevard is zoned D.R. 16 and D.R. 5.5 and used for townhouses and public parkland. Land to the east of the site and south of the Walther Boulevard/Dunfield Road intersection is zoned B.L. and is presently undeveloped.

WATER AND SEWERAGE:

The site will be served by public water and sewer and is designated W-3, S-3 (Capital Facilities Area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site is directly accessible from two arterial roads, Walther Boulevard and Joppa Road.

Access to the site will be enhanced when the Walther Boulevard connection to White Marsh Boulevard is completed. This project will be built by the County, and it is expected to be completed by early 1995.

ZONING HISTORY:

The majority of the site was rezoned from D.R. 5.5 and D.R. 16 to the present zoning in 1992 (see CZMP Issue 6-094).

MASTER PLAN/COMMUNITY PLANS:

The site is designated for Single Family Detached residential use on the 1992 Proposed Land Use Map, and the Growth Management Area Map indicates that the property is located in a Community Conservation Area.

The Baltimore County Master Plan 1989-2000 identifies the extension of Dunfield Road from Walther Boulevard through the site to intersect with Joppa Road as a non-programed transportation project (see pages 118 and 119). However, after reviewing this potential conflict between the Master Plan and the proposed development project, the Planning Board adopted a resolution (October 21, 1993) finding that the extension of Dunfield Road through the proposed retirement community would not be in the public interest, and declined to exercise the option, pursuant to County Code Section 26-66, to reserve a right-of-way for such a road extension.

Action #13 on page 37 of the Master Plan states, "Permit planned retirement developments and other elderly housing facilities subject to appropriate design standards to achieve compatibility with existing neighborhoods. Housing for the elderly should be located in areas that have sufficient support services and should be dispersed to allow the elderly to remain in their communities."

PROPOSED VS. EXISTING ZONING:

The area of the site which encompasses the R.O.A. and B.L. is fairly negligible. The Baltimore County Zoning Regulations address these zones in Sections 202.3 and 203.3, respectively. The regulations for D.R. zones may be found in Section 1B01.1A

DOCUMENTED SITE PLAN:

A documented site plan (DSP) has been submitted for a Class B Elderly Housing Facility. The project will consist of several residential buildings and a health care center providing 1517 dwelling units, 95 assisted living beds, and 400 nursing care

beds. The project will also include support facilities such as common dining facilities, a chapel, a swimming pool, and an operations building. All of the principal buildings will be connected by enclosed exterior passageways.

The residential buildings will be clustered in three "neighborhoods". These buildings will be 5 and 6 stories in height and have predominately brick exteriors.

Vehicular access to the site will be via a gatehouse entranceway on Walther Boulevard. In addition there will be an emergency entrance on Joppa Road.

An interior loop drive will provide for vehicular circulation through the complex and access to the parking areas. Parking will be provided for 1,557 cars.

Landscaping and screening are shown conceptually and will be in compliance with the Landscape Manual.

Full development is estimated to be completed within three to six years after zoning authorization and development approvals are secured.

The maximum number of employees is estimated to be 800.

OFFICE OF PLANNING AND ZONING RECOMMENDATIONS:

Staff recommends granting the petitioner's request for the following reasons:

1. There is a documented need for a retirement community in this part of Baltimore County. The April 15, 1993 report on Housing For The Elderly, prepared by the Department of Community Development, states the following:

> Elderly Housing Facilities are distributed unevenly throughout the County. A review of Map 5, which identifies the location of all elderly housing facilities in the County, illustrates the concentration of elderly housing facilities in the vicinities of Towson, Pikesville, and Catonsville (All facilities are listed in Appendix A.) Although the Eastern side of the County has a high concentration of seniors, there are few facilities located there. As well, there are several regional planning districts which have significant concentrations of seniors but no senior housing facilities. Outstanding among them is the community of Parkville, as well as Perry Hall, Rosedale, Overlea, Arbutus and Security East and West (pages 9 and 13).

This development site is centrally located in the Parkville-Perry Hall-Overlea community and, as stated in the above mentioned report, this area has a high concentration of seniors.

2. The D.R. 16 designation would represent a relatively minor extension of the existing D.R. 16 zone which lies to the east and to the south of the site.

3. Thoroughfare conditions appear to be more than adequate to handle the proposed development project. Although access is very good at present, it will be enhanced when the Walther Boulevard connection to White Marsh Boulevard is completed. This connection is expected to be completed well before full development of the site takes place.

4. Development of the proposed project in accordance with the Documented Site Plan should not have an adverse effect on the surrounding residential community. In particular, development of housing for the elderly will have no impact on schools in the area, many of which are presently over capacity.

5. Because of the nature of the proposed retirement community, it will likely have less impact on the surrounding community than if the site were developed for conventional townhouses or apartments at the existing maximum permitted density.

6. The project will substantially increase employment opportunities for local and County residents. The maximum number of employees is estimated to be 800.

7. This is an excellent location for a retirement community. It makes sense to allow a retirement community where utilities and road infrastructure are already established and where the need for this type of housing has been documented.

Should the applicant's request be granted, Planning staff recommends that the following conditions be attached:

1. Prior to the issuance of building permits, the Petitioner shall provide detailed Landscape Plans for the following areas:

   a. The open reserve area along Walther Boulevard on the southeast corner of the site and the open area along the rear yards of the houses on the east side of Burton Avenue to show how these open areas will be preserved and used as buffer areas between the complex and neighborhoods as well as useable areas for the residents.

   b. The central "public" space surrounding the chapel; buildings 1.4, 1.1, 3.0, 3.1, 2.1, and 2.0; and the nursing facility to show how the entry experience is designed for the users and the visitors.

   c. All of the courtyard areas in the complex to illustrate how the residents will gain access to the courtyards and how they might use the open space.

2. Where possible, buildings closest to existing homes surrounding the subject propety should be kept to four stories.

3. The plans shall illustrate landscaping, pedestrian circulation, amenity features (such as a gazebo), and any other uses (such as storm water management facility). Each of the plans shall delineate a design concept for the area and illustrate its relationship to the overall site plan.

4. An alternative design for vehicular entry into the site should be considered which would take the main vehicular entry towards the chapel area and then disperse motorists to the loop road.

JL:lw
CYCZR94.157/PZONE/CYCLE

COUNTY COUNCIL
93 OCT -6 AM 10:36

County Council of Baltimore County
Court House Towson Maryland 21204
(410) 887 3196
Fax (410) 887 5791

Berchie L. Manley
Melvin G. Mintz
Charles A. Ruppersberger III
Douglas B. Riley

October 5, 1993

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Attached please find a copy of Resolution 84-93 to approve the Planning Board's certification that the zoning reclassification petition filed by Senior Campus Living, contract purchaser, for the 85-acre tract of property located south of Joppa Road, west of Walther Boulevard and east of Burton Avenue and situated in the Sixth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-346(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the County Council at its October 4, 1993 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure
R8493/DAPTJP

cc: Mr. P. David Fields, Director
Office of Planning and Zoning

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 18
RESOLUTION NO. 84-93

MR. WILLIAM A. HOWARD, IV, COUNCILMAN

BY THE COUNTY COUNCIL, OCTOBER 4, 1993

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by Senior Campus Living, contract purchaser, for the 85-acre tract of property located south of Joppa Road, west of Walther Boulevard and east of Burton Avenue and situated in the Sixth Councilmanic District, should be exempted from the regular cyclical procedure of Section 2-346(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

WHEREAS, the Planning Board, by Resolution dated September 23, 1993, has certified that early action on the Petition for Zoning Reclassification filed by Senior Campus Living, requesting a reclassification of the above described property would be in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-356(i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Section 2-356.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by Senior Campus Living be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-356(i) of the Baltimore County Code.

R08493/RES93
dp

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204
887-3211

September 24, 1993

COUNTY BOARD OF APPEALS
RECEIVED
93 SEP 29 PM 2:42

Hon. C. A. Dutch Ruppersberger, III
Chairman, Baltimore County Council
County Courthouse
Towson, Maryland 21204

Re: Certification on Reclassification
Petition - "Charlestown II"

Dear Councilman Ruppersberger:

At its regular monthly meeting on September 23, 1993, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition for zoning reclassification of the 85-acre property at Joppa Road and Walther Blvd. proposed as the site for the "Charlestown II" project is manifestly required in the public interest.

The County planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely yours,
Dave Fields
P. David Fields
Secretary to the Planning Board

PDF:TD:cam
cc: Members, Baltimore County Council
Merreen E. Kelly, Administrative Officer
Thomas Peddicord, Jr., Legislative Counsel/Secretary
Arnold Jablon, Director, ZADM
William T. Hackett, Chairman, Board of Appeals
Peter Max Zimmerman, People's Counsel
Stephen J. Nolan, Petitioner's attorney

PZONE/PZONE/TXTCRH

Counsel agrees
10/04/93

HOLDING 11/17 & 11/18/93.

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 28, 1994

Stephen J. Nolan, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. CR-94-157-XA
Nottingham Properties, Inc. /Retirement and Health Services Corp. D/B/A Senior Campus Living

Dear Mr. Nolan:

As no appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact the Zoning Director's office at 887-3353 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

2/04/94 Pulled file from 2/24/94 Retirement to submit plan on 2/10/94 for minor amendment

Very truly yours,
Kathleen C. Weidenhammer
Administrative Assistant

cc: Richard R. Jones, Senior V.P.
Nottingham Properties, Inc.
John C. Erickson, President
Retirement & Health Services Corp.
Paul L. Erickson, Esquire
Daft-McCune-Walker, Inc.
Mr. James Earl Kraft
People's Counsel for Baltimore County

Baltimore County Government
Office of Planning and Zoning

401 Bosley Avenue
Towson, MD 21204
(410) 887-3211
Fax (410) 887-5862

TO: Members of the Baltimore County Planning Board
DATE: February 17, 1994

FROM: P. David Fields, Director
Office of Planning & Zoning

SUBJECT: OAK CREST VILLAGE
PROPOSED FIRST AMENDED
DOCUMENTED SITE PLAN
FOR RELOCATION OF HVAC BUILDING

Pursuant to Section 2-356(m) of the Baltimore County Code, Mr. Stephen J. Nolan, who represents Nottingham Properties, Inc./Senior Campus Living, filed a supplemental petition letter with the Baltimore County Board of Appeals on February 16, 1994. This amendment was required in order to modify the maximum building envelope to permit the relocation of the HVAC building. This action was necessary, in part, due to citizen comments received at the community input meeting and due also to input offered by the Orbitan Road community.

Based on the fact that the HVAC building is to be relocated in response to community concerns, and the conclusion by staff that this action will not negatively impact the design of the planned facility, this office recommends the amendment be approved.

Dave Fields
P. David Fields

PDF:JL:lw
OAKCRST/PZONE/TXTLLF

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

February 18, 1994

TO: William T. Hackett, Chairman
County Board of Appeals

FROM: P. David Fields, Director
County Planning Board

SUBJECT: Amendment to Documented Site Plan
"Oak Crest Village" (formerly "Charlestown Village")

Enclosed, pursuant to County Code Section 2-356(m)(2), is the staff report which was adopted by Resolution of the Baltimore County Planning Board in its regular monthly meeting on February 17, 1994 to constitute the Board's report recommending approval of the Petition to amend the documented site plan in Case No. CR-94-157-XA.

P. David Fields

PDF/TD/mjm

Enclosure

cc: Stephen J. Nolan
Arnold Jablon
Peter Max Zimmerman

94 FEB 22 PM 1:12

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County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 1, 1995

Stephen J. Nolan, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. CR-94-157-XA
NOTTINGHAM PROPERTIES, INC. /
d/b/a/ SENIOR CAMPUS LIVING
(OAKCREST VILLAGE /formerly
CHARLESTOWN VILLAGE)

Dear Mr. Nolan:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,
Charlotte E. Radcliffe
Legal Secretary

cc: Paul L. Erickson, Esquire
Retirement & Health Services Corp.
James Earl Kraft
People's Counsel for Baltimore County

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County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
June 1, 1994

Stephen J. Nolan, Esquire
Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-5340

RE: Case No. CR-94-157-XA
NOTTINGHAM PROPERTIES, INC. /Retirement
and Health Services Corporation D/B/A
Senior Campus Living

Dear Counsel:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact the Zoning Director's office at 887-3353 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,
Charlotte E. Radcliffe
Legal Secretary

cc: Richard R. Jones
John C. Erickson
Paul Erickson
James Earl Kraft
People's Counsel for Baltimore County

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Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

November 18, 1994

TO: William T. Hackett, Chairman
County Board of Appeals

FROM: Pat Keller, Secretary
County Planning Board

SUBJECT: Amendment to Documented Site Plan
"Oak Crest Village"
(Case No. CR-94-157-XA)

Enclosed, pursuant to County Code Section 2-356(m)(2), is the staff report which was adopted by Resolution of the Baltimore County Planning Board in its regular monthly meeting on November 17, 1994 to constitute the Board's report recommending approval of the Petition to amend the documented site plan in Case No. CR-94-157-XA.

Pat Keller

PK/TD/mjm
OAKCREST/PZONE/TXTMJM

Enclosure

cc: Stephen J. Nolan
Arnold Jablon
Peter Max Zimmerman

NOV 23 1994
ZADM

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 29, 1994

Stephen J. Nolan, Esquire
Nolan, Plumhoff, and Williams
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, MD 21204-5340

RE: Preliminary Revision Review
Case Number CR-94-157-XA
Legal Owner: Nottingham Properties, Inc.
Contract Purchaser: Retirement and
Health Services Corporation
(D/B/A Senior Campus Living)
Charlestown Village
11th Election Distrct
6th Councilmanic District

Dear Mr. Nolan:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The plan was accepted by the Board of Appeals with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All reclassification revisions (including those required by the Board of Appeals) must be submitted to the Board of Appeals and accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

These comments address those issues described as revisions to the approved plan in zoning case #CR-94-157-XA in the letter referenced in #2 of these comments.

94 DEC -8 PM 8:22

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Stephen J. Nolan, Esquire
November 29, 1994
Page 2

1. In the title block, add "*Revised*".
2. List the revisions, as cited in the November 2 letter from Stephen J. Nolan to Honorable William T. Hackett, on the plan.
3. The residential guest parking shown on the plan is not necessary. Per a discussion with Mr. Keller (director of the Office of Planning and Zoning), guest parking was included within the figures of the elderly housing requirements listed in Section 409 (BCZR) when these regulations were drafted. Adjust the parking calculations accordingly and be aware that assisted living facility parking is now calculated at 1 parking space for each 3 beds, not 1 for each 2. This was a recent revision to Section 409.6 (BCZR). Correct the parking variance revision request to allow for these adjustments.
4. Correct the plan note #5 density calculations to include the increase in assisted living units referenced in the previously mentioned letter.
5. Clearly and in detail show the location of the Deitz Property, any proposed uses and show all BCZR standards. If a zoning hearing has been held for this property, reference the case number, the results of the order, and detail any restrictions on the plan in order for this information to be reviewed for accuracy and impact on the overall site.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,
John L. Lewis
Planner II

JLL:scj

Enclosure (receipt)

cc: Board of Appeals

IN THE MATTER OF THE APPLICATION OF RETIREMENT AND HEALTH SERVICES CORPORATION AND NOTTINGHAM PROPERTIES, INC. FOR A ZONING RECLASSIFICATION OF 86.2 ACRE, MOL, LOCATED AT THE SOUTHWEST QUADRANT OF JOPPA ROAD AND WALTHER BLVD. FROM D.R.2, D.R.5.5, D.R.10.5, R.O. and B.L. TO D.R.16 AND OTHER RELIEF

11th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO. CR-94-157-XA

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on **Wednesday, November 17, 1993 at 11:30 a.m.** at Room 48, located at County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board:

93 NOV 16 PM 3:46

Witness: Mr. Frank W. Welsh, Director
Address: Baltimore County Department of
Community Development
1 Investment Place
Towson, Maryland 21204

Name: Stephen J. Nolan, Esquire
Firm: Nolan, Plumhoff & Williams
Address: 210 W. Pennsylvania Ave.
Towson, Maryland 21204

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of
Baltimore County

Cost: $_____
Summoned: _____, 19__
Not served: _____, 19__

Sheriff of Baltimore County

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

February 2, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CR-94-157-XA — NOTTINGHAM PROPERTIES, INC. /RETIREMENT AND HEALTH SERVICES CORP. D/B/A/ SENIOR CAMPUS LIVING
SW/s Joppa Road and Walther Boulevard, E of Burton Avenue (Charlestown Village)
11th Election /6th Councilmanic Districts

12/08/93 Petition for Reclassification GRANTED by County Board of Appeals.

Request of Petitioner /Minor Amendment to Documented Site Plan.

ASSIGNED FOR: **WEDNESDAY, FEBRUARY 16, 1994 at 9:30 a.m.**

FOR PURPOSE OF SUBMITTING AMENDED DOCUMENTED SITE PLAN IN OPEN HEARING; NO EVIDENCE OR TESTIMONY TO BE TAKEN.

cc: Stephen J. Nolan, Esquire — Counsel for Petitioner
Richard R. Jones, Senior V.P.
Nottingham Properties, Inc. — Petitioner /Legal Owner
John C. Erickson, President
Retirement & Health Svcs. Corp. — Petitioner /Contract Purchaser
Paul L. Erickson, Esquire
Daft-McCune-Walker, Inc.

James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Jeffrey Long
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

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NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
E. BRUCE JONES**
J. JOSEPH CURRAN, III

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES D. NOLAN
(RETIRED 1990)
J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEITZ
(1918-1990)
OF COUNSEL
T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL
823-7853

October 17, 1994

VIA HAND DELIVERY

Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals for
Baltimore County
400 Washington Avenue, Room 49
Towson, Maryland 21204

Re: Case No.: CR-94-157-XA
Retirement and Health Services Corp.
d/b/a Senior Campus Living and Oak Crest Village
Walther Boulevard at Joppa Road
6th Councilmanic District
11th Election District
PROPOSED SECOND AMENDED DOCUMENTED SITE PLAN

Dear Ms. Weidenhammer:

This will confirm our request for a brief hearing to file a supplemental petition letter on November 2, 1994, at 9:45 a.m. before the Board of Appeals.

It is my understanding that this amendment will be sent to the Planning Board for consideration at its November 17, 1994 public meeting. If possible, we would greatly appreciate the Board scheduling a hearing on the merits of our Second Amended Documented Site Plan for December 8, 1994 at 1:00 p.m.

Thank you for your kind consideration of this request.

Very truly yours,

Stephen J. Nolan

SJN/mao

cc: Mr. Ed Haile
Mr. Dick Baumer
Mr. Fred Walker
Mr. Jeffrey Long
Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
E. BRUCE JONES**
J. JOSEPH CURRAN, III

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES D. NOLAN
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J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEITZ
(1918-1990)
OF COUNSEL
T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL
823-7853

November 2, 1994

VIA HAND DELIVERY

Honorable William T. Hackett
Chairman
County Board of Appeals of
Baltimore County
Court House
Towson, Maryland 21204

Re: **Second Amended Documented Site Plan with Technical Amendments for Oak Crest Village (formerly Charlestown Village)**
SW/S Joppa Road and Walther Blvd.
11th Election District
6th Councilmanic District
CBA Case No.: CR-94-157XA

Dear Mr. Chairman:

On behalf of the Petitioners and pursuant to Section 2-356(m) of the Baltimore County Code, we are respectfully submitting herewith eleven (11) copies of a second amended Documented Site Plan dated October 28, 1994. By an Order dated December 8, 1993, the Board granted a petition for reclassification and other zoning relief including zoning variances. No protestants appeared at the November 1993 hearings and no appeals were taken from the Board's approval of the requested continuing care facility.

On April 8, 1994, following a hearing, the Board granted Petitioners' first amended Documented Site Plan approving a technical adjustment of the building envelope in order to more suitably locate the HVAC building in partial response to community concerns.

Based upon updated information and building designs, the following four (4) additional minor amendments are necessary in order to ensure the highest quality continuing care facility as envisioned by Senior Campus Living and County planners:

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
E. BRUCE JONES**
J. JOSEPH CURRAN, III

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES D. NOLAN
(RETIRED 1990)
J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEITZ
(1918-1990)
OF COUNSEL
T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL
823-7853

November 7, 1994

Ms. Sophie Jennings
Zoning Administration and
Development Management
County Office Building
Towson, Maryland 21204

Re: Retirement and Health Services Corporation
d/b/a Senior Campus Living (Oak Crest Village)
Second Amended Documented Site Plan Before the
County Board of Appeals
CBA Case No.: CR-94-157XA

Dear Ms. Jennings:

As counsel for the Petitioner, I am enclosing herewith our firm's check in the amount of One Hundred ($100.00) Dollars to cover the cost of the revisory fee which the Board's administrative assistant requested that I deliver to you in connection with our hearing which is scheduled for December 1, 1994, in the above-entitled case.

If you have any questions whatsoever, please do not hesitate to contact me.

Very truly yours,

Stephen J. Nolan

SJN/mao
encl.

cc: John H. Haas, Esquire
Mr. Richard Baummer
Mr. Edmond Haile, P.E.

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
E. BRUCE JONES**
J. JOSEPH CURRAN, III
CHRISTINE K. McSHERRY

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

Law Offices
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210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
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JAMES D. NOLAN
(RETIRED 1990)
J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEITZ
(1918-1990)
OF COUNSEL
T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL
823-7853

December 7, 1994

VIA HAND DELIVERY
Honorable William T. Hackett
Chairman
County Board of Appeals of
Baltimore County
Old Courthouse
Towson, Maryland 21204

Re: CBA Case No.: CR-94-157-XA
Petitioner: Retirement and Health Services Corp.
d/b/a Senior Campus Living
Oak Crest Village
Second Amended Documented Site Plan Approval

Dear Mr. Chairman:

On December 1, 1994, the Petitioner in the above case appeared before Messrs. Clark, Lipowitz and Ms. Levero with regard to Petitioner's request for the Board's approval of a second amended documented site plan. The Board conducted its public deliberations immediately following the hearing and invited the undersigned attorney to prepare an opinion and order incorporating the Board's finding and decision.

Accordingly, I forwarded to Mr. Zimmerman a draft copy opinion and order and he very kindly provided me with his comments so that I could present the enclosed original and six (6) copies of an order herewith.

On behalf of Senior Campus Living, we greatly appreciate the Board's consideration and approval of the enclosed opinion and order.

Very truly yours,

Stephen J. Nolan

SJN/mao

cc: Peter Max Zimmerman, Esquire
People's Council for Baltimore County

John Haas, Esquire, SCL
Ed Haile, DMW
Mr. Wayne Rush, SCL
Mr. Richard Baummer, SCL

SENIOR CAMPUS LIVING
LIFE CARE RETIREMENT COMMUNITIES

MEMORANDUM

TO: John Erickson, Paul Erickson, Steve Nolan, Ed Haile, David Fields, Bruce Campbell

FROM: Fred Walker FW.

DATE: July 29, 1993

RE: Charlestown @ White Marsh

I. Rezoning Process

	August 23	Submit Documented Site to OPZ
	September 2	Introduce Documented Site Plan David will communicate
	September 23	Full Planning Board Meeting to approve an emergency hearing before the County Council to allow for an out of cycle request
	September 28	County Council work session Information
	October 4	County Council passes a resolution allowing our request to go to the Board of Zoning Appeals immediately
Next Council Mtg Nov. 17	October 30 ?	Board of Zoning Appeals hears our case
	November 8	Written Decision subject to appeal
	December 8	Final Approval

703 Maiden Choice Lane Baltimore, Maryland 21228 (410) 242-2880 Fax (410) 247-7881

SENIOR CAMPUS LIVING
LIFE CARE RETIREMENT COMMUNITIES

MEMORANDUM

TO: John Erickson, Paul Erickson, Steve Nolan, Wayne Rush, Ed Haile, Bruce Campbell

FROM: Fred Walker FW.

DATE: July 29, 1993

RE: Charlestown @ White Marsh

A meeting with Merreen Kelly, David Fields, Gene Neff, Jim Dieter and Arnold Jablon has been scheduled for 10:00 a.m., August 6, 1993 in the Executive Conference Room.

The purpose of this meeting is to:

1. Present our proposed master plan.
2. Approve the schedule of development reviews and approvals.
3. Approve the rezoning schedule.
4. Review press release.
5. Agree in writing that this is a commercial project.
6. Agree in writing that Baltimore County shall complete Walther Boulevard by 12/1/94.
7. Agree in writing that the primary response for 911 shall be Francis Scott Key Hospital.

703 Maiden Choice Lane Baltimore, Maryland 21228 · (410) 242-2880 Fax (410) 247-7881

II. Development Approval Process

August 23	Submit Concept Plan Checkpoint
August 30	Concept Plan Conference
August 31	Post Property
September 21	Community Input Meeting
October 15	Submit Development Plan 500 ± units
October 22	Accept Development Plan
November 12	Public Hearing
November 18	Final Action of Hearing Officer
December 18	Appeal Period

If anyone has any comments concerning this schedule please call me immediately.

CR-94-157-XA

ENVIRONMENTAL IMPACT STATEMENT

CHARLESTOWN II

EXISTING SITE CONDITIONS

AND

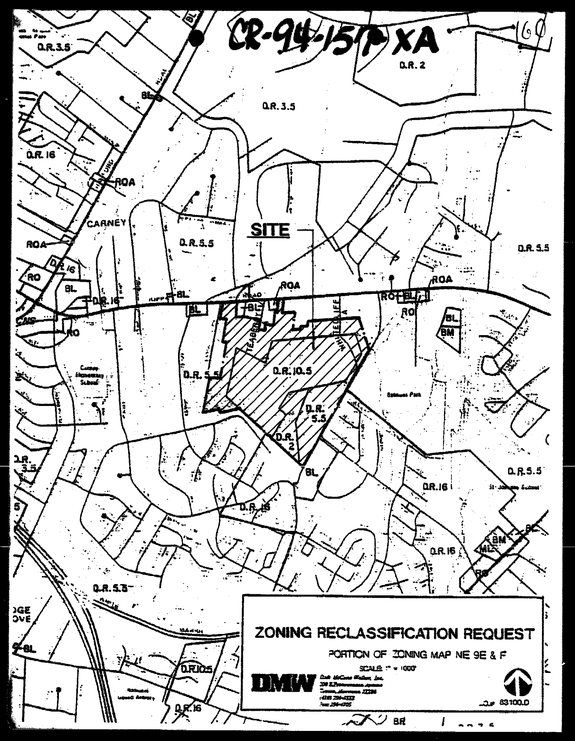
PRELIMINARY ENVIRONMENTAL EFFECTS

REPORT

Prepared by

L.R. Huppman
Environmental Consultant

August 19, 1993



Revised 7/18/93
1/28/94

BOARD CASE NO. CR-94-157-XA
NOVEMBER 17-18, 1993

HSL

LIST OF PETITIONER'S EXHIBITS

EXHIBIT NO.	DESCRIPTION	MARKED FOR IDENTIF.	IN EVIDENCE
1	Documented Site Plan prepared by Daft McCune Walker, Inc.		1-20 IN EVIDENCE (1/28/94)
1a	Reprint of Document Site Plan General Notes		X
2	Charlestown Retirement Community Brochure		X
3	Feasibility Study submitted to Maryland Office on Aging - 11/16/93		X
4	Aerial Photo of Subject Site with Property Lines Delineated		
5	Illustrated Architectural Exhibits Documented Site Plan for Charlestown Village Zoning Elevations - Overall Letter dated November 16, 1993 from W. Korpman to E. Haile		
7	Environmental Impact Statement prepared by L. R. Huppman dated 8/19/93		
8	Traffic Impact Analysis dated 11/5/93 prepared by The Traffic Group		
9	MTA Bus Routes - 1/3/93 (2 pages)		
10	Housing for the Elderly--Report of Dept. of Community Development to Planning Board - 4/15/93		
11	Zoning Request for Change of Nottingham Properties, Inc. dated 10/31/91 and related documents		
12	Balto. Co. Growth Management Program Guidelines adopted by the Council--1/23/92		
13	P. David Fields Letter to Councilman Ruppersberger dated 9/24/93		

4 up 1/27/94 Dick Bummer DMW RAB

Page 2 of 2

EXHIBIT NO.	DESCRIPTION	MARKED FOR IDENTIF.	IN EVIDENCE
14	T. J. Peddicord Letter to Chairman Hackett dated 10/5/93 and attached Council Resolution 84-93		X
15	P. David Fields Memo to Planning Board Chairman Reid dated 10/11/93 re: resolution of Master Plan Conflict		X
16	P. David Fields Letter to S. Nolan dated 10/22/93 re: OPZ support of rezoning request		X
17	P. David Fields Memo to Chairman Hackett and OPZ Report dated 11/15/93		X
18	Portion of Zoning Commissioner's Policy Manual		X
19	Population and Household Income Comparison to 5 mile radius of Charlestown I (Wilkens Avenue) [Pitler exhibit]		X
20	Portions of Master Plan Status Report (1992)		IN EVIDENCE X
21	[illegible]		
22	[illegible]		
22a	[illegible]		
23	Letter		
23a	Special Zoning Notice or Documented Site Plan		
24	Baltimore County Council's CV 1988 Baltimore Co. Code pp. 175-180		
25	DAMON CBA# CR-94-157-XA		
26	MOCKARD CASE		
27	BCZR		
28	11-17-93 Fred Walker Letter re: Ridgedale Manor		

5791C

OVER

PC

1a	Log of Issues 1993 6-044 CZM	
1b	Log of Issues 1993 5th Amendment Dist.	
2	Planning Dept. File re: Issue 6-044	
2a	Office Comments Letter	
2b	Dist. Zoning map	
3	Petitioner's plat	
3a	Owner Ownership Affs.	
3b	Affidavit Posting	
4	Portion of Balto. Co. Comp. Plan	
5	Planning Board Staff Report re 94-157-XA	
6	Bill 32-93 Legislative Journal Affidavit Publ.	
7	Bill 4a-79	
8	Packages accepted 4 2 C 2/12/94	

Documented Site Plan
General Notes

1. Election District 11, County Council District 6
2. Existing zoning is RO, BL, DR-2, DR-5.5, and DR-10.5
3. Proposed zoning is DR-16 with a special exception for a continuing care facility.
4. Site Area and Zoning
   a. Existing Zoning:

Zone	Net Area (Acres +/-)	Gross Area (Acres +/-)
RO	0.05	0.05
BL	0.05	0.05
DR-2	6.00	6.00
DR-5.5	37.60	38.91
DR-10.5	42.50	42.50
Totals	86.20	87.51

   b. Proposed Zoning:

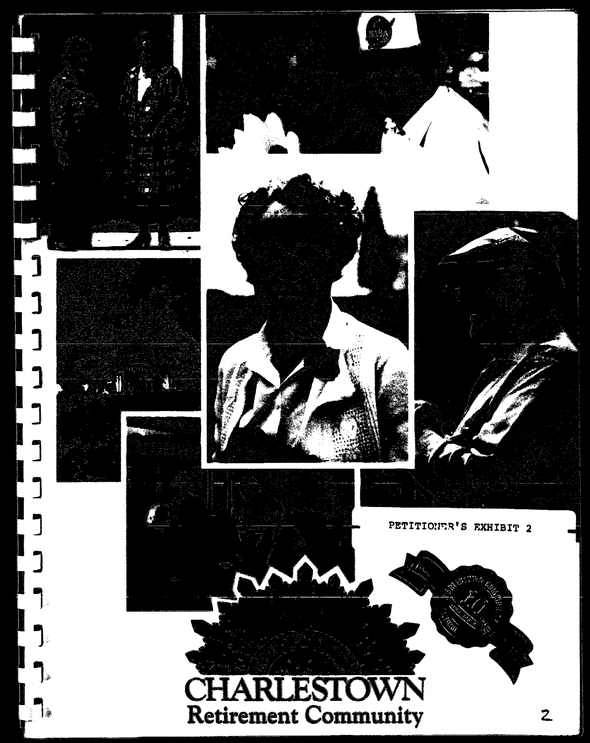
Zone	Net Area (Acres +/-)	Gross Area (Acres +/-)
DR-16	86.20	87.51

   c. Maximum permitted development is 1,400.16 density units.
5. Density Calculations, Preliminary Housing Mix:

Type	Phase 1	Phase 2	Phase 3	Dwelling Units(DU)	Factor	Density Units(DnU)
Efficiency	37	35	28	100	0.5	50.00
1 BR	207	218	235	660	0.75	495.00
1BR & Den	128	120	103	351	0.75	263.25
2 BR	126	132	148	406	1.0	406.00
Subtotals	498	505	514	1,517 DU	-	1,214.25 DnU
Assist. Liv. Units	95 beds			90	0.25	23.75
Nursing Units	400 beds			300	N/A	-
Totals						1,238.00 DnU

Ex. 3

PETITIONER'S EXHIBIT 1A



SENIOR CAMPUS LIVING
LIFE CARE RETIREMENT COMMUNITIES

November 16, 1993

John C. Erickson
President

Ms. Rosalie S. Abrams, Director
Maryland Office on Aging
301 West Preston Street
Baltimore, Maryland 21201-2374

Dear Ms. Abrams,

Here is the feasibility study for OakCrest Village, our proposed life care retirement community in Parkville, Maryland. We have changed the name from that noted in our letter of intent of September 10, 1993. The delivery dates of the various phases of the project have also been altered since September 10, and are outlined in the study.

This study represents our most current planning and assumptions regarding the development of OakCrest Village. We will notify your office as certain plans solidify. One such example is the corporate structure of the various entities involved in the project and the financing arrangements. As these are formed, we will send you the appropriate organizational documents and agreements for your approval.

We would like to request that all the items that constitute Exhibit E, Financial Feasibility of the Project, be held as strictly confidential.

Also enclosed is a check in the amount of $10,000 for the application fee for this proposed community. We are enthusiastic about this project and look forward to working with your office in providing for the immense need of the elderly in our region.

Sincerely,

Petitioner's Exhibit 3

703 Maiden Choice Lane Baltimore, Maryland 21228 (410) 242-2880 Fax (410) 242-7001

'93 11-16 14:22 301 887 2931 BALTO. CO. 01

Baltimore County Government
Department of Public Works

111 West Chesapeake Avenue
Towson, MD 21204-4604

November 16, 1993

Mr. Ed Haile
Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue
Towson, Maryland 21286

RE: Charlestown Village

Dear Mr. Haile:

This is to notify you that based on our proposed schedule for improvements to the water system in the area of Charlestown Village and the proposed schedule for that project, Baltimore County is confident that there will be adequate water supply for this community.

Very truly yours,

W. William Korpman, III
Acting Chief
Bureau of Capital Projects

WWK:aj

cc: G. Neff
T. Nanor
R. Bowling

PETITIONER'S EXHIBIT 6

ENVIRONMENTAL IMPACT STATEMENT

CHARLESTOWN II

EXISTING SITE CONDITIONS

AND

PRELIMINARY ENVIRONMENTAL EFFECTS

REPORT

Prepared by

L.R. Huppman
Environmental Consultant

August 19, 1993

PETITIONER'S EXHIBIT 7

Traffic Group

Traffic Impact Analysis

for

Charlestown Village

Baltimore County, Maryland

Prepared for

Senior Campus Living

November 5, 1993

PETITIONER'S EXHIBIT 8

The Traffic Group

WES GUCKERT
PRESIDENT

Wes Guckert is a recognized and well respected expert in the field of traffic engineering and transportation planning. Serving as a technical advisor in the areas of traffic impact analysis, traffic signal design, traffic circulation, access studies and transportation planning, Mr. Guckert has played a major role in over 2,000 projects that span the urban and suburban areas of Maryland, Virginia, Pennsylvania, New Jersey, and Delaware. As a result of his expertise, Mr. Guckert has provided consultation on projects throughout the United States.

Early in his career, Mr. Guckert served for five years with the Maryland SHA Traffic Division. Prior to founding The Traffic Group, Mr. Guckert served as a traffic engineering consultant for eight years. As Project Manager for various public agency projects, he was responsible for the Maryland 210 Bus Stop Study, the Capital Centre Access Study and the University of Maryland Access Study. He has directed the design and implementation of traffic access systems for regional projects such as National Business Park, Presidential Corporate Center, Largo Town Center, the Milestone Property, Wheaton Plaza, Salisbury Centre, PortAmerica, Bowie New Town Centre, TowsonTown Center and the Annapolis Mall Expansion.

Mr. Guckert has undertaken Traffic and Transportation Studies for more than ten Wal-Mart Stores in the Maryland region, and within the last two years, The Traffic Group, Inc. has undertaken numerous studies of Value Oriented Centers and other Regional Malls, including the Great Mall of the Bay Area (Milpitas, California); Chesapeake Factory Outlet Stores (Queenstown and Perryville, Maryland); The Mall at Scranton (Scranton, Pennsylvania); and is working on two other Great Mall Projects in Kansas City and Tampa.

A renowned expert in the field, Mr. Guckert is often asked to serve as an expert witness, testifying before County and Municipal Boards and District Courts on traffic engineering and transportation planning issues.

In 1992, in anticipation of enforcement of the 1990 Clean Air Act Amendments, Mr. Guckert formed "Transportation Coordinators" as a division of The Traffic Group, Inc. Transportation Coordinators will provide consultation to major employers who need to increase employee automobile occupancy in order to comply with the Clean Air Act Amendments to reduce automobile pollutants.

JOB HISTORY

1985-Present
President, The Traffic Group, Inc.

1977-1985
Traffic and Transportation Planning Consultant

1972-1977
Maryland State Highway Administration – Traffic Division
Assistant Regional Traffic Engineer

EDUCATIONAL BACKGROUND

Bachelor of Science – University of the State of New York
Civil Engineering Preparation: Johns Hopkins University, Towson State University, and Essex Community College
Traffic Engineering Courses: Northwestern University Traffic Institute
University of Tennessee Transportation Center
University of Maryland

AFFILIATIONS

Institute of Transportation Engineers (I.T.E.)
Urban Land Institute (U.L.I.)
American Planning Association (A.P.A.)
Transportation Research Board (T.R.B.)

I.T.E. PROFESSIONAL COMMITTEES

Traffic Considerations for Special Events
Parking Facilities for Industrial Plants
Internal Transportation Systems for Majority Activity Centers

PUBLICATIONS

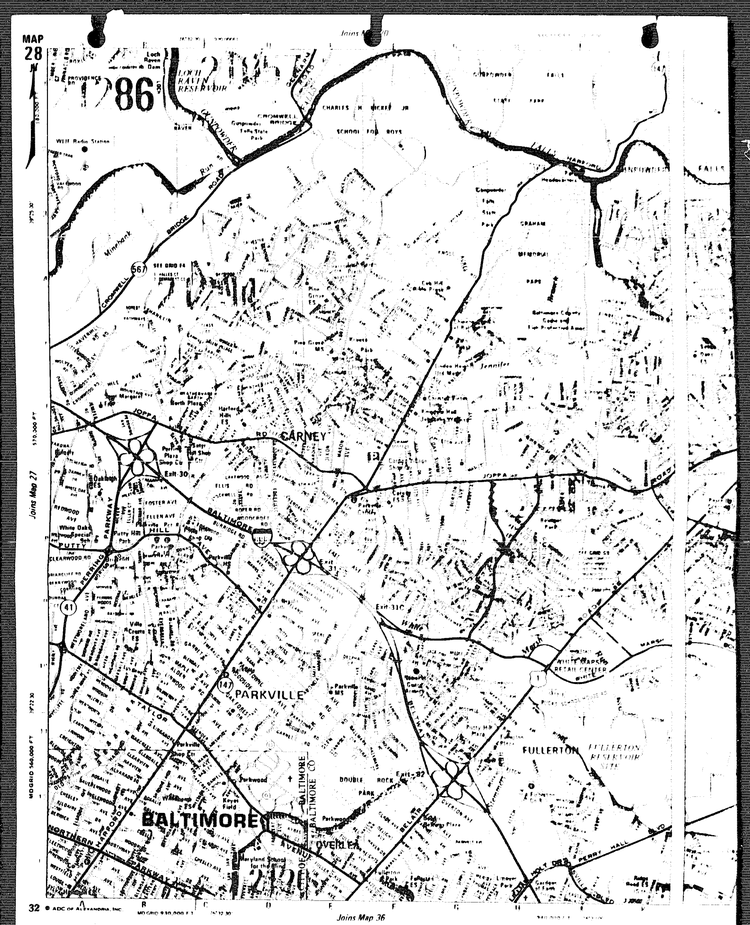
"The Evolution of Adequate Public Facilities and Their Effectiveness as Growth Management Tools in Maryland" (Co Author) – I.T.E. 1990 Annual Meeting
"Trip Generation Comparisons of Club Warehouse Stores"
"Value Oriented Retail Centers – A Follow Up Report"

PUBLIC AGENCY CLIENTS

Anne Arundel County Department of Public Works
Baltimore County Department of Public Works
Calvert County Department of Planning and Zoning
City of Westminster, Carroll County
Delaware Department of Transportation
Federal Highway Administration
Maryland State Highway Administration
Maryland National Capital Park & Planning Comm., Pr. George's Co. and Montgomery Co.
Prince George's County Department of Public Works
Town of Bel Air, Harford County
Town of Kensington, Montgomery Co.
Town of Mt. Airy, Carroll County
Montgomery County Department of Transportation
Washington County Department of Public Works

The Traffic Group, Inc. Suite 600-40 W. Chesapeake Avenue Towson, Maryland 21204 (410) 583-8405 Fax (410) 321-8438

Petitioner's Ex. 8a



Then Glenmore, Carter to Bayonne.
North & Gay to Carter & Bayonne via North.
Harford, Glenmore, Carter to Bayonne.

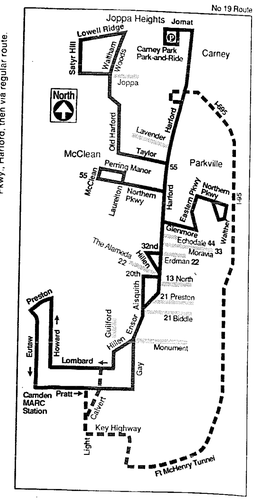
Sat. Southbound: N/A
Sat. Northbound: From Carter & Bayonne to Asquith & Lafayette via Carter, Hamilton, Frankford, Walther & Echodale, Harford, then regular route to Lafayette.
P.M. Southbound: From Lafayette to Asquith & Hamilton, Franklin to North & Gay via Carter.
P.M. Northbound: From Gay to North, Harford, 20th, Asquith, North, Patterson Park, Lafayette, Milton, North to Gal.
Sun. Southbound: From Gal & Erdman to Harford & Northern Pkwy. via Sinclair, Edison, Eastern, Harford to Northern Pkwy.
Sun. Northbound: From Northern Pkwy. & Grandview to Parkville via Grandview, Glenmore, Eastern Pkwy., Northern Pkwy., Harford, then via regular route.

19A CUB HILL - WEST CARNEY SERVICE

Northbound – From Esther and Monument to Carney Park-and-Ride lot, via Camden Station, Howard, Lombard, Hopkins Pl., Pratt, Caroline, Liberty, Fayette, Charles, Calvert, Centre, St. Paul, Chanse, Stevenson, Valley, Old Court, Reisterstown, Old Court, Harford, Cub Hill, Harford to Carney Park-and-Ride lot.

Southbound – From Carney Park-and-Ride lot, via Harford, Old Harford, Moore, Hillen, Stevenson, Charles, St. Paul, Fayette, Liberty, Pratt, Howard, Madison, Esther to Monument.

Leave Carney Park-and-Ride	
Pass Howard and Baltimore	7:02 a.m.
Arrive Esther and Monument	7:38 a.m.
Leave Esther and Monument	5:05 p.m.
Pass Howard and Baltimore	5:40 p.m.
Arrive Carney Park-and-Ride lot	6:09 p.m.



Using the Timetable
Check for the service you need. Read down for departure times and across for arrival times at your destination or transfer points.

Add or subtract time from the major intersection closest to your destination.

Read all notes and footnotes for information on special routes, destinations, and types of service.

About Fares And Transfer Use
Exact fare is required. Use coins or bills, MTA tokens, or your MTA monthly pass.

Additional fare is required if you travel between any of the MTA's five zones. Fares vary between zones. Express service or premium service requires an additional fare.

Transfers allow you to transfer between MTA buses, the Metro or light rail to continue your one-way trip. Pay for your transfer when you board the first bus, Metro or the light rail. If you need a free "check" for a third ride, ask the operator when you present your transfer.

Call-A-Lift Bus
The MTA will provide lift-equipped buses for customers with disabilities on all regular routes. Call MTA-LIFT (682-5438) before 1 p.m. the day before your travel day and request a lift-equipped bus for the route and time of travel. The ♿ symbol indicates a lift-equipped bus.

MARC Commuter Train Service
Camden Line, Penn Line, or Brunswick Line, with service between Baltimore, Washington, D.C., Perryville, MD and Martinsburg, West VA. For information, please call MTA information services at 539-5000 in Baltimore, or 1-800-325-RAIL.

Important Telephone Numbers

Bus, Metro, Light Rail and MARC Information	539-5000
Toll-free	1-800-543-9809
TDD for persons who are deaf or hard of hearing	539-3497
Call-A-Lift bus information	682-5438
Comments, complaints and commendations	333-2354
MasterCard & VISA Sales for MTA monthly passes	333-4000

Smoking, eating and drinking, or playing radios without earphones is NOT PERMITTED BY LAW on the MTA buses, Metro trains, light rail trains or in Metro stations.

MASS TRANSIT ADMINISTRATION
MARYLAND DEPARTMENT OF TRANSPORTATION
300 West Lexington Street
Baltimore, Maryland 21201-3415
This timetable is printed on recycled paper.

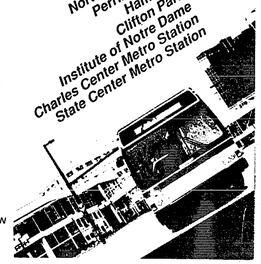
Effective January 31, 1993

19/19A Carney/CubHill Downtown.

via Harford Rd.

MTA

Bus Service to:
North Plaza Mall
Perring Plaza
Hamilton
Clifton Park
Institute of Notre Dame
Charles Center Metro Station
State Center Metro Station



PETITIONER'S EXHIBIT 9

Petitioner's Ex. 8B

HOUSING FOR THE ELDERLY

Report to the Baltimore County Planning Board

April 15, 1993

Department of Community Development

Frank W. Welsh, Director

PETITIONER'S EXHIBIT 10

PETITIONER'S EXHIBIT 11

Request for Zoning Change
Applicant must present this form
and required supplemental material in person

OFFICE USE ONLY
Issue No. 6-024
Council District 6
Planner WEW
Received on 10/31/91
Fee (non refundable) $50
Receipt No. 49946

Baltimore County
Office of Planning and Zoning
401 Bosley Avenue
Towson, MD 21204
501-887-3480

PLEASE TYPE OR PRINT

--- Applicant Information ---

1. _____ Name

2. Nottingham Properties, Inc. Organization, if applicable

3. 100 West Pennsylvania Avenue Mailing address

4. Towson, MD 21204 City, state, and zip code

5. (H) _____ (B) 825-0545 Home and business phone numbers

6. _____ Attorney or other representative, if any

_____ Representative's firm name (if applicable)

_____ Address

_____ Representative's city, state, and zip code

_____ ext. _____ Representative's business phone number

--- Property Information ---

7. Nottingham Properties, Inc. Property owner's name

8. 3341 East Joppa Road 21234 (Number) (Zip) Property street address and zip code

9. 86.7 acres Acreage or lot size of total property

10. Teabury Lane at East Joppa Road Distance of property to nearest street/intersection (Name street(s))

11. See attached Property tax number

12. See attached 13. _____ Property tax map number / Parcel number

14. E-3 15. NE 9E and F 1,000-scale zoning map no. / 200-scale zoning map no.

FOR OFFICE USE ONLY

16. Water-service zone ____ Subsewershed ____
Water-service area ____ Sewer-service area ____
Transportation zone ____ Police Precinct ____
Growth Management Area ____ School district
Critical Area Designation ____ Elementary ____
Middle ____
High ____

--- Zoning Request Information ---

17. ~~O~~ 16.9 acres DR-16, 69.3 acres DR-5.5 Existing zoning, in acres per zone

18. Vacant Existing use of property

19. 51.5 acres DR-10.5, 34.9 acres DR-5.5 Proposed zoning, in acres per zone

20. Residential Proposed use of property

21. Present zoning affirmed by 1988 CZMP Zoning history of property

22. _____ Community organizations in the area of this zoning request

THE INFORMATION SHOWN ON THIS FORM IS ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

(Signature)
Bruce S. Campbell, III, Vice President

OWNER ACKNOWLEDGEMENT: Y N
Are you the owner? If yes, review and sign below.

23. I hereby grant permission to Baltimore County for any required field inspections of my property in regard to the subject zoning request.
I hereby acknowledge that if any rezoning occurs, a change in the property tax assessment and/or transfer taxes may result for which the property owner would be responsible.
Further, I understand that if this zoning request is granted, it does not guarantee the issuance of plan approval or building permit. At the time of development processing, all County, State and Federal requirements in effect at that time must be satisfied.

Nottingham Properties, Inc. Owner Name (Type or Print)

(Signature)
Bruce S. Campbell, III, Vice President

10

BALTIMORE COUNTY
GROWTH MANAGEMENT PROGRAM
GUIDELINES
FOR
THE 1992 COMPREHENSIVE ZONING MAP PROCESS

As Adopted by the
Baltimore County Planning Board
September 19, 1991
and
Baltimore County Council
January 23, 1992

PETITIONER'S EXHIBIT 12

Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

887 3211

September 24, 1993

Hon. C. A. Dutch Ruppersberger, III
Chairman, Baltimore County Council
County Courthouse
Towson, Maryland 21204

Re: Certification on Reclassification
Petition - "Charlestown II"

Dear Councilman Ruppersberger:

At its regular monthly meeting on September 23, 1993, the Baltimore County Planning Board voted, in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the petition for zoning reclassification of the 85-acre property at Joppa Road and Walther Blvd. proposed as the site for the "Charlestown II" project is manifestly required in the public interest.

The County planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely yours,

P. David Fields
Secretary to the Planning Board

PDF:TD:cam
cc: Members, Baltimore County Council
Merreen E. Kelly, Administrative Officer
Thomas Peddicord, Jr., Legislative Counsel/Secretary
Arnold Jablon, Director, ZADM
William T. Hackett, Chairman, Board of Appeals
Peter Max Zimmerman, People's Counsel
Stephen J. Nolan, Petitioner's attorney

PBWOTE/PZONE/TXTCRM

PETITIONER'S EXHIBIT 13

---

93 OCT -6 AM 9:35

County Council of Baltimore County
Court House, Towson, Maryland 21204
(410) 887-3196
Fax (410) 887-3791

Berchie I. Manley, 1st District
Melvin G. Mintz, 2nd District
Charles A. Ruppersberger III, 3rd District
Douglas B. Riley, 4th District
William A. Howard, 5th District
Ronald C. Mason, 6th District
Thomas J. Peddicord, Jr., 7th District

October 5, 1993

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Attached please find a copy of Resolution 84-93 to approve the Planning Board's certification that the zoning reclassification petition filed by Senior Campus Living, contract purchaser, for the 85-acre tract of property located south of Joppa Road, west of Walther Boulevard and east of Burton Avenue and situated in the Sixth Councilmanic District, should be exempted from the regular legislative procedure of Section 2-346(c) through (h), inclusive, of the Baltimore County Code, 1988, as amended.

This Resolution was unanimously approved by the County Council at its October 4, 1993 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure
R8493/DAPTJP

cc: Mr. P. David Fields, Director
Office of Planning and Zoning

PETITIONER'S EXHIBIT 14

Baltimore County Government
Office of Planning and Zoning

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

DATE: October 13, 1993

TO: Harold G. Reid, Chairman
Baltimore County Planning Board

FROM: P. David Fields, Director
Office of Planning and Zoning

SUBJECT: CHARLESTOWN VILLAGE - Master Plan Conflict
(AKA CHARLESTOWN II)

PROJECT NUMBER: XI-695

GENERAL INFORMATION:

Applicant Name: Senior Campus Living
703 Maiden Choice Ln Baltimore MD 21228

Location: Walther Blvd South of Joppa Rd

Councilmanic District: 6th

Growth Management Area: Community Conservation Act

Zoning: DR 2 = 6.0 acres DR 5.5 = 38.91 acres
DR 10.5 = 42.50 acres +
(RO = 0.05 & BL 0.05 which are N/A)

Acres: 87.51 acres

Referral to the Planning Board

Charlestown Village has been referred to the Planning Board pursuant to Section 26-207 (a)(1) of the Baltimore County Code because the project poses a potential conflict with the Baltimore County Master Plan 1989-2000. The Master Plan identified Dunfield Road from Walther Boulevard to Joppa Road as a nonprogrammed transportation project and the development proposal for Charlestown Village does not indicate a road connection or a right-of-way reservation for this road. However, because of Charlestown Village's unique characteristics, the Department of Public Works and the Office of Planning and Zoning recommend that the reservation for or construction of Dunfield Road is not in the public interest for the following reasons:

1) Charlestown Village, as a retirement community with assisted living and nursing facilities, will not generate the same traffic distribution associated with conventional development. As a result, Dunfield Road which was to serve as a back up for Walther Boulevard, will not be needed.

PETITIONER'S EXHIBIT 15

Printed with Soybean Ink on Recycled Paper

PBD/PZONE/CONCEPT

Pg. 1

Baltimore County Government
Office of Planning and Zoning

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

October 22, 1993

Mr. Stephen J. Nolan, Esquire
Nolan, Plumhoff and Williams
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204-5340

Dear Mr. Nolan:

After five months of research, data compilation and mapping, Office of Planning and Zoning staff made a presentation to the Planning Board on September 10, 1993, covering the capital assets, services, identified needs and demographics of the entire County. The intent of this effort was to give the Board a countywide perspective prior to the upcoming deliberations on the FY95 Capital Budget and Program, and the amount and distribution of the 1994 referendum.

For the purposes of this presentation, the County was divided into seven subsectors along census tract boundaries. The subsectors were contained within, or aligned with, the four sectors identified in the Master Plan. The demographic information which was compiled from the 1990 census provided interesting insights into the different needs of the various subsectors.

The Eastern Subsector boundaries are Perring Parkway, the Beltway, and Cromwell Bridge Road to the west, the Gunpowder Falls to the north, the Bird River, Whitemarsh Run, Philadelphia Road, Stemmers Run and the Penn Central Railroad to the east and southeast, and the City line to the southwest. There are 14,646 residents aged 65 or older in the Eastern Subsector. This area has the County's second highest rate of senior center registration at 21 percent of the elderly population. Surprisingly, there are no residential facilities or nursing homes for the elderly in the entire subsector.

Because of this information, the Office of Planning and Zoning supports the request of your client, Mr. John C. Ericson, to rezone the Nottingham tract at the southwest corner of Joppa Road and Walther Boulevard to accommodate Charlestown Village to build senior assisted housing.

Very truly yours,

P. David Fields, Director
Office of Planning and Zoning

PDF:bam

PETITIONER'S EXHIBIT 16

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman DATE: November 15, 1993
Baltimore County Board of Appeals

FROM: P. David Fields, Director
Office of Planning & Zoning

SUBJECT: CASE NO. CR-94-157-XA
RETIREMENT AND HEALTH SERVICES CORPORATION/SENIOR CAMPUS LIVING

At its regularly scheduled monthly meeting on September 23, 1993, the Baltimore County Planning Board voted in accordance with Section 2-356(i) of the County Code, to certify to the County Council that early action upon the Petition for zoning reclassification of Retirement and Health Services Corporation/Senior Campus Living was manifestly required.

The County Council unanimously approved a Resolution approving the Planning Board's certification on October 4, 1993.

Enclosed herewith is copy of the report of the Office of Planning and Zoning.

P. David Fields

PDF:JL:lw
RETHEAL.MEM/PZONE/CYCLE

PETITIONER'S EXHIBIT 17

1991 Edition

Baltimore County
Zoning Commissioner's Policy Manua

BALTIMORE COUNTY MARYLAND

PETITIONER'S EXHIBIT 18

adopted MAY 21, 199

Administrative Supplement to the Baltimore County Zoning Regulatior

12

CHARLESTOWN II

Comparison to 5 mile radius
of Charlestown I (Wilkens Avenue)

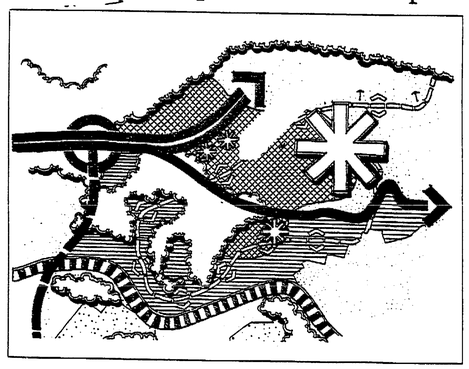
	1990	1993 est.	1998 proj.
Population AGE 55+			
I.	87,120	86,030	86,575
II.	145,554	142,759	141,520
	58,434+	56,729+	54,945+
AGES 55-59			
I.	16,609	16,436	17,696
II.	25,888	25,475	26,987
	9,8279+	9,039+	9,291+
AGES 60-64			
I.	18,178	17,299	16,506
II.	28,320	26,819	25,311
	10,142+	9,520+	8,805+
AGES 65-69			
I.	17,740	17,043	15,924
II.	29,363	28,079	25,968
	11,623+	11,036+	10,044+
AGES 70-74			
I.	13,441	13,722	13,471
II.	23,788	24,051	23,324
	10,347+	10,335+	9,853+
AGES 75-79			
I.	10,193	10,155	10,602'
II.	18,068	17,786	18,196
	7,875+	7,631+	7,594+
AGES 80-84			
I.	6,200	6,326	6,549
II.	11,240	11,289	11,412
	5,040	4,963+	4,863+
AGES 85+			
I.	4,759	5,049	5,827
II.	8,887	9,254	10,322
	4,128	5,205+	4,495

5754C

PETITIONER'S EXHIBIT 19

Master Plan

Baltimore County 1989-2000 Implementation Report



July, 1992

PETITIONER'S EXHIBIT 20

Ridgedale Mews Homeowners' Association

At a meeting of the Ridgedale Mews Homeowners Association, Inc. on November 6, 1993, it was decided that the responsibility for the review and action on behalf of the Association on the zoning matter known as Zoning Reclassification, Special Exception and Variance Application for the 86.2 acre Nottingham property at Joppa Road and Walther Boulevard, Board of Appeals Case No. CR-94-157-XA, for the duration of the project would be placed in the Board of Directors consisting of the following members:

Dan Waszelewski
Barbara Jones
Jeffrey Wilke
Colleen Helminger
Donna Stetka

The Board of Directors of Ridgedale Mews Homeowners' Association, Inc., took the following action with respect to the matter of the Zoning Reclassification, Special Exception and Variance Application for the 86.2 acre Nottingham property at Joppa Road and Walther Boulevard, for the proposed Charlestown Village Retirement Community project:

RESOLVED: That upon consideration of all aspects of the project, the position of the Association as adopted by the Board of Directors in the zoning matter known as Board of Appeals Case No. CR-94-157-XA is that:

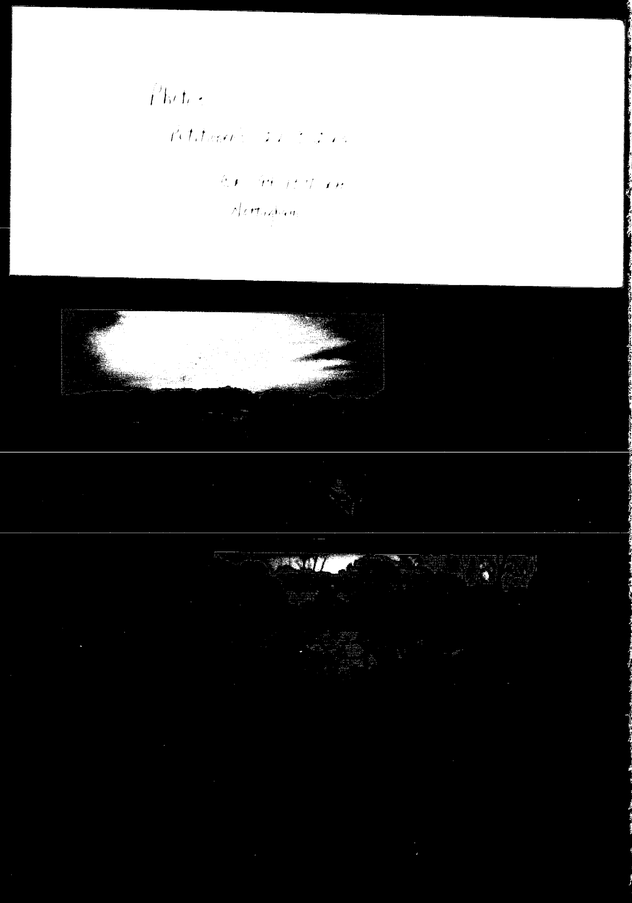
The Association has decided not to object to the requested DR16 zoning reclassification, special exception and other requested zoning changes in the above referenced case.

EXECUTED by the President and the Secretary of the Association this 17th day of November, 1993.

ATTEST:
Colleen Helminger,
Secretary

Ridgedale Mews Homeowners' Assoc., Inc.
Dan Waszelewski, President

Petitioner's Exhibit 21



Special Zoning Notes

I. Zoning Actions Requested

A. Reclassification from RO, BL, DR-2, DR-5.5, and DR-10.5 to DR-16.

B. Special exception for continuing care facility in accordance with BCZR Sections. 432.1A2 and 1B01.1C 21.

C. Variances

1. BCZR Section 1B02.2A to permit a building height as tall as 80 feet in lieu of the maximum 60 feet in a DR-16 zone.

2. BCZR Sections 432.1.C.1, 1B01.2B.2, 1B01.2C.2, and CMDP IIA, Page 29, pursuant to Section 504.2 to permit a nonresidential principal building within the continuing care facility to have a maximum building length as long as 450 feet in lieu of the permitted 200 feet and width as long as 400 feet in lieu of the permitted 200 feet..

3. BCZR Sections 432.1.C.1, 1B01.2.B.2, and CMDP IIA, Page 29, pursuant to Section 504.2 to permit component elderly-housing facility, institutional buildings separated by exterior passageways to have a maximum width and length as much as 440 feet in lieu of the permitted 200 feet.

4. BCZR Section 409.6A.1 and CMDP IIA, Page 26, pursuant to Section 504.2 to permit a continuing care facility to provide 1,557 off-street parking spaces in lieu of the required 1,927 spaces, including 228 required visitor spaces.

5. BCZR Section 413.1E.1 to permit an externally-illuminated sign identifying the elderly housing community to have a double-faced sign with an area of 75 square feet per face in lieu of the permitted 15 square feet per face.

II. Documented Site Plan - Special Notes

A. Use: Class B Elderly Housing Facility

1. This documented site plan for reclassification includes a special exception for a continuing care facility comprising housing for the elderly, nursing care, and assisted living elements as principal uses.

2. Accessory uses may include, but are not limited to:

a. Accessory uses normally associated with multiple family dwelling developments including, but not limited to, accessory parking spaces, buildings for the conduct of business and activities related to administration, operation, service, or maintenance of the proposed continuing care facility, its site and outdoor recreational uses, and structures as authorized by Section 1B01.1A 14.f., g, and i.

b. Common dining facilities as authorized by Section 432.1B.2.

c. Accessory uses customarily associated with elderly housing facilities including, but not limited to, personal, medical, educational, and recreational services and/or offices, small gift and necessities shops; small branch bank, or automated teller machines, library, medical clinic, chapel, and indoor pool; transportation or shuttle services all for the sole use of the elderly housing community and its guests or employees as authorized by Section 432.1B.3. There shall be no exterior announcement or exterior evidence of such accessory uses.

d. Guest rooms for residents' family members and guests of residents and potential residents. There shall be no more than 30 guest rooms for the maximum 1,400.16 density units, proposed as authorized by Section 432.1.B.4. Guest rooms shall not exceed two for each 100 dwelling units provided.

e. Adult day care and/or child day care as authorized by Section 1B01.1A.10a.

PETITIONER'S EXHIBIT 23

B. Signs

GEORGE E. GAVRELIS

Vice President

George Gavrelis has broad, extensive training and background in planning and zoning, particularly in Baltimore County. He has a thorough knowledge of planning and zoning procedures, as well as the detailed requirements and standards of the zoning and development regulations. His expertise assures that projects comply with applicable standards and move more expediently through the approval process.

Mr. Gavrelis is recognized as an expert witness in planning, zoning and land use issues and testifies before the Zoning Commissioner, the Board of Appeals and the Circuit Court.

Professional Background

Daft·McCune·Walker, Inc.
Towson, Maryland
1984 - Present

Private Planning Consultant
1982 - 1984

Developers General Corporation
1972 - 1982

Baltimore County Office of Planning and Zoning
Towson, Maryland
1951 - 1972
Director, 1963 - 1972

Education

Master of City Planning
Harvard University Graduate School of Design

Bachelor of Arts
Harvard College

Associations

American Institute of Certified Planners, Charter Member

American Planning Association

Committees

The Towson Partnership
Urban Design Subcommittee

Executive Steering Committee, Baltimore County Master Plan, Strategic Plan 2000

Parking Committee, Towson Development Corporation

Land Use Committee
Baltimore County Chamber of Commerce

Long Range Planning Committee, Trinity Episcopal Church

Advisory Group
1992 Comprehensive Zoning Map Guidelines

Significant Projects

Towson Commons
Towson, Maryland

Mays Chapel North Planned Unit Development
Timonium, Maryland

Caves Valley Club
Documented Site Plan
Reclassification and Special Exception

Land Owners Council,
Reciprocal Regional Development Agreement
Owings Mills Growth Area
Baltimore County, Maryland

New Density Residential Zones
Baltimore County, Maryland

The Guideplan, a Comprehensive Plan for Baltimore County, Maryland

Guest Lecturer

National Conventions, National Association of Home Builders
Houston, Texas
Las Vegas, Nevada

Development Seminar, National Association of Home Builders
Phoenix, Arizona

Home Builders Institute, Home Builders Association of Maryland

Awards

Home Builders Association of Maryland, Distinguished Service Award
1979 and 1980

Baltimore County Chamber of Commerce Leadership Award, Growth Management Committee
1981

DAFT·McCUNE·WALKER, INC.

Petitioner #23A

BALTIMORE COUNTY CODE

1988

Published by Order of the County Council

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS, CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

MUNICIPAL CODE CORPORATION
Tallahassee, Florida 1991

PETITIONER'S EXHIBIT 24

FILE COPY

FILE COPY

IN THE MATTER OF THE APPLICATION OF MAYOR & CITY COUNCIL OF BALTIMORE/SHELTER DEVELOPMENT CORPORATION FOR A ZONING RECLASSIFICATION AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE NORTHEAST SIDE OF MAIDEN CHOICE LANE BETWEEN CARROLL ROAD AND GARDEN RIDGE ROAD FROM D.R.5.5 to D.R.10.5 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. CR-90-73-X (out-of-cycle)

OPINION

This case comes before this Board as an out-of-cycle Petition for Zoning Reclassification of property located on the northeast side of Maiden Choice Lane between Carroll Road and Garden Ridge Road. The property contains some 9.94 acres in area, is presented to this Board on a documented site plan with a request for a reclassification from D.R.5.5 to D.R.10.5 coupled with a Special Exception for a waiver to permit the buffered area to contain the proposed entrance to the parking area, and to permit a building height of 40' in lieu of the required 35'. The proposal as presented on the documented site plan indicates the Shelter Development Corporation's intention to erect a housing development for middle income elderly tenants. The case was heard this day in its entirety.

Petitioner first presented Andrew Aulde, the Vice President of Shelter Development Corporation. Mr. Aulde testified as to his corporation's intentions and presented exhibits showing precisely what they hoped to accomplish. He noted that the site contained some 10 acres, more or less, but that the building and parking would cover only 2.5 acres of the site. He testified that his company investigated 53 potential sites in this general area and that this was the only one that was satisfactory. He further testified that the City owned this land which was formerly used for a day camp but has been unused for many years. The City advertised the property for sale and Shelter Development Corporation was awarded the contract contingent on the granting of the zoning change. He further testified to the need for the variance to cross the residential transition area and the need for the 40' height variance to allow for a gable roof on the building. He further testified that all the requirements

PETITIONER'S EXHIBIT 25

533 A.2d 1344

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
v.
Robert W. MOCKARD et al.

No. 451, Sept. Term, 1987.

Court of Special Appeals of Maryland.

Dec. 7, 1987.

Landowner petitioned County Board of Appeals for reclassification of property. On appeal from Board's order conditionally granting reclassification, the Circuit Court, Baltimore County, William M. Nickerson, J., reversed in part and remanded in part, and appeal was taken. The Court of Special Appeals, Rosalyn B. Bell, J., held that: (1) Board's limitation on future use of subject property was invalid condition on reclassification, and (2) Board improperly found error in comprehensive zoning plan absent evidence that Board properly considered factors enumerated in county code.

Affirmed.

1. Zoning and Planning ⇐160
"Conditional zoning" is zoning reclassification subject to conditions not generally applicable to land similarly zoned.
See publication Words and Phrases for other judicial constructions and definitions.

2. Zoning and Planning ⇐160
Conditional zoning is invalid under Maryland law.

3. Zoning and Planning ⇐191
County board's granting of specific site reclassification to automobile dealership was improper where dealership requested unconditional reclassification and did not follow

county code procedure necessary for granting of specific site reclassification.

4. Zoning and Planning ⇐724
Remand was required upon determination that county zoning board improperly granted reclassification to owner, conditioned upon owner's putting property to specific use, in that it was possible that board would not have granted reclassification unless it could attach condition, which had been determined to be invalid.

5. Zoning and Planning ⇐199
County code provision mandating "consideration" of certain factors prior to finding error in comprehensive zoning and granting prospective reclassification, requires that board articulate findings as to each of applicable factors contained in provision; board must make such findings in both finding of error in comprehensive plan and in decision that reclassification is warranted.

6. Zoning and Planning ⇐30
County board improperly found error in comprehensive zoning plan absent evidence that board properly considered factors enumerated in county code.

Peter Max Zimmerman (Phyllis Cole Friedman, on brief), Towson, for appellant.

Robert W. Cannon (Steven C. Hilsee and Weinberg and Green, on brief), Baltimore, for appellees.

Argued before WILNER, ALPERT and ROSALYN B. BELL, JJ.

ROSALYN B. BELL, Judge.

People's Counsel for Baltimore County appeals from a decision of the Circuit Court for Baltimore County, reversing in part and remanding in part, the administrative order of the County Board of Appeals of Baltimore County. Upon a finding of error in the county-wide comprehensive

PETITIONER'S EXHIBIT 26

BALTIMORE COUNTY ZONING REGULATIONS

AS AMENDED THROUGH SEPTEMBER 21, 1987

1987 EDITION

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND

PETITIONER'S EXHIBIT 27

RETIREMENT AND HEALTH SERVICES CORP.
d/b/a Senior Campus Living
703 Maiden Choice Lane
Baltimore, Maryland 21228

November 17, 1993

HAND DELIVERY

Ridgedale Mews Homeowners' Association, Inc.
Attention: Daniel Waszelewski, President
9546 Orbitan Court
Baltimore, Maryland 21234

Re: Confirmation of Agreement Concerning DR16 Zoning Reclassification for Continuing Care Facility for Elderly Housing on 86.2 Acre ± Nottingham Properties Parcel Along SW/S Joppa Road and Walther Boulevard - Board of Appeals Case No. CR-94-157-XA

Dear Mr. Waszelewski and Association Members:

Reference is made to your Association's October 27, 1993, letter and to the meeting held in your community between our representatives, Fred Walker and Stephen J. Nolan, and your counsel, Cynthia K. Hitt, Esquire, and numerous homeowners along Orbitan Court.

As you know, our zoning reclassification hearing is scheduled to be heard before the County Board of Appeals of Baltimore County on November 17 and 18, 1993. A development hearing on Phase I of our development will most likely be heard before the Zoning Hearing Officer in early January, 1994.

The purpose of this letter is to set forth the following agreement and understanding reached between Ridgedale Mews Homeowners' Association, Inc., and Senior Campus Living, as contract purchaser and developer:

1. In consideration of the Association's written statement addressed to the Board of Appeals that it has determined that it will not object to Senior Campus Living's DR 16 Zoning Reclassification Request and related special exception and variance requests and the development of the site in accordance with the application originally filed in Board of Appeals Case No. CR-94-157-XA;

Petitioner's Ex #28

PC #1A

BALTIMORE COUNTY COMPREHENSIVE ZONING MAP

Final Log of Issues
Adopted October 15, 1992

PC #1B

BALTIMORE COUNTY COUNCIL

FIFTH COUNCILMANIC DISTRICT

1992
COMPREHENSIVE
ZONING PROCESS

PC #2

PC #2A

Nottingham Properties, Inc.
100 West Pennsylvania Avenue · Towson, Maryland 21204 · (301) 825-0545 · FAX (301) 321-8018

April 30, 1992

BALTIMORE COUNTY PLANNING BOARD
c/o Baltimore County Office of
Planning and Zoning
County Courts Building
406 Bosley Avenue
Towson, Maryland 21204

Attention: Mr. Harold G. Reid, Chairman

Re: Zoning Issue No. 6-094

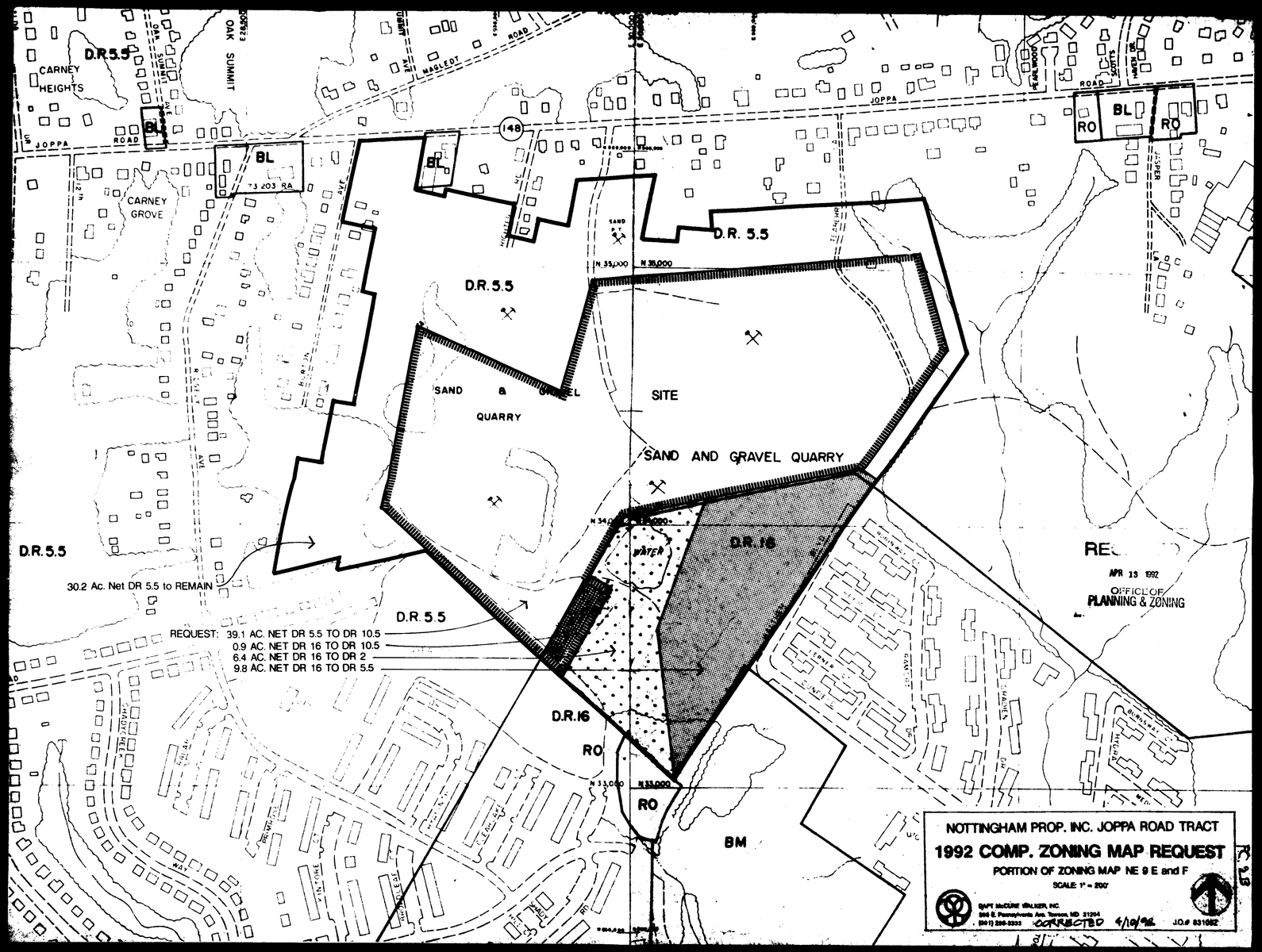
Gentlemen:

Nottingham Properties would like to offer the following statements in support of the above referenced zoning issue pursuant to the Planning Board's public hearing held April 23, 1992.

This property is located on the south side of Joppa Road between Burton Avenue and Walther Boulevard. The Walther Boulevard frontage is opposite the existing Dunfield subdivision (townhouses) and the south side of the property is adjacent to Upton Village (townhouses). The Joppa Road and Burton Avenue sides of the property abut older existing single family homes.

Due to recent changes to the D.R. zoning regulations, the existing zoning classifications of D.R.16 and D.R.5.5 are not practical given site constraints and the neighboring townhouse communities. The D.R.16 is largely undevelopable due to environmental conditions remaining from the previous sand and gravel mining operations. The D.R.5.5 area is not representative of the bulk of the surrounding communities.

We certainly feel the original zoning request for 51.50 acres of D.R.10.5 and 34.90 acres of D.R.5.5 represents the most desirable alternative to be responsive to the existing market area while protecting the existing single family homes with a buffer of D.R.5.5. However, we have agreed with the office of Planning and Zoning that their recommendation for this issue is viable and have actually amended our request to match this recommendation. The staff's recommendation recognizes the compatibility of D.R.10.5 zoning adjacent to the existing townhouse communities of Dunfield and Upton Village while protecting the existing lower density communities along Joppa Road and Burton Avenue with D.R.5.5 zoning.



PC # 3A

Nottingham Properties, Inc.

August 5, 1992

The Hon. William A. Howard, IV
Chairman, Baltimore County Council
Councilman, Sixth District
Old Court House - 2nd Floor
Towson, MD 21204

Re: Zoning Issues 6-094, 6-095 and 6-099

Dear Councilman Howard:

We welcome the opportunity to meet with you concerning the above referenced zoning issues, either during your planned meeting period or on another day convenient to your schedule. Richard A. Reid of Royston, Mueller, McLean and Reid also will be attending this meeting as our zoning counsel.

Please have your office advise us of your availability. We look forward to discussing these important matters.

Very truly yours,

Bruce S. Campbell, III
Senior Vice President and
Director of Land Development

cc: Richard A. Reid, Esq.
P. Douglas Dollenberg
J. Joseph Credit

PC # 3B

Bruce Campbell Nottingham Property
6-094 - 3341 E. Joppa Rd.

Have been working w/staff

Existing DR5.5 69.5 acres
DR 16 16.9 acres
total units allowed 652.65

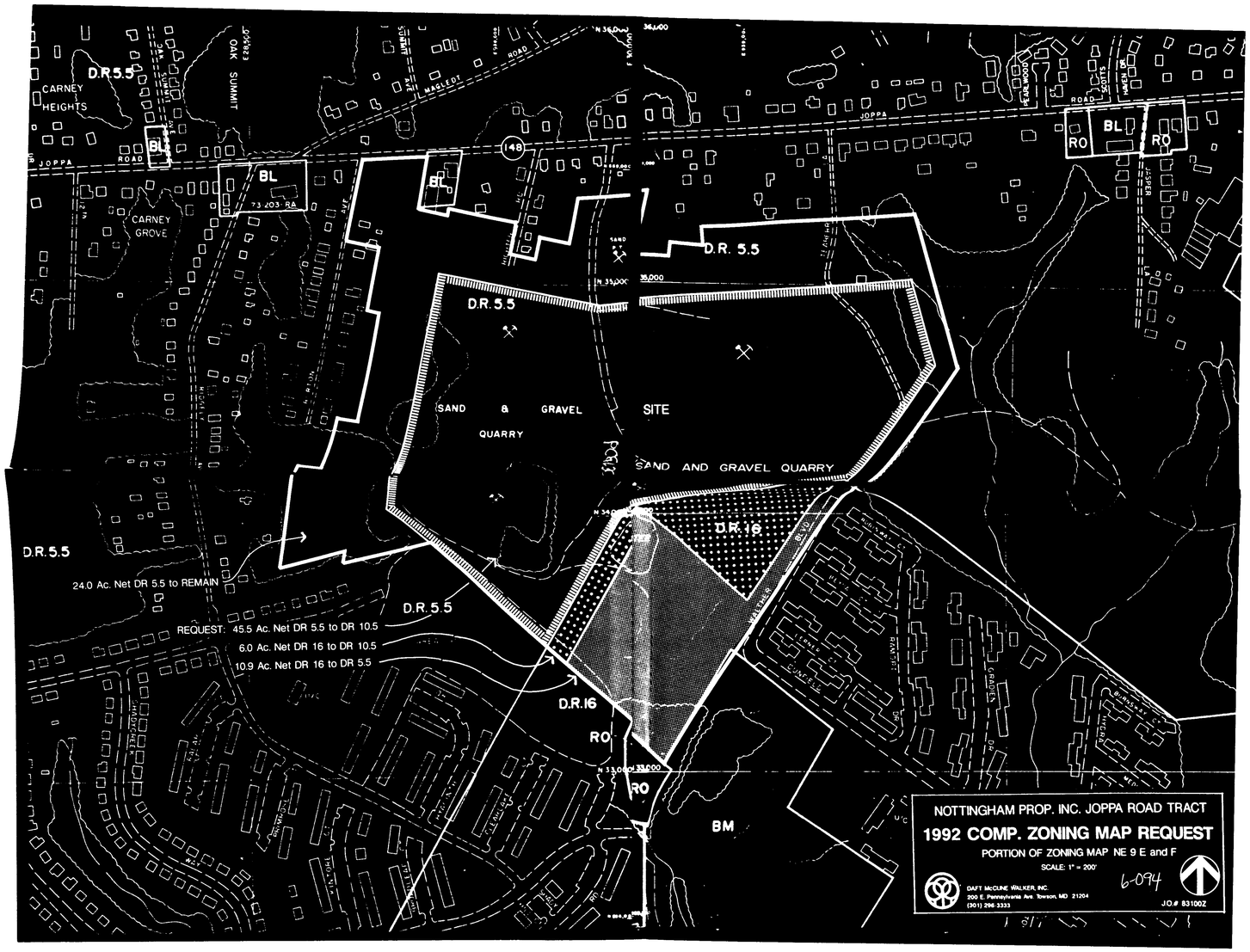
Proposed DR5.5 - 40 acre
DR 10.5 - 40
DR 2 6.4
total units allowed 652.80

↓

Pl.Bd approved this (Nottingham drew plan based on this.)

Quarry has been closed since late 70's -

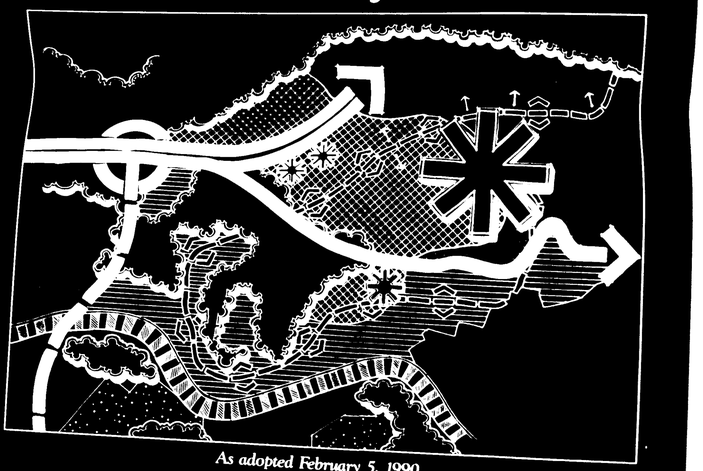
6-095 - ML-IM Nottingham Village
Gloria Turners group C.E.'d



PC 8h 4

Master Plan

Baltimore County 1989–2000



As adopted February 5, 1990

Plan To Accompany Request For Zoning Reclassification Special Exception and Zoning Variances

CHARLESTOWN VILLAGE

Documented Site Plan
General Notes

1. Election District 11, County Council District 6
2. Existing zoning is RO, BL, DR-2, DR-5.5, and DR-10.5
3. Proposed zoning is DR-16 with a special exception for a continuing care facility.
4. Site Area and Zoning:
   a. Existing Zoning:

Zone	Net Area (Acres +/-)	Gross Area (Acres +/-)
RO	0.05	0.05
BL	0.05	0.05
DR-2	6.00	6.00
DR-5.5	37.60	38.91
DR-10.5	42.50	42.50
Totals	86.20	87.51

   b. Proposed Zoning:

Zone	Net Area (Acres +/-)	Gross Area (Acres +/-)
DR-16	86.20	87.51

   c. Maximum permitted development is 1,400.16 density units.
5. Density Calculations, Preliminary Housing Mix:

Type	Phase 1	Phase 2	Phase 3	Dwelling Units/DU	Factor	Density Units/DnU
Efficiency	57	35	28	100	0.5	50.00
1 BR	247	218	230	695	0.75	495.00
1BR & Den	128	120	103	351	0.75	263.25
2 BR	176	132	148	456	1.0	406.00
Subtotals	608	505	514	1,617 DU	=	1,214.25 DnU
Assist. Liv. Units	48 beds				0.25	23.75
Nursing Units	100 beds				N/A	–
Totals						1,238.00 DnU

Not more than 1,400.16 density units will be developed. All buildings will meet applicable building and fire codes.

6. Parking Calculations/Continuing Care Facility:
   a. Required Parking

1,317 DU @ 1 space/DU	=	1,317 Spaces
48 Assisted Living Units @ 1 space/2 beds	=	48 Spaces
200 Nursing Beds @ 1 space/3 beds	=	124 Spaces
Total	=	1,699 Spaces
Plus 15% residential guest spaces		228 Spaces
Total Required		1,927 Spaces
b. Parking Provided		1,537 Spaces

   A variance to permit 1,537 spaces in lieu of the 1,927 required spaces is a component of this documented site plan. Not less than one space for each dwelling unit shall be provided.
   c. Parking spaces, maneuvering area, and internal drives shall be:
   - Improved with a durable, dustless surface drained to not create any undesirable conditions.
   - Lighted so not reflect on adjoining premises and to not shine into path of oncoming vehicles. Light standards shall be protected by curbing or landscaping.
   - All parking spaces shall be permanently striped.
   - All parking spaces shall be a minimum of 8.5 by 18 feet
7. Landscaping and screening are shown conceptually and shall be in compliance with the adopted Landscape Manual.
8. *Topography and major vegetation are based on aerial photogrammetry by P.D.S., Inc., dated August 1993 supplemented by field run topographic surveys completed in September 1993 by DMW, Inc. They are subject to revision and refinement by subsequent field run surveys.* The site has been used as a sand and gravel extraction facility. All site features are predominantly man-made. Major changes in grade are illustrated conceptually. They are subject to refinement as final site and building plans are prepared and approved. The boundary shown hereon is compiled from deed descriptions only.
9. Stream center lines and wetlands are based on field run topographic surveys. Limits of Forest Buffer Easement shown hereon have been approved by Baltimore County DEPRM. Flood plain limits shown hereon are approximate and subject to further refinement. In particular, the existing 100-year flood plain shown south of the existing pond is based on man-made drainage patterns resulting from surface mining activities. It is anticipated that this area will no longer qualify as 100-year flood plain following development of this site. Flood plain and drainage and utility easements will be established in accordance with Baltimore County Regulations.
10. All existing structures will be removed.
11. The site is not in a National Registered or County History District; no existing structure is listed as a historic landmark.
12. This site served by public roadways, water, sewer, and storm drain systems. Details of internal utility layout will be shown on the Development Plan.
13. All adjoining dwellings or vacant lots which generate a Residential Transition Area (RTA) have been shown and have resulted in the RTA as shown hereon.
14. Any dumpsters to be utilized will be screened in accordance with the provisions of the adopted Landscape Manual.
15. The Joppa Road entrance is for emergency access only. All traffic will utilize the Walther Boulevard entrance only.
16. This development is not in the Chesapeake Critical Area.

Special Zoning Notes

I. Zoning Actions Requested
   A. Reclassification from RO, BL, DR-2, DR-5.5, and DR-10.5 to DR-16.
   B. Special exception for continuing care facility in accordance with BCZR Sections, 432.1.1.2 and 1B01.1C.21.
   C. Variances
      1. BCZR Section 1B02.2A to permit a building height as tall as 80 feet in lieu of the maximum 60 feet in a DR-16 zone.
      2. BCZR Sections 432.1.C.1, 1B01.2B.2, 1B01.2C.2, and CMDP IIA, Page 29, pursuant to Section 504.2 to permit a nonresidential principal building within the continuing care facility to have a maximum building length as long as 450 feet in lieu of the permitted 200 feet and width as long as 400 feet in lieu of the permitted 200 feet..
      3. BCZR Sections 432.1.C.1, 1B01.2.B.2, and CMDP IIA, Page 29, pursuant to Section 504.2 to permit component elderly-housing facility, institutional buildings separated by exterior passageways to have a maximum width and length as much as 440 feet in lieu of the permitted 200 feet.
      4. BCZR Section 409.6.A.1 and CMDP IIA, Page 26, pursuant to Section 504.2 to permit a continuing care facility to provide 1,557 off-street parking spaces in lieu of the required 1,927 spaces, including 228 required visitor spaces.
      5. BCZR Section 413.1.E.1 to permit an externally-illuminated sign identifying the elderly housing community to have a double-faced sign with an area of 75 square feet per face in lieu of the permitted 15 square feet per face.

II. Documented Site Plan - Special Notes
   A. Use: Class B Elderly Housing Facility
      1. This documented site plan for reclassification includes a special exception for a continuing care facility comprising housing for the elderly, nursing care, and assisted living elements as principal uses.
      2. Accessory uses may include, but are not limited to:
         a. Accessory uses normally associated with multiple family dwelling developments including, but not limited to, accessory parking spaces, buildings for the conduct of business and activities related to administration, operation, service, or maintenance of the proposed continuing care facility, its site and outdoor recreational uses, and structures as authorized by Section 1B01.1A 14.1, g, and i.
         b. Common dining facilities as authorized by Section 432.1B.2.
         c. Accessory uses customarily associated with elderly housing facilities including, but not limited to, personal, medical, educational, and recreational services and/or offices, small gift and necessities shops; small branch bank, or automated teller machines, library, medical clinic, chapel, and indoor pool; transportation or shuttle services all for the sole use of the elderly housing community and its guests or employees as authorized by Section 432.1B.3. There shall be no exterior announcement or exterior evidence of such accessory uses.
         d. Guest rooms for residents' family members and guests of residents and potential residents. There shall be no more than 30 guest rooms for the maximum 1,400.16 density units, proposed as authorized by Section 432.1.B.4. Guest rooms shall not exceed two for each 100 dwelling units provided.
         e. Adult day care and/or child day care as authorized by Section 1B01.1A.10a.

B. Signs

Signs for the proposed continuing care facility shall be limited to:

1. An externally-illuminated sign indicating the name of the elderly housing community not exceeding 75 square feet in area per face as authorized by a request of variance to Section 413.1.E.1. The sign will be located at the Walther Boulevard entrance. Details shall be finalized at Development Plan approval (Sign A). A conceptual depiction is shown on Sheet 3 of 4.

   The sign will be reviewed by the Office of Planning and Zoning to affirm that the background area is not part of the actual sign area. The sign will be maintained by the developer.
2. Directional, informational, or warning signs involving no advertising aspect and each not exceeding 25 square feet in area as authorized by Section 413.1.E.3.
3. Externally-illuminated, double-faced, temporary real estate signs not exceeding 100 square feet per face in area announcing the opening of the proposed continuing care facility as authorized by Section 413.1.G. The signs will be located along Walther Boulevard and Joppa Road and shall be setback no less than 15 feet from the street property line. Details shall be finalized at Development Plan approval.
4. Building contractors' and professional persons' temporary signs on building under construction, limited to a total area of 150 square feet for all such signs as authorized by Section 413.1.H.

C. Hours of Operation

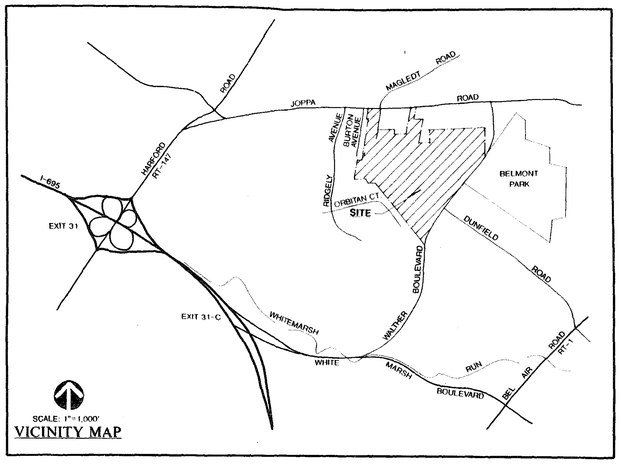
As a continuing care facility involving housing for the elderly, assisted living, and nursing care, the proposed use is a 24-hour operation, daily.

D. Maximum Number of Employees

The maximum number of employees is estimated to be 800.

E. Maximum Levels of Emanations

As a continuing care facility, maximum levels of emanations including sound and other vibrations, dust, odors, gases and light and heat should not be significantly different from those occurring if the tract were developed residentially under current zoning. See Environmental Impact Statement submitted as part of this documented site plan.



SCALE: 1" = 1,000'
VICINITY MAP

F. Future Actions / Flexibility

1. This documented site plan, zoning reclassification with accompanying special exception for a continuing care facility and variances must be reviewed and approved as is required by the Development Regulations. Agency review of plan, building, and site details may require revision to the plan. In accordance with Section 2-356(f), building revisions are permissible if they occur within the maximum building envelope shown on this plan, if they do not exceed the stated maximum or minimum number of density units, assisted living or nursing units permitted by this plan, and if the revisions comply with all zoning relief requested by this petition and are in accord with all other applicable requirements of BCZR.

   Similarly, site revisions are also permissible if they comply with all zoning relief requested by this petition and are in accord with all other applicable requirements of BCZR.
2. Similarly, architectural plans are preliminary and conceptual. Roof lines shown hereon are also conceptual. Final roof lines may be sloped, flat, or a combination. The final layout of buildings within the maximum building envelope also may be modified if such revisions are in accord with the maxima or minima established by this documented site plan, are in accord with all zoning relief requested and granted by this petition, and are in accord with all other applicable standards and requirements.
3. The mix of dwelling unit types and density units is based on expected demand based on current trends. This mix may be modified if the total number of proposed density units does not exceed the maximum 1,400.16 density units permitted by the requested DR-16 zoning.

G. Phasing of Development

Development of the continuing care facility will take place in coherent phases or neighborhoods each with residential and support facilities. A health care center with nursing and assisted living units will serve the entire complex; development will be phased. Lease lines or parcel lines may be established in the future to facilitate phased development. Development is estimated to be completed within three to six years after zoning authorization and development approvals are secured.

H. Utilization

1. Utilization of the documented site plan shall occur in accordance with the provisions of Section 2-356(n) if development is initiated within three years of the date of a final order granting the requested zoning relief and if development thereafter is diligently pursued to completion.
2. Utilization of the special exception for a continuing care facility shall occur when development is initiated for the first phase. A term of five years is requested for the special exception.

I. Zoning History

This property was the subject of 1992 CZM Issue 6-094 by Nottingham Properties, Inc. The County Council agreed with the Planning Board recommendation and changed the previous DR-16 and DR-5.5 zoning to the present DR-2, DR-5.5, and DR-10.5 with very small portions of RO and BL zoning as shown on this plan.

Definition of Class B Housing for the Elderly

A building, a section of a building, or a group of buildings that contain(s) dwellings where the occupancy of the dwellings is restricted to persons 60 years of age or older or to couples where either the husband or wife is 60 years of age or older and to any person, regardless of age, who has a physical or developmental disability. Class B housing for the elderly is not constructed under the provisions of a federal or state housing or tax act.

PRINTED
NOV 11 1993
DAFT-McCUNE-WALKER, INC.

MARKS THOMAS AND ASSOCIATES, INC.
ARCHITECTS
DMW
Daft · McCune · Walker, Inc.
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals
200 East Pennsylvania Avenue, Towson, Maryland 21286, 410 296 3333, Fax 296 4705
The Traffic Group
Traffic Consultants, 40 W. Chesapeake Avenue, Suite 600, Towson, Maryland 21204, 410-583-8460, Fax 410-321-8460
L. Reed Huppman
Environmental Consultant
9020 Dark Hollow Road, Upperco, Maryland 21155, 410-374-6693

REVISIONS	
DATE	ITEM

CHARLESTOWN VILLAGE

Walther Boulevard
Baltimore County, Maryland 21234

Election District 11 — County Council District 6

Nottingham Properties, Inc.
OWNER
100 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

SENIOR CAMPUS LIVING
LIFE CARE RETIREMENT COMMUNITIES
DEVELOPER
703 Maiden Choice Lane Baltimore, Maryland 21228
(410) 242-2880 Fax (410) 247-7881

PROJECT NO.: 83100.0
COUNTY PROJECT NO.:

SCALE 1" = 100'

DATE: AUGUST 26, 1993

1 OF 4

PETITIONER'S EXHIBIT 1

Plan To Accompany Request For Zoning Reclassification Special Exception and Zoning Variances

OAK CREST VILLAGE

Documented Site Plan

General Notes

1. Election District 11, County Council District 6
2. Existing zoning is RO, BL, DR-2, DR-5.5, and DR-10.5
3. Proposed zoning is DR-16 with a special exception for a continuing care facility.
4. Site Area and Zoning

   a. Existing Zoning:

Zone	Net Area (Acres +/-)	Gross Area (Acres +/-)
RO	0.05	0.05
BL	0.05	0.05
DR-2	0.00	0.00
DR-5.5	36.28	39.59
DR-10.5	42.50	42.50
Totals	88.88	88.19

   b. Proposed Zoning:

Zone	Net Area (Acres +/-)	Gross Area (Acres +/-)
DR-16	86.20	87.51
DR-5.5	0.68	0.68

   c. Maximum permitted development is 1,400.16 density units.

5. Density Calculations, Preliminary Housing Mix:

Type	Nbhd. 1	Nbhd. 2	Nbhd. 3	Dwelling Units(DU)	Factor	Density Units(DnU)
Efficiency	46	28	32	106	0.5	53.0
1 BR	225	227	211	670	0.75	502.5
1BR & Den	20	41	32	132	0.75	99.0
2 BR	206	201	210	617	1.0	617.0
Subtotals	513	507	505	1,525 DU	–	1,271.5 DnU
	12.0					
Assist. Liv. Units	112 beds				0.25	~~287~~ 32.25
Nursing Units	288 beds				N/A	–
Totals						~~1,299.5~~ DnU 1303.75

Not more than 1,400.16 density units will be developed. All buildings will meet applicable building and fire codes.

6. Parking Calculations/Continuing Care Facility:

   a. Required Parking

1,525	DU @ 1 space/DU	= 1,525 Spaces
12.0 ~~112~~	Assisted Living Units @ 1 space/2 beds	= ~~56~~ Spaces 65
288	Nursing Beds @ 1 space/3 beds	= 96 Spaces
	Total	= ~~1677~~ Spaces 1686
	Plus 13% residential guest spaces	229 Spaces
	Total Required	~~1906~~ Spaces 1915
	Parking Provided	~~1393~~ Spaces 1393

   A variance to permit ~~1,393~~ 1393 spaces in lieu of the ~~1,906~~ required spaces is a component of this documented site plan. 1915

   c. Parking spaces, maneuvering area, and internal drives shall be:

   - Improved with a durable, dustless surface drained to not create any undesirable conditions.
   - Lighted to not reflect on adjoining premises and to not shine into path of oncoming vehicles. Light standards shall be protected by curbing or landscaping.
   - All parking spaces shall be permanently striped.
   - All parking spaces shall be a minimum of 8.5 by 18 feet

7. Landscaping and screening are shown conceptually and shall be in compliance with the adopted Landscape Manual.
8. Topography and major vegetation are based on aerial photogrammetry by P.D.S., Inc., dated August 1993 supplemented by field run topographic surveys completed in September 1993 by DMW, Inc. They are subject to revision and refinement by subsequent field run surveys. The site has been used as a sand and gravel extraction facility. All site features are predominantly man-made. Major changes in grade are illustrated conceptually. They are subject to refinement as final site and building plans are prepared and approved. The boundary shown hereon is compiled from deed descriptions only.
9. Stream center lines and wetlands are based on field run topographic surveys. Limits of Forest Buffer Easement shown hereon have been approved by Baltimore County DEPRM. Flood plain limits shown hereon are approximate and subject to further refinement. In particular, the existing 100-year flood plain shown south of the existing pond is based on man-made drainage patterns resulting from surface mining activities. It is anticipated that this area will no longer qualify as 100-year flood plain following development of this site. Flood plain and drainage and utility easements will be established in accordance with Baltimore County Regulations.
10. All existing structures will be removed.
11. The site is not in a National Registered or County History District; no existing structure is listed as a historic landmark.
12. This site served by public roadways, water, sewer, and storm drain systems. Details of internal utility layout will be shown on the Development Plan.
13. All adjoining dwellings or vacant lots which generate a Residential Transition Area (RTA) have been shown and have resulted in the RTA as shown hereon.
14. Any dumpsters to be utilized will be screened in accordance with the provisions of the adopted Landscape Manual.
15. The Joppa Road entrance is for emergency access only. All traffic will utilize the Walther Boulevard entrance way.
16. This development is not in the Chesapeake Critical Area.

Special Zoning Notes

I. Zoning Actions Requested

A. Reclassification from RO, BL, DR-2, DR-5.5, and DR-10.5 to DR-16.

B. Special exception for continuing care facility in accordance with BCZR Sections, 432.1A2 and 1B01.1C.21.

C. Variances

1. BCZR Section 1B02.2A to permit a building height as tall as 80 feet in lieu of the maximum 60 feet in a DR-16 zone.
2. BCZR Sections 432.1.C.1, 1B01.2B.2, 1B01.2C.2, and CMDP IIA, Page 29, pursuant to Section 504.2 to permit a nonresidential principal building within the continuing care facility to have a maximum building length as long as 450 feet in lieu of the permitted 200 feet and width as long as 400 feet in lieu of the permitted 200 feet..
3. BCZR Sections 432.1.C.1, 1B01.2.B.2, and CMDP IIA, Page 29, pursuant to Section 504.2 to permit component elderly-housing facility, institutional buildings separated by exterior passageways to have a maximum width and length as much as 440 feet in lieu of the permitted 200 feet.
4. BCZR Section 409.6A.1 and CMDP IIA, Page 26, pursuant to Section 504.2 to permit a continuing care facility to provide 1,557 off-street parking spaces in lieu of the required 1,927 spaces, including 228 required visitor spaces.
5. BCZR Section 413.1E.1 to permit an externally-illuminated sign identifying the elderly housing community to have a double-faced sign with an area of 75 square feet per face in lieu of the permitted 15 square feet per face.

II. Documented Site Plan - Special Notes

A. Use: Class B Elderly Housing Facility

1. This documented site plan for reclassification includes a special exception for a continuing care facility comprising housing for the elderly, nursing care, and assisted living elements as principal uses.
2. Accessory uses may include, but are not limited to:

   a. Accessory uses normally associated with multiple family dwelling developments including, but not limited to, accessory parking spaces, buildings for the conduct of business and activities related to administration, operation, service, or maintenance of the proposed continuing care facility, its site and outdoor recreational uses, and structures as authorized by Section 1B01.1A 14.f., g, and i.

   b. Common dining facilities as authorized by Section 432.1B.2.

   c. Accessory uses customarily associated with elderly housing facilities including, but not limited to, personal, medical, educational, and recreational services and/or offices, small gift and necessities shops; small branch bank, or automated teller machines, library, medical clinic, chapel, and indoor pool; transportation or shuttle services all for the sole use of the elderly housing community and its guests or employees as authorized by Section 432.1B.3. There shall be no exterior announcement or exterior evidence of such accessory uses.

   d. Guest rooms for residents' family members and guests of residents and potential residents. There shall be no more than 30 guest rooms for the maximum 1,400.16 density units, proposed as authorized by Section 432.1.B.4. Guest rooms shall not exceed two for each 100 dwelling units provided.

   e. Adult day care and/or child day care as authorized by Section 1B01.1A-10a.

B. Signs

Signs for the proposed continuing care facility shall be limited to:

1. An externally-illuminated sign indicating the name of the elderly housing community not exceeding 75 square feet in area per face as authorized by a request or variance to Section 413.1.E.1. The sign will be located at the Walther Boulevard entrance. Details shall be finalized at Development Plan approval (Sign A). A conceptual depiction is shown on Sheet 3 of 4.

   The sign will be reviewed by the Office of Planning and Zoning to affirm that the background area is not part of the actual sign area. The sign will be maintained by the developer.

2. Directional, informational, or warning signs involving no advertising aspect and each not exceeding 25 square feet in area as authorized by Section 413.1.E.3.
3. Externally-illuminated, double-faced, temporary real estate signs not exceeding 100 square feet per face in area announcing the opening of the proposed continuing care facility as authorized by Section 413.1.G. The signs will be located along Walther Boulevard and Joppa Road and shall be setback no less than 15 feet from the street property line. Details shall be finalized at Development Plan approval.
4. Building contractors' and professional persons' temporary signs on building under construction, limited to a total area of 150 square feet for all such signs as authorized by Section 413.1.H.

C. Hours of Operation

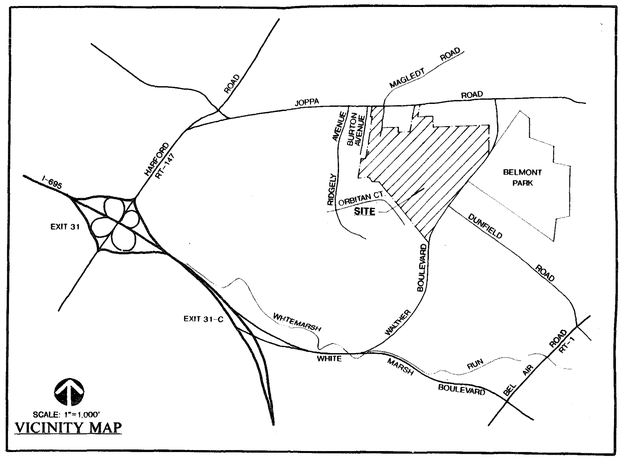
As a continuing care facility involving housing for the elderly, assisted living, and nursing care, the proposed use is a 24-hour operation, daily.

D. Maximum Number of Employees

The maximum number of employees is estimated to be 800.

E. Maximum Levels of Emanations

As a continuing care facility, maximum levels of emanations including sound and other vibrations, dust, odors, gases and light and heat should not be significantly different from those occurring if the tract were developed residentially under current zoning. See Environmental Impact Statement submitted as part of this documented site plan.



SCALE: 1"=1,000'

VICINITY MAP

F. Future Actions/Flexibility

1. This documented site plan, zoning reclassification with accompanying special exception for a continuing care facility and variances must be reviewed and approved as is required by the Development Regulations. Agency review of plan, building, and site details may require revision to the plan. In accordance with Section 2-356(i); building revisions are permissible if they occur within the maximum building envelope shown on this plan, if they do not exceed the stated maximum or minimum number of density units, assisted living or nursing units permitted by this plan, and if the revisions comply with all zoning relief requested by this petition and are in accord with all other applicable requirements of BCZR.

   Similarly, site revisions are also permissible if they comply with all zoning relief requested by this petition and are in accord with all other applicable requirements of BCZR.

2. Similarly, architectural plans are preliminary and conceptual. Roof lines shown hereon are also conceptual. Final roof lines may be sloped, flat, or a combination. The final layout of buildings within the maximum building envelope also may be modified if such revisions are in accord with the maxima or minima established by this documented site plan, are in accord with all zoning relief requested and granted by this petition, and are in accord with all other applicable standards and requirements.
3. The mix of dwelling unit types and density units is based on expected demand based on current trends. This mix may be modified if the total number of proposed density units does not exceed the maximum 1,400.16 density units permitted by the requested DR-16 zoning.

G. Phasing of Development

Development of the continuing care facility will take place in coherent phases or neighborhoods each with residential and support facilities. A health care center with nursing and assisted living units will serve the entire complex; development will be phased. Lease lines or parcel lines may be established in the future to facilitate phased development. Development is estimated to be completed within three to six years after zoning authorization and development approvals are secured.

H. Utilization

1. Utilization of the documented site plan shall occur in accordance with the provisions of Section 2-356(n) if development is initiated within three years of the date of a final order granting the requested zoning relief and if development thereafter is diligently pursued to completion.
2. Utilization of the special exception for a continuing care facility shall occur when development is initiated for the first phase. A term of five years is requested for the special exception.

I. Zoning History

This property was the subject of 1992 CZM Issue 6-094 by Nottingham Properties, Inc. The County Council agreed with the Planning Board recommendation and changed the previous DR-16 and DR-5.5 zoning to the present DR-2, DR-5.5, and DR-10.5 with very small portions of RO and BL zoning as shown on this plan.

Definition of Class B Housing for the Elderly

A building, a section of a building, or a group of buildings that contain(s) dwellings where the occupancy of the dwellings is restricted to persons 60 years of age or older or to couples where either the husband or wife is 60 years of age or older and to any person, regardless of age, who has a physical or developmental disability. Class B housing for the elderly is not constructed under the provisions of a federal or state housing or tax act.

MARKS, THOMAS AND ASSOCIATES, INC.
ARCHITECTS
200 WEST CHASE STREET BALTIMORE, MD 21201 301 467-8800

DMW
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A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals
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Traffic Consultants
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Towson, Maryland 21204
410-583-8460
Fax 410-321-8468

L. Reed Huppman
Environmental Consultant
16120 Dark Hollow Road
Upperco, Maryland 21155
410 374-6693

REVISIONS	
DATE	ITEM
12/20/94	REVISED ZONING, DENSITY AND HOUSING MIX, PARKING CALCULATIONS

OAK CREST VILLAGE

Walther Boulevard

Baltimore County, Maryland 21234

Election District: 11 — County Council District: 6

Nottingham Properties, Inc.
OWNER
100 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

SENIOR CAMPUS LIVING
LIFE CARE RETIREMENT COMMUNITIES
DEVELOPER
703 Maiden Choice Lane Baltimore, Maryland 21228
(410) 242-2880 Fax (410) 247-7881

PROJECT NO.: 83100.0
COUNTY PROJECT NO.:

SCALE 1"= 100'
0 50 100

DATE: AUGUST 26, 1993

1 OF 4

MARKS, THOMAS AND ASSOCIATES, INC.
ARCHITECTS

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16120 Dark Hollow Road
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REVISIONS

DATE	ITEM
12/16/93	ADD HVAC BUILDING AND REVISE BUILDING ENVELOPE

Documented Site Plan for CHARLESTOWN VILLAGE

Walther Boulevard
Baltimore County, Maryland 21234

Election District 11 — CR-94-157-XA — County Council District: 6

Nottingham Properties, Inc. REV 2-16-94

OWNER
100 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

SENIOR CAMPUS LIVING
LIFE CARE RETIREMENT COMMUNITIES

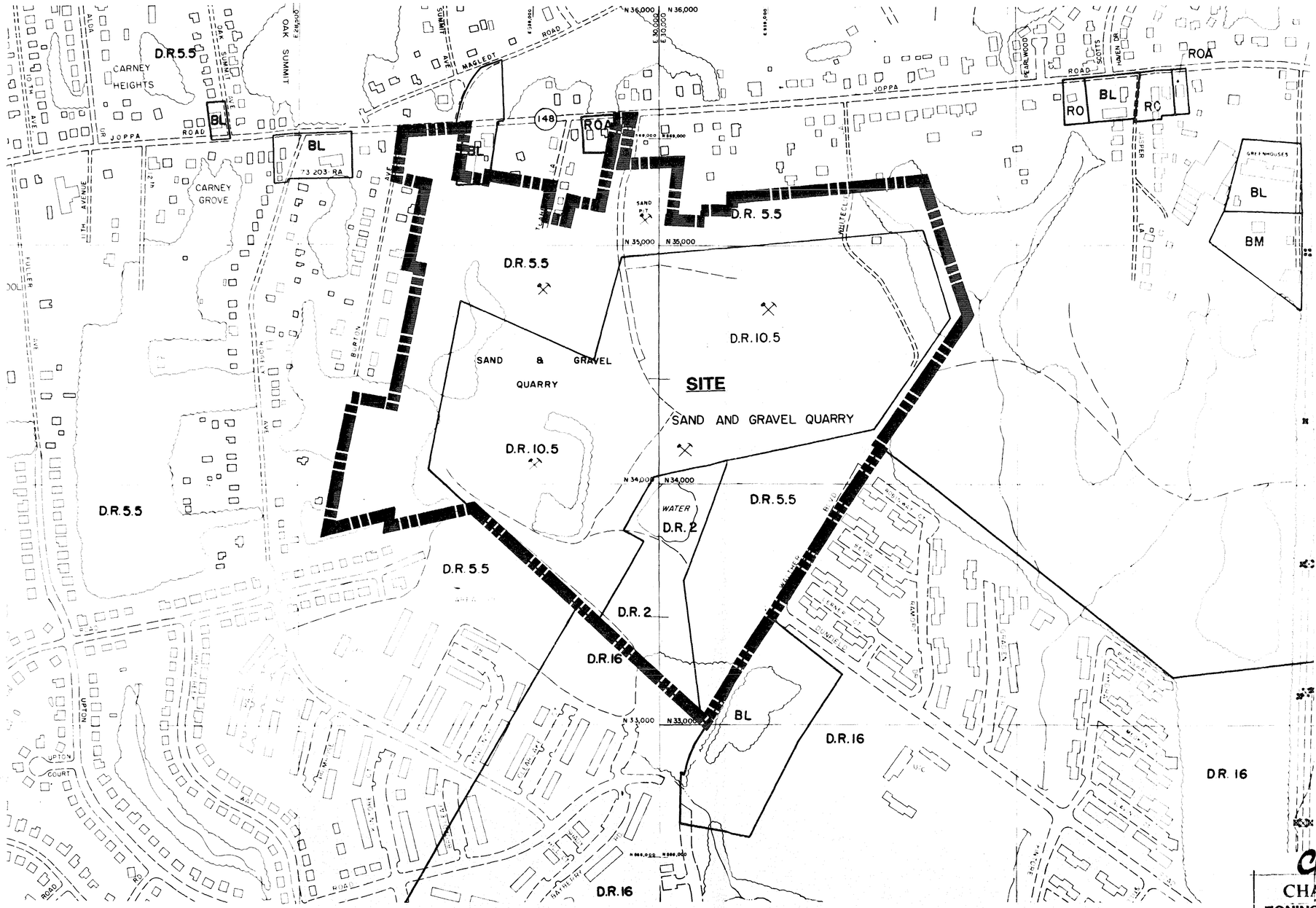
DEVELOPER
703 Maiden Choice Lane Baltimore, Maryland 21228
(410) 242-2880 Fax (410) 247-7881

PROJECT NO.: 83100.D
COUNTY PROJECT NO.: XJ-E95

SCALE 1" = 100'
0 50 100

DATE: OCTOBER 5, 1993

2 OF 4



CR-94-157-FA

CHARLESTOWN VILLAGE

ZONING RECLASSIFICATION REQUEST

PORTION OF ZONING MAP NE 9E & F

SCALE 1" = 200'

DMW
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(410) 296-3333
Fax 296-4705

JOB # 83100D

AUGUST 1993