5/10/98

IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF		
MOUNT VERNON PROPERTIES, INC.	*	COUNTY BOARD OF APPEALS
/LEGAL OWNER; VANGUARD DEV.		
LLP /CP -PETITIONERS SE/S	*	OF
CHARLES ST, 860' NE OF C/L		
BELLONA AVE (fka CLOISTERS @	*	BALTIMORE COUNTY
CHARLES -SECTION II)		
9TH ELECTION DISTRICT	*	CASE NO. 97-400-SPHXA
4TH COUNCILMANIC DISTRICT		

* * * * * * * * *

O P I N I O N

This case comes to the County Board of Appeals based on a decision made by the Zoning Commissioner in which a Petition for Special Hearing, Petition for Special Exception, and Petition for Variance were granted with restrictions. A timely appeal was made to this body. This matter was heard over a two-day period, with a public deliberation being held by the Board members on April 14, 1998. The Petitioners were represented by Robert A. Hoffman, Esquire; and David Whitman, Esquire, represented the Protestants.

While the Board heard testimony and evidence concerning the variance request which was granted by the Zoning Commissioner permitting signage with a total of 75 sq. ft. in lieu of the then-permitted 15 sq. ft. as outlined in his Order dated June 9, 1997, circumstances changed by Baltimore County Council Bill No. 89-97 which became effective on October 19, 1997. Under that legislation, a free-standing sign is permitted for this type of assisted living facility provided that it does not exceed 25 sq. ft. in area subject to a 6-foot height restriction. In submitting their Brief to this body under date of April 7, 1998, the Petitioners withdrew the variance request, acknowledging that they would comply with the sign regulations granted under the local ordinance. Therefore, the only two remaining matters that require resolution by this Board are (1) the special exception request for

an assisted living facility involving more than four beds in a D.R. zone; and (2) the special hearing request which seeks to approve an amendment to a previously approved final development plan for the Cloisters at Charles, compatible with the proposed assisted living facility.

The Petitioners offered the testimony of a number of witnesses who were experts in their relative fields of assisted living facilities; and traffic, planning and engineering. Mr. Will Holmes testified on behalf of the Petitioners. He is employed by Marriott International, Inc., and serves as a vice president of the Marriott Senior Living Services, Division of Special Projects. He has been employed by Marriott for 18 years with specialties in the Living Services unit for 8 years. He indicated that his basic responsibilities were in locating possible sites for retirement communities, and in particular assisted living facilities. These facilities would be basically for individuals that were advanced in age, who did not require 24-hour nursing care but were unable to be totally independent. These seniors would need basic help in daily activities (bathing, grooming and eating) and at times a reminder to take their prescribed medication. The assisted living facility provides three meals a day, housekeeping, and van transportation. Activity directors provide to the seniors many varied daily social functions, and emergency response buttons are available in all the rooms provided.

Mr. Holmes recited the extensive work performed in selecting sites for such communities, 13 of which currently exist and 6 are under construction -- one of which was under construction in the

Pikesville section of Baltimore County on Reisterstown Road. The average resident's age was stated to be approximately 83, and primarily individuals whose spouses were deceased, although couples (husbands and wives, sisters /sisters, brothers /brothers) were also welcome. Very few residents were currently driving because of their advanced age and most had surrendered their driver's licenses. The facility would provide extensive van services. Mr. Holmes related that he became interested in the proposed site because of the strong concentration in the area of individuals who, because of their age and seniority, would need to live in an immediate 5-mile radius. He explained that, being so close in proximity to where they formerly had resided, these seniors would be very familiar with the area and also be close to old friends, church affiliations, and medical resources that they had formerly employed. Visiting hours in the facility would be from 7:00 a.m. to 9:00 p.m., at which time the doors would be secured, although someone would be present to let in emergency personnel or relatives of the residents that needed entry. Mr. Holmes related the number of employees for the 92-bed facility and the travel activity that would be incurred (Petitioner's Exhibit #4). The essence of that report explained in detail by Mr. Holmes illustrated the busiest times of staffers who would be coming and going from the facility. While the number of employees vary, it was obvious that the number was not very significant during peak commuter driving hours with 22 to 24 trips being generated during morning peak hours and in the evening hours, 9 to 12 trips generated by staff. Commercial deliveries would basically take place from 9:00 a.m. to 3:00 p.m.,

limited to twice a week. Trash collections and general vendor deliveries would be controlled so as not to occur during peak morning or afternoon hours. Mr. Holmes was quite familiar with the only ingress and egress from the proposed facility being via Charles Street; and also that any employees or visitors driving to go south on Charles Street would be required to go north on Charles Street and make a "U"-turn on Charles Way. Mr. Holmes, based on his experience, did not foresee any significant traffic safety issues if the project was approved and that particular access was also approved as part of this matter. He stated that the gaps in traffic were adequate; and, with the contemplated shoulder improvements, there would be more than sufficient room to make the "U"-turn. Mr. Holmes stated his familiarity with the provisions of Section 502.1 by reason of his involvement with the assisted living facility in Pikesville, which also required a special exception. Those requirements were reviewed in detail on direct examination by Mr. Hoffman; and it was obvious that the only sensitive area of concern to the Protestants was the traffic safety issue involved in the "U"-turn.

Mr. Wes Guckert, Suite 600, 40 W. Chesapeake Avenue, Towson, MD 21204, president of The Traffic Group, a firm of traffic and transportation planners, also testified on behalf of the Petitioners. Mr. Guckert's qualifications as an expert traffic consultant were admitted as Petitioner's Exhibit #6, and he was accepted as an expert by counsel for the Protestants.

Petitioner's Exhibit #7 represented an aerial photo of the proposed site and surrounding area and was admitted into evidence.

Mr. Guckert explained the series of traffic engineering tasks which his firm had undertaken, working in concert with the County, State Highway Administration, and the developer concerning the design of the Charles Street entrance and the redesign of the existing median opening along Charles Street at the shared Cloister entrance for the proposed facility and Cloisters property. Data for this type of facility was limited and that was the reason for the detailed study. The issue of turning south on Charles Street and northbound traffic on Charles Street was reviewed; and traffic counts undertaken at the intersection of Charles Street and Charles Way. The general area of the proposed facility was reviewed in depth. At the present time, an existing median break is present where the property exists today; that is, the entrance to the Sisters' facility (left turn in, right in, left out, right out); and the median break would be modified to prohibit left turns out of the proposed facility into southbound Charles Street. That modification was requested by the State Highway Administration, and will cause vehicles coming out of the site to go north on Charles Street and to make a "U"-turn where the Charles Way median break exists. It was indicated that the Sisters did have a second means out of their property by way of access to Bellona Avenue where there does exist a traffic signal. The townhouse development of Cloisters, Section I, a portion of the subdivision, also had their own access to Bellona Avenue, located east of the Sisters' property.

Mr. Guckert again reiterated the testimony of Mr. Holmes that, during any hour of the day, this type of facility would generate

only a very small volume of traffic during regular commuting hours, citing the medical employees normal hospital working hours of 7:00 a.m. to 3:00 p.m.; 3:00 p.m. to 11:00 p.m.; and 11:00 p.m. to 7:00 a.m. The customary three meals are prepared and served by employees during normal hours of heavy commuting, so that it did not present any additional burden on excessive travel to and from the facility. He stated that typically at this type of facility, a 92-bed unit, there would be about 350 trips a day both on an in and out basis in a typical 24-hour period (175 in /175 out). Mr. Guckert also reviewed on examination by Mr. Hoffman Petitioner's Exhibit #2 and the traffic projections. The sense of those exhibits was that the volume of traffic, coming and going, was small with a car entering every 6 to 8 minutes; and another car leaving every 6 to 8 minutes. The assumption was also made that all cars heading north would continue to proceed in that direction so that about 50 percent would probably be making the proposed "U"-turn at Charles Way. Appendix B in the back of the report reflected exhibits showing the movement of a car making the "U"-turn from northbound Charles Street and the same movement with a 15-passenger van making the same movement. These types of vans are used by the facility in transporting the residents to various functions. An area of the shoulder would be improved to accommodate the "U"-turn of the larger passenger vans.

The distance between the facility and Charles Way was related to be about 1/2 mile. In Mr. Guckert's opinion, that was more than sufficient distance to make a way over to the left turn. Mr. Guckert indicated that a sight distance was made relative for a

person wanting to make a "U"-turn at Charles Way to head south on Charles Street. The photo in Appendix B reflected what a driver would see from the left lane as he or she were looking at oncoming vehicles proceeding south on Charles Street. He stated that you could see all the way to the Greater Baltimore Medical Center, with a sight range of 850 feet; and with speeds on Charles Street of 40 miles an hour, an 800-foot sight distance would be more than adequate; in fact, it was double that which was required. He also stated that the question of "gaps" was also very carefully analyzed with a counting of spacing, the time, number of second, between oncoming southbound vehicles taken with the determination that during the morning period, there were approximately 354 gaps that were 4 to 5 seconds or greater. Similar conditions also existed in the p.m. hours. Mr. Guckert stated that the "U"-turn presented no safety factor based on his firm's extensive study. He also testified that the proposed access had been approved by the State Highway Administration, and that if the site was developed for a different use, it would have the same access situation as was proposed. If 23-townhouses were developed (the number of dwelling units being used to arrive at the 92-bed facility), the results would not be much different. There was a difference between the CRG plan /sight distance and sight line, which specified 600 feet, and Mr. Guckert's observations, but that the required sight distance exceeded the requirements of the State Highway Administration. Mr. Guckert did acknowledge that, while access to Charles Street via Bellona from Cloister Gate Drive would be a preferable access point in a perfect world from a standpoint of

convenience, the "U"-turn still was not a safety issue as long as three factors occurred; (1) adequate distance for weaving; (2) sufficient sight distance; and (3) a "U"-turn could be made with modifications to the shoulder area. In his opinion, the proposed method of ingress and egress would not have any significant impact on the health, safety or welfare of the immediate area from a traffic standpoint, nor would it create any congestion in existing roadways, streets or alleys.

On cross-examination, Mr. Guckert acknowledged that the prior plan did call for access via the existing townhouses through Cloister Gate Drive. Mr. Whitman probed Mr. Guckert about the inconvenience of visitors and employees having to go north to head south on Charles Street; and the presence of a large number of convenience uses to the south of the facility, and also that factually for a considerable stretch of Charles Street south no other facility had such a "U"-turn requirement, with vehicles being able to proceed both directly north or directly south on Charles Street.

Mr. Guckert also stated that the State was requiring the pork-chop median block because in their view the median itself was simply not wide enough to store a vehicle making its way halfway across the intersection. The question as to the correctness of the sight distance was raised; and the time to get into the left turn lane; and the various speeds engaged in by various drivers. Mr. Guckert stated that he had not performed an actual speed study.

Mr. Robert F. Bradley testified in his capacity as president of Morris & Ritchie Associates, who are engineers, surveyors and

landscaping architects. They are located at 110 West Road, Towson, MD 21204. Mr. Bradley testified that he was a licensed professional engineer, licensed professional land surveyor, and licensed land planner with his firm. He also indicated that he had previously testified before this Board as an expert in land planning and engineering and was accepted by Mr. Whitman as an expert in those fields.

Petitioner's Exhibit #10 was admitted into evidence by the Petitioners which reflected a final development plan for the first section of the Cloisters, which included the townhouses and single-family detached dwellings, and also a provisory section for future section of townhouses. The provisory section is the area in which the proposed assisted living facility would be located, and it was stated that these were within 300 feet of the existing townhouses.

The final development plan was provided to the owners of property within the subdivision with notices as to the other uses which might be made on those portions of the property yet undeveloped. Mr. Bradley indicated that in order to amend the final development plan, the Developer must show that the requirements of the special exception had been satisfied. Mr. Hoffman went through the requirements of the Baltimore County Zoning Regulations (BCZR 502.1) relative to special exceptions and stated that it was his belief that the amended plan did meet the spirit and intent of the law and, since the townhouses were originally proposed to be a clustered environment, the assisted living facility would also, in the same vein, be a clustered situation.

Again referencing Section 502.1, Mr. Hoffman took Mr. Bradley

through the various requirements and these were satisfactorily answered. It was Mr. Bradley's opinion that the proposed facility was "compatible with the neighborhood" and again shared the proposed facility with members of the Board relative to architectural design, parking and his belief that, from a standpoint of land planning and engineering, all of the physical design of the access point, parking spaces, and other requirements, that the approval by this Board of the special exception would not create congestion in the roads, nor any potential hazard from fire, panic or other dangers, and that certainly there was no greater demand on the already adequate public water and sewerage facilities presently existing along Charles Street that would be extended and that the building would meet all Code requirements as to safety.

Questions concerning stormwater management, land overcrowding, and other BCZR requirements, were all satisfactorily answered, and it was the conclusion of the members of the Board that the use and occupancy of this assisted living facility would have virtually no impact on the schools, parks or local open spaces, nor would it interfere with adequate light and air.

Mr. Victor J. Cardona, 5 Gregoria Court, president of the Cloisters at Charles townhouse development also testified in support of the proposed assisted living facility. He stated that he had been working with Mr. Doyle on the development from the perspective of the townhouse community. The townhouse association was originally opposed to the project at the Zoning Commissioner's hearing, stating the traffic impact if the Cloisters Gate route was left open, but reached agreement when the Developer offered to

close that route and also provide additional screening.

All matters of conflict have been satisfactorily resolved with the Developer and the townhouse owners, he stated, and believed the amended plan to be acceptable. No Board Rule #8 papers were or have been filed; and the Board accepted his testimony solely as an individual, not as a representative of the homeowners association.

That concluded Petitioner's case in chief.

The Board heard from four members of the community opposed to the amended plan. Mr. Andrew Murray, a resident of the Murray Hill Community directly across from the proposed assisted living facility, spoke in opposition to the amended plan. He is president of the Murray Hill Improvement Association, which consists of homeowners directly across from the subject property. While he indicated Board Rule #8 papers would be forthcoming, these never arrived prior to public deliberation; and his testimony was accepted solely as that of an individual resident and citizen.

His primary concerns were in the area of traffic, the "U"-turn safety issue, accompanied by vehicles speeding south on Charles Street and the economic detriments to Murray Hill residents as to the size of the facility; dumpsters, lighting and inadequate setbacks from Charles Street.

Ms. Jean Duvall, 227 Murdock Road, past-president of the Towson Council, also spoke in opposition. She stated that she spoke as a concerned citizen and resident of the area. Her concerns also were directed to traffic issues, the "U"-turn, insufficient "gap" time, and the poor location for this type of facility. The area residents felt as though they were being

"boxed" in and a lack of space was becoming a problem for the local residents in this area.

Mr. James Cook, a Murray Hill resident since 1958, testified and addressed his concerns. His home looks down on the subject site. He related the continued negative effect on property values because of the commercialization of the Charles Street route; and the tendency of those already existing facilities to increase activities (traffic, lighting, etc.) after being built. He also was concerned about increased traffic coming onto Charles Street from the site, and increased density he perceived to accompanying the facility.

Mr. Richard Grieves, a long-term resident of Murray Hill, concluded the testimony of witnesses for the Protestants. He also cited the additional traffic coming from commercial vehicles using the Charles Street exit; "U"-turn problems; and the present facility being "too close to Charles Street."

At the conclusion of the Protestants' case, the Board requested information concerning the possibility of placing a traffic signal at the entrance to the facility. Mr. Guckert was recalled and stated that that possibility had been considered, but dismissed because of insufficient traffic both at the entrance and further north at Charles Way.

The Board also accepted for identification purposes only five questions and answers thereto submitted by local residents opposed to the project for the weight that the Board members felt they could individually assign.

A special exception involves a use which is permitted once

certain statutory criteria have been satisfied. Both the Court of Appeals and the Court of Special Appeals have concluded that a special exception use in a zoning ordinance recognizes that the legislative body of a representative society has made a policy decision for all of the inhabitants of the particular governmental jurisdiction; and that the exception or use is desirable and necessary in site planning, again provided that certain standards are met. The modern seminal case, authored by the late Judge Davidson (who herself had risen through the community organization and planning/zoning areas of Montgomery County) is Schultz v. Pritts, 291 Md. 1 (1981). That case, with but minor modification, and with but one or two strained deviations (Board of County Commissioners v Holbrook, 314 Md. 210 [1988]) remains the standard by which special exception questions are resolved. After furnishing legal, historical background, Judge Davidson wrote that:

> [W]hen the legislative body determines that other uses are compatible with the permitted uses in a use district, but that the beneficial purposes such other uses serve do not outweigh their possible adverse effect, such uses are designated as conditional or special exception uses. Such uses cannot be developed if at the particular location proposed they have an adverse effect above and beyond that ordinarily associated with such uses. (Schultz, 291 Md. at 21-22 [emphasis added, citations omitted]).

Therefore, it is not whether or not a use permitted by way of a special exception will have adverse effects (since adverse effects are implied in the first instance by making such uses conditional uses or special exceptions rather than permitted).

As Judge Davidson opined in Schultz:

> [T]he appropriate standard to be used in

> determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. (Id, at 22-23 [emphasis added])

The appropriate question in this case to be addressed by this Board is whether there exist any adverse effects that are above and beyond, i.e., greater here than they would generally be elsewhere within the zones of the County where they may be established. If the Petitioner presents sufficient evidence establishing that his/her proposed use meets the requirements of the statute, even including that it has attached to it some inherent adverse impact, the record must also reflect that the impact, however severe at a given location, is greater at that location than elsewhere.

After carefully considering the testimony and evidence submitted at the public hearing, the Board concluded that the Petitioners' request for both the special exception and the special hearing should be granted, having met their burden of proof for meeting the special exception requirements under Baltimore County Zoning Regulations Section 502.1. It was quite clear from the expert testimony produced at the hearing that the only real detriment considered substantial by the Protestants was that involving traffic issues. It was conclusively proven that assisted living facilities consist of senior citizens who do not drive; and will avail themselves of van services provided by the facility. The traffic study conclusively establishes that employee trips

occur during non-peak commuting hours. In addition, visitations to the facility do not occur during heavy commuting peak traffic times. All the witnesses for the Petitioner concluded, based on expert studies, that these types of facilities are "low traffic generators" and that the majority of traffic does not take place at peak hours. Because Charles Street is a heavily travelled route, the number of vehicles flowing out of the facility is minimal compared to the volume that the roadway already carries. While the "U"-turn required for vehicles coming out of the site heading north to ultimate proceed south on Charles Street, via the turn-around at Charles Way, is an inconvenience, it also was considered by the Board, given the shoulder work to be required by the State Highway Administration and the pork-chop work to be undertaken, along with the sight distance available, to be reasonable and not detrimental to those whose ultimate destination would be south of the facility. It was clear and convincing from the testimony of Messrs. Holmes, Guckert and Bradley that egress from the facility would be safe and that the traffic volume would not create congestion on any of the roads serving the community.

The Board has concluded from the testimony and evidence produced at this hearing that the Petitioners have established that there are "no facts or circumstances present that the proposed use at the requested site would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." Sharp v. Howard County Board 98 Md. App. 79-80 (1993). The Protestants did not offer any substantive evidence to conclude that traffic or the

contemplated "U"-turn had such an inherent adverse impact that would warrant the denial of the special exception request by the Board. The general concerns of area residents must be accompanied by substantive evidence on which the Board can reach a decision that would deny the request for special exception and not simply traffic concerns of a generic nature. This element was lacking in the well-intentioned, but substance-lacking testimony and evidence of Protestants' witnesses.

As to the special hearing request, the Petitioner has also met the burden required by Baltimore County Zoning Regulations, Section 1B01.3.A.7(b) to approve an amendment to the previously approved final development plan for the Cloisters at Charles, consistent with the proposed assisted living facility. The 23 townhouses which are permitted as a matter of right under current zoning would generate substantially the same amount of traffic volume as the proposed Assisted Living Facility. The proposed facility would be in context to the clustered housing environment contemplated by the original plan; and the Board was satisfied that the required specifications of BCZR Section 502.1 were satisfied. Again, there was no testimony of a substantive nature that would lead the board to conclude that the facility would be detrimental to the health, safety or general welfare of the immediate community; i.e., infrastructure, schools, parks, water, sewerage, overcrowding of land, or any other public requirements; and that the facility was designed in a manner to accommodate the spirit and intent of the zoning regulations.

For the reasons so stated, the Board will approve the Petition

for Special Hearing and Petition for Special Exception.

O R D E R

IT IS THEREFORE this 19th day of May, 1998 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to approve an amendment to a previously approved final development plan for the Cloisters at Charles, compatible with the proposed assisted living facility be and the same is hereby **GRANTED**; and it is further

ORDERED that the Petition for Special Exception for an assisted living facility involving more than four beds in a D.R. zone be and is hereby **GRANTED**; and it is further

ORDERED that the Petition for Variance, having been withdrawn by Petitioner, be and is hereby **DISMISSED as moot.**

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Acting Chairman

Margaret Worrall

Thomas P. Melvin

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

May 19, 1998

David O. Whitman, Esquire
TYDINGS & ROSENBERG, LLP
100 East Pratt Street
Baltimore, MD 21202

RE: Case No. 97-400-SPHXA
Mount Vernon Properties, Inc. /Legal Owner;
Vanguard Development, LLP -C.P.

Dear Mr. Whitman:

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.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure, **with a photocopy provided to this office concurrent with filing in Circuit Court.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrator

encl.

cc: Peggy Squirtieri /Ruxton-
Riderwood-Lake Roland, et al
H. Eugene Funk /Murray Hill
Association, et al
Jean K. Duvall
Mr. Victor J. Cardona
Sister Betty Keohn, SSND
Robert A. Hoffman, Esquire
Robert Doyle /Vanguard Dev LLP
Warren Burke /Genesis Corp.
Morris, Ritchie and Assoc. /
Timothy Madden /Bob Bradley
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director/PDM
Virginia W. Barnhart, County Attorney

-1/92

IN THE MATTER OF:	*	BEFORE THE COUNTY
PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE	*	BOARD OF APPEALS
SOUTHEAST SIDE OF CHARLES ST., 860 FEET NORTHEAST OF THE	*	OF BALTIMORE COUNTY
CENTER LINE OF BELLONA AVENUE	*	CASE NUMBER: 97-400-SPHXA
9TH ELECTION DISTRICT		
4TH COUNCILMANIC DISTRICT	*	
LEGAL OWNER: MT. VERNON PROPERTIES, INC.	*	
CONTRACT PURCHASER: VANGUARD DEVELOPMENT, LLP,	*	
PETITIONERS		
	*	

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MEMORANDUM IN SUPPORT OF PETITION

Statement of the Case and Facts

The Petitions filed by Mt. Vernon Properties, Inc., Property Owner, and Vanguard Development, LLP, Contractor Purchaser, include the following requests:

1. A **Special Exception**, in accordance with Baltimore County Zoning Regulations ("BCZR") §432.1.A.4, for an assisted living facility consisting of more than four beds in a DR zone.

2. A **Special Hearing**, in accordance with BCZR §1BO1.3.A.7(b), to approve an amendment to a previously approved final development plan for the Cloisters at Charles, consistent with the proposed assisted living facility.

3. A **Variance** to permit an identification sign for the facility, but Petitioners now request the Board to dismiss the **Variance** request as moot in accordance with Baltimore County Council Bill 89-97, effective on October 19, 1997, which permits the proposed sign.

On June 9, 1997, the Zoning Commissioner for Baltimore County issued an opinion including findings of fact and conclusions of law granting the Petitions of Mt. Vernon Properties and Vanguard Development for zoning relief. An appeal was taken from the Order of the Zoning Commissioner, and a *de novo* hearing was conducted by the County Board of Appeals on April 1, 1998.

The Petitions now pending before the County Board of Appeals, as described above, concern property located northeast of the corner of Charles Street and Bellona Avenue, more particularly known as the proposed assisted living facility at the Cloisters at Charles.

The subject property is located in a DR zone, and Petitioners require a **Special Exception** to construct a 92-bed assisted living facility, a use permitted in all DR zoning classifications by Special Exception pursuant to BCZR §432.1.A.4. The **Special Hearing** concerns a request for approval of an Amendment to the Final Development Plan, in accordance with BCZR 1BO1.3.A.7(b), as recommended by the Director of Planning and Zoning on April 25, 1997, and confirmed on May 5, 1997. The Amendment to the Final Development Plan, to provide for the assisted living facility, is consistent with the spirit and intent of the original Plan and conforms with the requirements of BCZR §502 (Special Exception). Finally, a **Variance** was requested to permit an identification sign for the facility, but on October 19, 1997, Baltimore County Council Bill 89-97 became effective, and in accordance with that ordinance, a free-standing sign is permitted for this facility, not to exceed 25 square feet in area, with a six-foot height restriction. Therefore, the requested Variance is moot as Petitioners will comply with applicable sign restrictions under the ordinance.

A transcript of the testimony of Petitioners' witnesses, Will Holmes, Wes Guckert, and Robert Bradley, is attached and incorporated as **Exhibit A**, for the convenience of the Board.

Mr. Will Holmes testified as a Vice-President of Development and Special Projects for Marriott Senior Living Services (T. 3). Mr. Holmes described "assisted living" as a facility providing for seniors who cannot live independently, but who do not require fulltime nursing care. The facility will provide assistance with daily living and promote cultural, recreational and social activities with 24-hour emergency services for residents (T. 4-5). It is anticipated that the average resident will be 83 years old and will not drive an automobile (T. 5-6). Mr. Holmes believes that this 92-bed facility (T. 8) will serve senior residents within a five-mile radius of Charles Street and Bellona Avenue, with the expectation that the residents will be able to retain their own health care providers, continue to use their places of worship, and maintain friendships within the community (T. 7). Mr. Holmes estimates that the staff employees of the facility will generate 22 to 24 trips to the facility during the morning peak drive time, with approximately nine to 12 trips generated by the staff during the evening peak drive time (T. 11). Mr. Holmes describes one of the advantages of the facility "for the overall community is that it's a low-traffic generator, and [a substantial amount] of traffic that does occur is not peak hour" (T. 11).

Mr. Holmes confirmed that visitors to the facility who need to travel southbound on Charles Street would be required to turn north (right) onto Charles Street and proceed to the intersection of Charles Way and Charles to make a U-turn for the purpose of traveling south. Mr. Holmes stated that, "in terms of the turnaround at Charles Way,

given the site distance, . . . they look very adequate, and we are looking at doing improvements to be sure there is plenty of room to make that turn" (T. 14).

Mr. Holmes also testified that the identification sign for this proposed community will not exceed 25 square feet (T. 16-17), and such sign is necessary to permit visitors, including emergency vehicles, to locate the facility and to make a safe entrance (T. 17).

Mr. Wes Guckert, an expert traffic engineer (T.24), testified that, based on his studies, "assisted living facilities generate a relatively small volume of traffic . . . during any hour of the day, but they generate a small volume of traffic during the commuting periods . . ." (T. 30). Mr. Guckert estimated that this 92-bed facility would typically generate about 175 trips (including staff, visitors and residents) into and out of the facility during a 24-hour period, with only nine of those trips exiting during the morning peak hour and 21 exiting trips during the evening peak hour (T. 31 and refer to Petitioners' Exhibit 8, page 2). The facility is described as "a low traffic generator." (T. 34).

Mr. Guckert testified that the volume of traffic on Charles Street "is really a moderate volume for a four-lane divided facility in terms of its capacity" (T. 35-36), and he also explained that visitors to the facility who wanted to travel southbound on Charles Street would make a U-turn at Charles Way and Charles. This traffic pattern was described in detail with respect to both feasibility and safety (T. 36-40).

Parenthetically, Mr. Guckert noted that 23 townhouses (which would be permitted as a matter of right on the property under current zoning) would generate approximately the same traffic volume as the proposed facility (T. 42).

Mr. Guckert concluded that ingress and egress from the facility would be safe, and the traffic volume would not create congestion on any of the roads servicing the community (T. 47).

Robert Bradley also testified on behalf of Petitioners as an expert land planner (T. 67). Mr. Bradley confirmed that an Amendment of the Final Development Plan, to include the assisted living facility, would be within the spirit and intent of the Plan, *i.e.*, in the context of the "clustered housing environment" covered by the original Plan (T. 70). Mr. Bradley then confirmed that the Amended Plan will meet the requirements for a Special Exception itemized in BCZR §502: specifically, the facility will not be a detriment to the health, safety or general welfare of the community (T. 71), nor create traffic congestion (T. 72-73), will not create a potential hazard from fire or other dangers, nor overcrowd the land or cause undue concentration of population (T. 73-74), will not interfere with the community infrastructure, including schools, parks, water, sewerage, transportation, or other public requirements, and the facility will not interfere with adequate light or air (T. 75-76). Finally, Mr. Bradley explained that the facility will be consistent with a DR zoning classification, the purposes and intent of the requirements of a DR zone, and the spirit and intent of the zoning regulations, including impermeable surface and vegetative retention provisions of the regulations (T. 76-77).

Petitioners also note that Mr. Victor Cardona, President of the Cloisters Townhome Association, testified in support of the assisted living facility and confirmed its compatibility with the Final Development Plan of the Cloisters.

Argument

1. **Special Exception**: As described above, Petitioners request a Special Exception to construct a 92-bed assisted living facility north of the intersection of Charles Street and Bellona Avenue. This use is permitted under a DR zone classification by Special Exception pursuant to BCZR §432.1.A.4. Petitioners have satisfied the specific requirements for a Special Exception under BCZR §502.1.

It is important to recognize that a Special Exception use **is presumed to be valid** as an expressly permissible use. The cornerstone legal authority for this conclusion is the case of *Schultz v. Pritts*, 291 Md. 1 (1981). In that case, the Court of Appeals instructs that evidence of an adverse effect of a use permitted by Special Exception cannot be the basis of prohibiting such use unless the adverse effect is more extensive than the adverse effects ordinarily associated with such use in a general sense; *i.e.*, the permitted use at a particular location causes a detriment in excess of detriments which normally are associated with such use. In this regard, Petitioners refer the Board to the recent case of *Mossburg v. Montgomery County*, 107 Md. App. 1 (1995). In that case, the Court of Special Appeals described a use by Special Exception as being desirable or permitted, but which may involve detrimental effects. Therefore, certain conditions need to be satisfied before such use is approved. In Baltimore County, those conditions are specified in BCZR §502.1.

In Petitioners' case, it is clear that the necessary criteria have been satisfied. In fact, protestants almost exclusively argued that the only "detriment" concerns the requirement that visitors or staff who desire to travel southbound on Charles Street must first turn right, travel northbound, and make a U-turn at Charles Way. This

type of argument specifically was rejected in *Mossburg*, *supra*, at pages 26-27. The amount of traffic, and the traffic pattern, would be no different if 23 townhouses were constructed on the property (a use permitted under current zoning without a Special Exception). Furthermore, Charles Street will handle the additional traffic without any safety or congestion problems. Once visitors to the facility exit onto Charles Street, they must conform to applicable traffic laws--including where and when they may make U-turns. These "generic" traffic concerns, as instructed by *Mossburg*, do not constitute the category of "abnormal detriments" that must be associated with a use before a Special Exception can be denied. Mr. Guckert's testimony and his exhibits clearly demonstrate that traffic exiting the facility by turning right (northbound) on Charles Street, will have an adequate and safe opportunity to travel to the left-turn lane at the Charles Way intersection, and then make a U-turn to travel southbound on Charles Street. This same traffic pattern would be expected regardless of how the property was developed.

Therefore, the proposed assisted living facility satisfies the criteria for a Special Exception as itemized in BCZR §501, and based on the opinions of Maryland's appellate courts, it follows that the Special Exception should be granted.

2. **Amendment to Final Development Plan**: An Amendment to a Final Development Plan is permitted under BCZR §1BO1.3.A.7(b) on the recommended approval of the Director of Planning and Zoning (which occurred in this case by Zoning Advisory Committee Comments on April 25, 1997 and May 5, 1997), provided that the Amendment is consistent with the spirit and intent of the original Plan and conforms to the requirements of BCZR §502 (Special Exception). In this case, the uncontradicted

testimony of Mr. Bradley and Mr. Cardona certainly confirms that the criteria have been satisfied.

3. **Sign Variance**: Petitioners respectfully request the Board to dismiss the Variance Petition as moot. Baltimore County Council Bill 89-97 (effective on October 19, 1997) eliminates the need for a Variance in this case. The applicable ordinance permits a 25 square foot sign to identify a residential community or a multi-family building (see pages 40 and 44 of Bill No. 89-97, a copy of which is attached and marked as **Exhibit B**). The signage proposed by Petitioners is in compliance with the applicable provisions of the ordinance.

Conclusion

Petitioners respectfully submit that the evidence before the Board leads to the conclusion that the requirements for a Special Exception under BCZR §432.1.A.4 and §502 have been satisfied. It is also evident that the requirements for an Amendment to the Final Development Plan, as recommended by the Director of Planning and Zoning, have been satisfied under BCZR §1BO1.3.A.7(b). Finally, the proposed free-standing sign for the facility complies with the requirements of Baltimore County Council Bill 89-97, which permits a 25 square foot, six-foot high sign to identify a residential community or a multi-family building; therefore, the Petition for a Variance is moot under this ordinance.

As the above recitation of the evidence presented to the Board of Appeals demonstrates, Petitioners have submitted substantial evidence in support of the request for a Special Exception to construct an assisted living facility, and to permit amendment of the Final Development Plan of the Cloisters. Accordingly, the Special Exception and

amendment to the Final Development Plan should be granted by the Board with a further determination that the requested Variance for a sign is moot.

ROBERT A. HOFFMAN
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200

Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of April, 1998, a copy of the foregoing Memorandum in Support of Petition was mailed to: DAVID O. WHITMAN, ESQUIRE, Tydings & Rosenberg, LLP, 100 East Pratt Street, Baltimore, Maryland 21202, Attorney for Protestants.

ROBERT A. HOFFMAN

TO1DOCS1/RAH01/0063471.01

6/9/97

IN RE: PET. FOR SPEC.HEARING, EXCEPTION AND VARIANCE - SE/S Charles St., 860 ft. NE of c/l Bellona Ave (fka Cloisters @ Charles (Sec.II) 9th Election District 4th Councilmanic District Legal Owner: Mount Vernon Properties, Inc. Contract Purchaser: Vanguard Development, LLP, Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-400-SPHXA
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing, Special Exception, and Petition for Variance for the property located at the northeast corner of Charles Street and Bellona Avenue, more particularly known as the proposed Assisted Living Facility at Charles/Cloisters and previously known as Section II of the Cloisters at Charles. The Petitions are filed by Mount Vernon Properties, Inc., property owner, and Vanguard Development LLP, Contract Purchaser,developer. Special Exception relief is requested to approve an Assisted Living Facility pursuant to Section 432.1.A.4 of the Baltimore County Zoning Regulations (BCZR). Special Hearing relief is requested to approve an amendment to the previously approved Final Development Plan for the Cloisters at Charles. Variance relief is sought to allow a variance from Section 413.1.D of the BCZR to permit a project identification sign with the total of 75 sq. ft. of sign space in lieu of the permitted 15 sq. ft. The subject property and all of the requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Hearing, Special Exception and Variance.

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Date 6/9/97
By

Appearing at the requisite public hearing held for this case were Robert Doyle on behalf of Vanguard Development, Warren Burke on behalf of the Genesis corporation (the operator of the proposed Assisted Living

Facility), Ed Hord, an Architect who prepared the building elevations, (Petitioners' Exhibit No. 3), Tim Madden and Bob Bradley from Morris Ritchie and Associates, (Engineers, Planners, Surveyors and Landscape Architects) and Mickey Cornelius, a Traffic expert from The Traffic Group. The Petitioner was represented by Robert A. Hoffman, Esquire. Numerous residents from the surrounding locale also appeared at the hearing. Some appeared in opposition to the request, others as interested persons. Jean K. Duvall, Victor J. Cardona and Gene Funk all offered testimony in opposition to the Petitions. A list of interested persons/Protestants is recorded on the sign-in sheets which have been included in the case file and are part of the record of this case.

As noted above, the subject property under consideration is a portion of the large property which has been developed, in part, as the community known as The Cloisters at Charles. The overall tract is a large site, approximately 54 acres in area, located on the northeast corner of the intersection of Charles Street (Md. Rt. 139) and Bellona Avenue in Towson. Originally, the entire property was owned by the School Sisters of Notre Dame, a religious Order. Over the years, the property has been subdivided and the proposal under consideration represents another piece of the overall subdivision. As shown on the site plan, a portion of the overall property has already been developed and is known as Section I, (lot No. 1 and lot No. 2) of the Cloisters at Charles. This portion primarily consists of that part of the property which abuts Bellona Avenue. As shown on the site plan, lot No. 1 of Section I has been developed with 66 dwellings and lot No. 2 of Section I has been developed with 48 dwellings. These 48 dwellings include 45 town homes and 3 single family detached units. Additionally, Section I contains the original convent building which remains in use by the School Sisters of Notre Dame.

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Date
By

The subject Assisted Living Facility is shown as Section II and will contain 92 beds. Under the applicable provisions of the BCZR, this number of beds translates into a utilization of 23 density units. Moreover, as the plan indicates, Section III of the tract remains undeveloped at the present time, however, under the density regulations, that tract could be developed with 72 additional units. As shown on the site plan, the property is split zoned D.R.2, D.R.3.5, D.R.5.5 and D.R.10.5. Under these density classifications, and based upon the property's total acreage, 209 density units are allowed on the property.

Robert Doyle, on behalf of Vanguard Development LLP, developers, testified in general terms about the property and proposed use. He noted that the subject parcel on which the Assisted Living Facility will be located is 2.67 acres in area and located on that portion of the property which lies adjacent to the convent building and immediately east of Charles Street. The residential community known as Murray Hill lies on the other (west) side of Charles Street.

Mr. Doyle also testified that a 3 story building is proposed, however, due to the property's rise in grade from Charles Street, only two stories will be visible from the east. Mr. Doyle also testified at length regarding the operation of the Assisted Living Facility. One-third of the beds available will be for alzheimer patients and two-thirds of the units will be for non-alzheimer patients. Mr. Doyle described the function of an assisted living facility, comparing same with a nursing home. It is to be particularly noted that an assisted living facility is geared towards those elderly persons who are in need of assistance with one or more of the activities of daily living but not for seniors who are in need of on-going nursing care. Mr. Doyle also stated that the home would be operated by the

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Date 6/9/97
By Murray Hill

Genesis Corporation, which is experienced in managing similar facilities in the area.

In this regard, Warren Burke, a representative of Genesis also testified. He indicated that approximately 45 to 50 employees would work at the facility and described the breakdown of those employees per shift. He also generally described the operation. His comments speak for themselves and are within the record of the case.

Additional testimony was received from Ed Hord, the Architect who produced the building elevation drawings. Mr. Hord testified that the building was designed so as to be residential in appearance and compatible with the neighborhood. He discussed specifically the topography of the site and the fact that the building would be built into a grade so as to minimize its visibility from the east.

Tim Madden, the Landscape Architect who prepared the site plan, also testified. Mr. Madden discussed the topography of the property, the landscaping proposed, the storm water management facility and other features of the plan.

Lastly, testimony was offered by Mickey Cornelius, a traffic expert. In sum, Mr. Cornelius testified that assisted living facilities are generally low traffic generators. Moreover, in that this facility is located on a major thoroughfare (i.e., Charles Street), Mr. Cornelius testified that there would be no adverse impact, from a traffic standpoint, caused by the proposed use.

Testimony was also received from the residents in the community. As mentioned above, Jean Duvall, Victor J. Cordona and Gene Funk all testified. Their concerns primarily relate to traffic issues. However, they also fear a disruption to the residential character of the community. The

above is but a summary of the testimony and evidence offered, all of which is fully contained within the record of this case.

As Zoning Commissioner, I have frequently been required to consider proposed special exception uses and have often stated my interpretation of the law of special exceptions, as codified in Section 502.1 of the BCZR and construed by the case law. As often stated, special exception uses are, in effect, middle ground uses, considered by law as between those uses permitted in the D.R. zone by right and those uses prohibited under any circumstances. In other jurisdictions, special exception uses are labeled "conditional uses. Special Exception uses may be permitted only after a public hearing during which the property owner must demonstrate that the proposed use satisfies the standards set forth in Section 502.1 of the BCZR. The seminal case in Maryland on special exceptions is Schultz v. Pritts, 291 Md. 1 (1981). In Schultz, the Court of Special Appeals repeated the often stated principal that "(A) special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare and, therefore, valid." pg. 11. In Creswell v. Baltimore Aviation Services, Inc., 257 Md. 712 (1970), the Court stated that a special exception use, ". . . is a use which has been legislatively predetermined to be conditionally compatible with the uses permitted as of right in a particular zone, the condition being that a zoning body must, in each case, decide under specified statutory standards whether the presumptive compatibility exists." page 719.

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Date 6/6/96
By Mary Ann

In a more recent decision, Mossberg v. Montgomery County, Md., 107 Md. App 1 (1995), the Court of Special Appeals defined the criteria which must be applied to a proposed special exception use. The Court noted that it is not whether the use permitted by way of special exception will have an adverse effect (adverse effects are implied in the first instance by

making the use a special exception rather than permitted by right), it is whether the adverse effects in the particular location at issue would be greater than the adverse effects ordinarily associated with the proposed special exception use. (See Mossberg, pg. 8). In Mossberg, the Court considered a special exception for a solid waste transfer station in Montgomery County. The Court stated, "The question in the case sub judice, therefore, is not whether a solid waste transfer station has adverse effects. It inherently has them. The question is also not whether the solid waste transfer station at issue here will have adverse effects at this proposed location. Certainly, it will and those adverse effects are contemplated by the statute. The proper question is whether those adverse effects are above and beyond, i.e., greater here than they would generally be elsewhere within the areas of the County whether they may be established. . . ." (emphasis in original) pg 9.

Applying this law to this case, it is, therefore, clear that the inherent effects of an assisted living facility are not, in and of themselves, sufficient to deny the request for special exception. That is, there is no doubt that the proposed use will generate traffic and is of institutional character rather than residential. However, these characteristics are not sufficient, in and of themselves, to deny the Petition presented. More properly, the question is whether those impacts are greater here than they would be elsewhere in the D.R. zone.

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Date
By

This Zoning Commissioner, while a member of the Board of Appeals, considered a similar proposal for a property just north of the Beltway along the York Road corridor. In that case, Nicholas B. Mangione requested a special exception for a nursing home on a property zoned D.R. That request was denied. As stated in the Board's opinion, the proposed nursing facility was improper for the proposed location. The subject property at

issue in that case was nestled within a residential community and did not abut an arterial roadway. Moreover, the size of the building (containing 240 beds) would overwhelm the surrounding residential community. Concerns were also expressed regarding storm water runoff and the traffic to be generated. The Circuit Court, on appeal, affirmed the Board of Appeals' Order, as did the Court of Special Appeals, in a reported opinion. (See Peoples Counsel v. Mangione, 85 Md. App 738 (1991)

The facts presented in the instant matter are significantly different than the circumstances presented in People's Counsel v. Mangione. As to the traffic issue, Mr. Cornelius' testimony was particularly persuasive. Unlike the proposal considered in Mangione, the subject property abuts Charles Street, a major arterial thoroughfare on which it is estimated approximately 30,000 cars per day travel. This is not a case of a facility proposed to be located within a residential community. To the contrary, vehicular access will be from Charles Street directly, as opposed through quiet residential streets.

Certain concerns were expressed about the means of access during the hearing. Admittedly, there will be no means for direct access from the property to southbound Charles Street. Rather, traffic will be required to turn right onto Charles Street and proceed in a northbound direction. Vehicles that wish to proceed southbound, must then execute a U-turn movement further down that road. Although this may not be the most ideal means egress from the property, it is my judgment that it is safe and does not present an undue traffic hazard. Mr. Cornelius' testimony was persuasive that the surrounding road network can handle the anticipated traffic flows, that sight distance was appropriate, that all necessary turning movements can be made safely and that generally the project would not cause undue

concentrations of traffic congestion or present a dilatorious impact on public safety.

As to the character of the use, although same is surely not purely residential, the assisted living facility cannot be labeled commercial either. The use is residential in character from the standpoint that the facility will be used as a living place for its residence. Although the operators of the Assisted Living Facility will, not doubt, profit from their endeavor, the proposed use is clearly not out of character for the uses in the vicinity. The large Towson State University Campus is located nearby as are the Shepherd Pratt Hospital and Greater Baltimore Medical Center. The Sisters convent immediately next door is also an institutional type use. In my judgement, the Protestants claim that the proposed use is out of character for the vicinity is without merit.

Based on the cumulative testimony and evidence offered, I shall, therefore, grant the Petition for Special Exception. In my judgment, the proposed use does not detrimentally impact the health, safety and general welfare of the locale, as set forth in the criteria of Section 502.1 of the BCZR. Properly conditioned, I believe that the proposed use is compatible with the neighborhood and vicinity and that the Petition should be granted.

In regards to appropriate conditions, it is of note that a Zoning Plans Advisory Committee (ZAC) comment was received from the Office of Planning. That office suggested the attachment of several conditions to any approval. Specifically, paragraph 5 of Planning's comment indicates that *although preliminary architectural drawings have been submitted and* are acceptable, final plans and elevations, including building materials and colors, should be submitted to the Planning Office for review and approval prior to the issuance of permits. I agree and will require the submission of such plans and elevations.

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Date 6/9/97
By M. Lowe

The Office of Planning also has reviewed the conceptual landscape plan for the project. It is recommended that the final landscape plan also be submitted to the Office of Planning for review and approval and certain features thereof are specifically discussed within the ZAC comment. I agree that a final landscape plan should be submitted and reviewed by the Office of Planning, in conjunction with the review and approval by the County's Landscape Architect.

Planning's other comments are largely directional and need not be incorporated in this Order. The plan, in fact, shows utilization of density for the overall tract, as set forth in detail above. Obviously, the overall tract is limited to 209 density units and total development cannot exceed that level. Furthermore, additional development on Section III will be subject to further review by Baltimore County. Members of the community should be afforded the opportunity for comment on proposed development either as a material amendment to the CRG or as a Petition for Special Hearing to amend the final development plan. As to additional access from Charles Street, this Order shall not be construed as a limitation on the use of the existing access, which is presently used for the convent building and will also be utilized for the proposed ALF. Future use of this access to accommodate development elsewhere on the overall tract, as well as any additional means of access elsewhere, is more appropriately reserved for future consideration.

ORDER RECEIVED FOR FILING
Date 9/9/97
By Timothy Kotroco

Finally, it need be noted that approval is also granted under the Petition for Special Hearing, which seeks amendment to the previously approved site plan.

In addition to the Special Exception and Special Hearing relief, the Petition for Variance must also be considered. As stated within the Petition, proposed signage with a total of 75 sq. ft. is requested, in lieu of

the permitted 15 sq. ft. The sign detail is shown on the site plan and other exhibits submitted. The sign will face Charles Street and will be a monument type sign. As noted at the hearing, the BCZR requires that the base of such a sign be counted in determining its area, notwithstanding that no writing appears thereon.

The Office of Planning endorses the Petitioner's sign proposal. I agree that same is appropriate for this use and the property. In my judgement, the Petition for Variance should be granted. I, therefore, find that the Petitioner has satisfied the criteria set forth in Section 307 of the BCZR as construed by the case law. The uniqueness of this property is its configuration and topography. Additionally, its location along Charles Street requires a sign of sufficient size so as to properly identify the property. The sign, as proposed, will not be detrimental to the surrounding locale. Thus, the Petition for Variance shall be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 9th day of June 1997 that, pursuant to the Petition for Special Hearing, approval to amend the previously approved Final Development Plan for the Cloisters at Charles, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception, approval for an Assisted Living Facility on Section II of the site, under Section 432.1A.4 of the BCZR, be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that a Petition for Variance from Section 413.1.D of the BCZR to permit a project identification sign with the total of 75 sq. ft. of sign space, in lieu of the permitted 15 sq. ft., be and is hereby GRANTED, subject, however, to the following restrictions:

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Date 6/9/97
By

1. The Petitioners are 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The ZAC comment submitted by the Office of Planning dated 4/25/97, specifically paragraphs 4 and 5 thereof, are adopted in their entirety and made a part of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 6/16/97
By G. Grable

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

June 6, 1997

Robert Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing, Special Exception & Variance
Case No. 97-400-SPHXA
Property: NE cor. Charles St. & Bellona Ave
Mount Vernon Properties, Inc.,/Vanguard Development LLP,
Petitioners

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing, Special Exception and Variance have been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
c: T. Madden and Bob Brdley, Morris, Ritchie and Assoc. 110 West Rd.21204
Robert Doyle, Vanguard Development LLP, 401 E. Pratt St., Suite 2355
Baltimore, Md. 21202
Warren Burke, Genesis Corporation, 515 Fairmount Avenue, Towson 21204
Victor J. Cardona, 5 Georgia Court, Baltimore, Md. 21212
Jean K. Duvall, 227 Murdock Rd., Baltimore, Md. 21212
Mr. Gene Funk, 41 Murray Hill Circle, Baltimore, Md. 21212
Sister Betty Koehn, SSND, 6401 N. Charles St., Balto.Md. 21212

AND SPECIAL HEARING

400

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at Northeast corner of Charles St. & Bellona Ave.

which is presently zoned DR2 and DR3.5

97-400-XA

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 part of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Assisted Living Facility on Section II of the site pursuant to Section 432.1.A.4 of the Baltimore County Zoning Regulations (92 beds x .25 density units = 23 density units are proposed).

And Special Hearing to amend the previously approved Final Development Plan.

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 this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee:

Vanguard Development LLP
(Type or Print Name)

By: _____
Signature Harry I Lee, General Partner

27 Highfield Court
Address

Cockeysville | MD | 21030
City | State | Zipcode

Legal Owner(s):

Mount Vernon Properties, Inc.
(Type or Print Name)

By: _____
Signature Charles Edwards, President

(Type or Print Name)

Signature

3907 Greenway | 583-0460
Address | Phone No.

Baltimore | MD | 21218
City | State | Zipcode

Name, Address and phone number of legal owner, contract purchaser or representati to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave, Towson, MD 21204 | (410) 494-6200
Address | Phone No

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
(Type or Print Name)

_____
Signature

210 Allegheny Ave. | (410) 494-6200
Address | Phone No

Towson | MD | 21204
City | State | Zipcode

DROP-OFF
NO REVIEW
3/14/97 UCR

Zoning Administration & Development Management

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing the following dates _____
Next Two Months
ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

400

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Northeast Corner of Charles St. & Bellona Ave.

which is presently zoned DR2 and DR3.5

97-400-XA

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 part of hereof, hereby petition for a Variance from Section(s)

413.1.D of the Baltimore County Zoning Regulations to permit a project identification sign with a total of 75 sq. ft. of sign face in lieu of the 15 sq. ft. permitted.

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

To be determined at hearing.

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

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

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

Contract Purchaser/Lessee:

Vanguard Development LLP
(Type or Print Name)

By: _____
Signature Harry I. Lee, General Partner

27 Highfield Court
Address

Cockeysville | MD | 21030
City | State | Zipcode

Legal Owner(s):

Mount Vernon Properties, Inc.
(Type or Print Name)

By: _____
Signature Charles Edwards, President

(Type or Print Name)

Signature

3907 Greenway — 583-0460
Address — Phone No.

Baltimore | MD | 21218
City | State | Zipcode

Name, Address and phone number of legal owner, contract purchaser or representati to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave, Towson, MD 21204 — (410) 494-6200
Address — Phone No

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
(Type or Print Name)

_____
Signature

210 Allegheny Ave. — (410) 494-6200
Address — Phone No

Towson | MD | 21204
City | State | Zipcode

DROP-OFF
NO REVIEW
3/14/97 KCR

Zoning Administration & Development Management

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing the following dates _____
Next Two Months
ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

400

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

ZONING DESCRIPTION

Assisted Living Facility Site at the Cloisters

BEGINNING at a point (CAN'T FIND) on the east side of Charles Street which is 100' wide, at the right of way, at the distance of 860' feet ± to the center line of the nearest improved intersecting street, Bellona Avenue, which is 50' feet wide at the right of way. Thence the following courses and distances.

North 40° 29' 45" East 50.08 feet, (CAN'T FIND ON PLAN)
North 08° 59' 32" West 18.81 feet,
R = 1587.02 CHD North 31° 31' 58" East 34.71 feet,
R = 1587.02' CHD South 39° 40' 20" West 415.0 feet, (lost chord) (unknown)
North 42° 48' 54" West 133.0 feet,
North 53° 18' 54" West 132.0 feet,
North 17° 35' 28" East 227.8 feet,
North 37° 20' 00" East 78.0 feet,
South 66° 35' 00" East 284.80 feet
R = 65.00' CHD North 70° 24' 22" East 71.67 feet,
South 23° 06' 01" East 49.80 feet (wrong)

CONTAINING 2.67 acres of land, more or less.

BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS
406
TIMOTHY F. MADDEN
STATE OF MARYLAND

3-11-97

☐ 139 N. MAIN STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☐ 110 WEST ROAD, SUITE 105
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9446 (301) 470-4470
FAX (410) 792-7395

BALTIMORE COUNTY, MARYLAND
FICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 97-400-XA 035803

DATE 3/18/97 ACCOUNT 001-6150

AMOUNT $ 650.00 (WCR)

RECEIVED FROM: Harry Lee Jr ($[illegible].00)
Venable, Baetjer & Howard ($100.00)

FOR: #070 - SPX, SPH, VARIANCE
SE/S Charles Street, 860' NE of CL Bellona
FKA Cloisters at Charles, Sec. II
97-400
DROP-OFF — NO REVIEW **ITEM #400**

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

01A00#01D8MICHRC $650.00
BA COD9:16AM03-19-97

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 040960

DATE 7/8/97 ACCOUNT R-001-6150

AMOUNT $ 460.00

RECEIVED FROM: H. EUGENE FUNK, JR. + JUDITH FISHER-FUNK - $154.00
HOLTON-REDERWOOD LAKE ROLAND AREA ENVIRON. ASSOC. - 154.00
L. DUVALL & J.S. DUVALL - 152.00

FOR: Appeal - Case # 97-400-SPHXA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

RYE

PAID RECEIPT

PROCESS	ACTUAL	TIME
7/08/1997	7/08/1997	14:30:13

REG WS02 CASHIER JRIC JMR DRAWER 2
5 MISCELLANOUS CASH RECEIPT
Receipt # 003126 OFLN
CR NO. 040960
460.00 CHECK: FN
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 061011

DATE 11/5/98 ACCOUNT 001-6150

AMOUNT $ 40.00 (JLL)

RECEIVED FROM: Venable Baetjer & HOward

FOR: VERIFICATION #98-5031

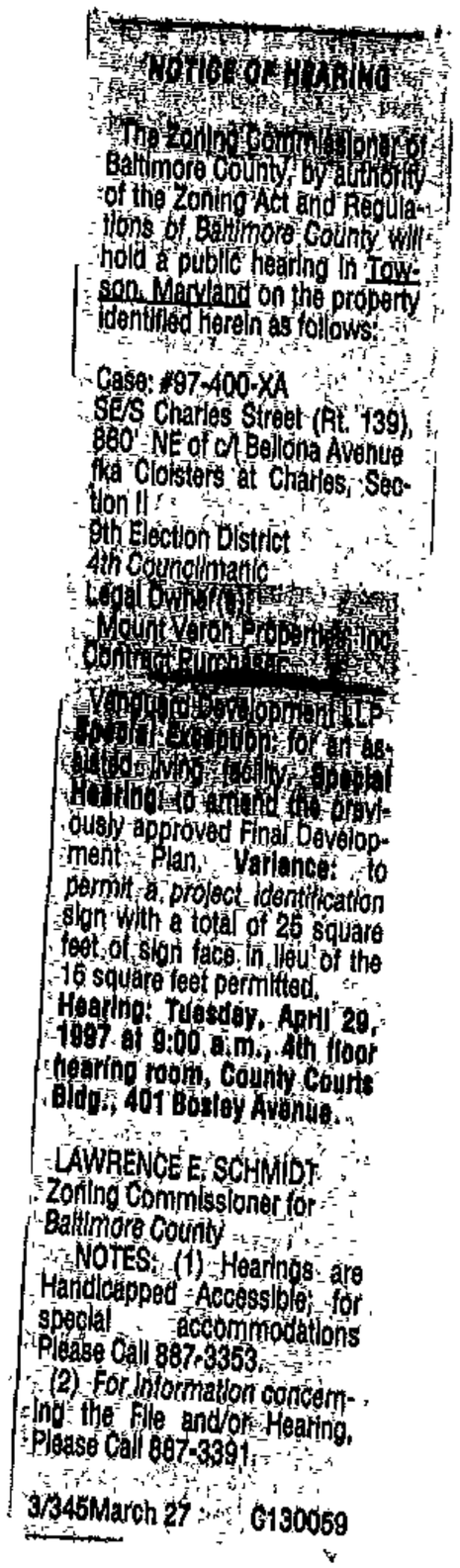
Cloisters at Charles ALF

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
11/06/1998 11/05/1998 14:17:10
REG WS01 CASHIER CLUM CML DRAWER 1
5 MISCELLANOUS CASH RECEIPT
Receipt # 076678 OFLN
CR NO. 061011

40.00 CHECK: FN
Baltimore County, Maryland

CASHIER'S VALIDATION



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #97-400-XA
SE/S Charles Street (Rt. 139), 880' NE of c/l Bellona Avenue
fka Cloisters at Charles, Section II
9th Election District
4th Councilmanic
Legal Owner(s): Mount Vernon Properties, Inc.
Contract Purchaser: Vanguard Development LP

Special Exception for an assisted living facility; **special Hearing** to amend the previously approved Final Development Plan; **Variance:** to permit a project identification sign with a total of 25 square feet of sign face in lieu of the 16 square feet permitted.

Hearing: Tuesday, April 29, 1997 at 9:00 a.m., 4th floor hearing room, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

3/345March 27 C130059

CERTIFICATE OF PUBLICATION

97-400-XA

TOWSON, MD., March 27, 1997

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 March 27 1997.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case No.: 97-400-XA

Petitioner/Developer: MT. VERNON PROPERTIES, ETAL
F.K.A.: CLOISTERS AT CHARLES
C/O ROBERT HOFFMAN, ESQ

Date of Hearing/Closing: 4/29/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at SE/S- CHARLES ST.- 860'± N.E. C BELLONA AVE.

The sign(s) were posted on 4/8/97
(Month, Day, Year)

Sincerely,

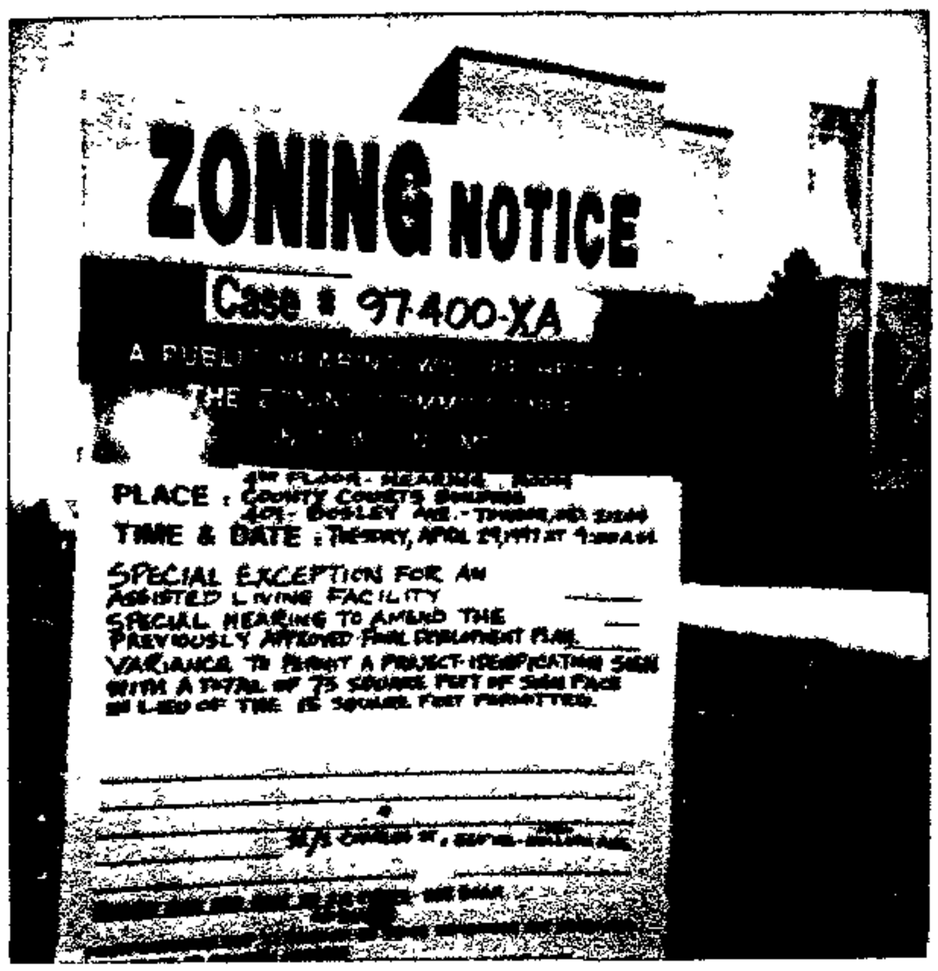
Patrick M O'Keefe 4/9/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 Pager (410) 646-8354
(Telephone Number)



97-400-XA

CERTIFICATE OF POSTING

RE: Case No.: 97-400 SPHXA

Petitioner/Developer: _____

MOUNT VERNON PROP INC.

Date of Hearing/Closing: _____

Baitimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____

SE/S CHARLES ST. APPROX 300'± NORTH OF EXIST CONVENT BLDG.

The sign(s) were posted on 8/12/97
(Month, Day, Year)

Sincerely,

Gary Freund 8/12/97
(Signature of Sign Poster and Date)

GARY FREUND
(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

97 AUG 14 AM 10: 34

RECEIVED
COUNTY BOARD OF APPEALS

9/96
cert.doc

Baltimore County
Department of Permits and
Development Management

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

97-400-XA

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 400

Petitioner: Vanguard Development

Location: Northeast Corner of Charles St. & Bellona Ave.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara Ormord

ADDRESS: 210 Allegheny Ave
Towson, Md 21204

PHONE NUMBER: 494-6201

AJ:ggs

(Revised 09/24/96)

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ITEM 400

ZONING NOTICE

Case No.: 97-400-SPHXA

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL EXCEPTION FOR AN ASSISTED LIVING FACILITY. SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED FINAL DEVELOPMENT PLAN. VARIANCE TO PERMIT A PROJECT IDENTIFICATION SIGN WITH A TOTAL OF 75 SQ FT IN LIEU OF THE 15 SQ FT PERMITTED.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PUTUXENT PUBLISHING COMPANY
March 27, 1997Issue - Jeffersonian

Please foward billing to:

Barbara Ormord
210 Allegheny Avenue
Towson, MD 21204
494-6201

97-400-XA

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-400-XA
SE/S Chalres Street (Rt. 139), 860' NE of c/l Bellona Avenue
fka Cloisters at Charles, Section II
9th Election District - 4th Councilmanic
Legal Owner(s): Mount Veron Properties, Inc.
Contract Purchaser: Vanguard Development LLP

Special Exception for an assisted living facility.
Special Hearing to amend the previously approved Final Development Plan.
Variance to permit a project identification sign with a total of 75 square feet of sign face in lieu of the 15 square feet permitted.

HEARING: TUESDAY, APRIL 29, 1997 at 9:00 a.m., 4th floor hearing room, County Ourts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management

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

March 21, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-400-XA
SE/S Chalres Street (Rt. 139), 860' NE of c/l Bellona Avenue
fka Cloisters at Charles, Section II
9th Election District - 4th Councilmanic
Legal Owner(s): Mount Veron Properties, Inc.
Contract Purchaser: Vanguard Development LLP

Special Exception for an assisted living facility.
Special Hearing to amend the previously approved Final Development Plan.
Variance to permit a project identification sign with a total of 75 square feet of sign face in lieu of the 15 square feet permitted.

HEARING: TUESDAY, APRIL 29, 1997 at 9:00 a.m., 4th floor hearing room, County Courts Bldg., 401 Bosley Avenue.

Arnold Jablon
Director

cc: Mount Vernon Properties, Inc.
Vanguard Development LLP
Robert A. Hoffman, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 14, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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 22, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-400-SPHXA ***IN THE MATTER OF: MOUNT VERNON PROPERTIES, INC. -*** Legal Owner; VANGUARD DEVELOPMENT, LLP -C.P. /Petitioners (Cloisters @ Charles /Section II)
9th Election District; 4th Councilmanic

(Petition for Special Hearing, Petition for Special Exception and Petition for Variance GRANTED with restrictions.)

pp'd @ request of Counsel for Petitioners 4/01/98
Rec'd to ent 4/02/98

ASSIGNED FOR: **THURSDAY, JANUARY 15, 1998 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

---

cc: Appellants /Protestants : Peggy Squirtieri /Ruxton-Riderwood-Lake Roland, et al
H. Eugene Funk /Murray Hill Association, et al
Jean K. Duvall

Mr. Victor J. Cardona
Sister Betty Keohn, SSND

Counsel for Petitioners : Robert A. Hoffman, Esquire
Petitioners : Robert Doyle /Vanguard Dev LLP
Warren Burke /Genesis Corp.

Morris, Ritchie and Assoc. : Timothy Madden /Bob Bradley

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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 21, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 97-400-SPHXA **IN THE MATTER OF: MOUNT VERNON PROPERTIES, INC. - Legal Owner; VANGUARD DEVELOPMENT, LLP -C.P. /Petitioners (Cloisters @ Charles /Section II)**
9th Election District; 4th Councilmanic

(Petition for Special Hearing, Petition for Special Exception and Petition for Variance GRANTED with restrictions.)

which was scheduled to be heard on 1/15/98 has been **POSTPONED** at the rquest of Counsel for Petitioner, without objection by opposing parties; and has been

REASSIGNED FOR: **WEDNESDAY, APRIL 1, 1998 at 10:00 a.m. /Day #1**
THURSDAY, APRIL 2, 1998 at 10:00 a.m. /Day #2

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

cc: Appellants /Protestants : Peggy Squirtieri /Ruxton-Riderwood-Lake Roland, et al
H. Eugene Funk /Murray Hill Association, et al
Jean K. Duvall

Mr. Victor J. Cardona
Sister Betty Keohn, SSND

Counsel for Petitioners : Robert A. Hoffman, Esquire
Petitioners : Robert Doyle /Vanguard Dev LLP
Warren Burke /Genesis Corp.

Morris, Ritchie and Assoc. : Timothy Madden /Bob Bradley

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

April 2, 1998

NOTICE OF DELIBERATION

Having concluded this case on April 1, 1998, public deliberation has been scheduled as follows in the matter of:

MOUNT VERNON PROPERTIES, INC. -Legal Owner;
Vanguard Development, LLP -Contract Purchaser
Case No. 97-400-SPHXA

DATE AND TIME : TUESDAY, APRIL 14, 1998 @ 9:30 a.m.

LOCATION : Room 48, Basement, Old Courthouse

NOTE TO COUNSEL: Closing Briefs are due (Original and three (3) copies) on Tuesday, April 7, 1998, as requested by the Board.

Kathleen C. Bianco
Administrator

---

cc: Appellants /Protestants : Peggy Squirtieri /Ruxton-Riderwood-Lake Roland, et al
H. Eugene Funk /Murray Hill Association, et al
Jean K. Duvall
David Whitman, Esquire /on behalf of Ruxton-Riderwood et al
Mr. Victor J. Cardona
Sister Betty Keohn, SSND

Counsel for Petitioners : Robert A. Hoffman, Esquire
Petitioners : Robert Doyle /Vanguard Dev
Warren Burke /Genesis Corp.
Morris, Ritchie and Assoc. : Timothy Madden /Bob Bradley

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Copied: C.W.M.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR SPECIAL EXCEPTION
SE/S Charles Street (Rt. 139), 860' NE of * ZONING COMMISSIONER
c/l Bellona Avenue (fka Cloisters at
Charles, Section II) * OF BALTIMORE COUNTY
9th Election District, 4th Councilmanic
* CASE NO. 97-400-SPHX
Legal Owner(s): Mount Veron Properties, Inc.
Contract Purchaser: Vanguard Development LLP
Petitioners *

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

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

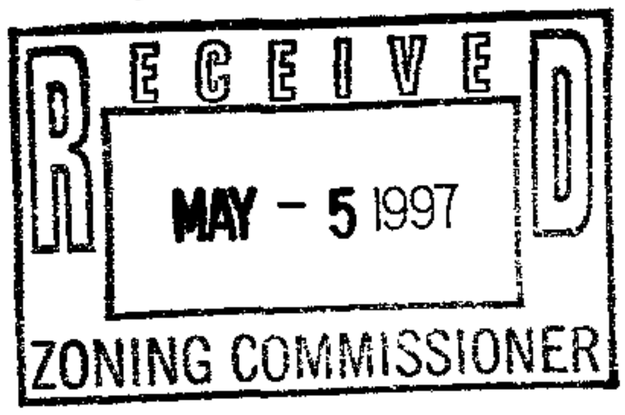
4/29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: May 5, 1997



FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Cloisters Property - Item No. 400

In addition to the comments previously submitted on April 25, 1997, the Director of Planning finds that the proposed amendment is in accordance with the specific standards and requirements of BCZR Article (1B) and other provisions of the CMDP.

Prepared by: Jeffry W. Long

Division Chief: Gary L. Kerns

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\NOCOM\400A.DOC

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

March 31, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: Mount Vernon Properties, Inc.

Location: DISTRIBUTION MEETING OF March 24, 1997

Item No.: 400 Zoning Agenda:

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.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.

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", 1991 edition prior to occupancy.

*A: The emergency fire access road must be extended to reach the wing next to the underground storm water management facility.

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

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: March 31, 1997

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for March 31, 1997
Item No. 400

The Development Plans Review Division has reviewed the subject zoning item.

The proposed parking lot does not conform with Section IX.C.2.b. (7% interior landscape area) of the Landscape Manual.

RWB:HJO:cab

cc: File

ZONE331.400

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: March 26, 97

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: March 24, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: (400)
391

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: C. Marks
T. Melvin
M. Worrall

DATE: April 9, 1998

FROM: Kathi

SUBJECT: In the Matter of Mount Vernon Properties, Inc., Property Owner; Vanguard Development, LLP , C.P. /Petitioners - Memorandum

Attached for your review and information is a copy of the Memorandum in Support of Petition filed by Robert A. Hoffman, Esquire, on behalf of Mt. Vernon Properties, Inc., Property Owner, and Vanguard Development, LLP, Contract Purchaser. No other Memos were filed in this matter.

Deliberation in this matter is scheduled for Tuesday, April 14, 1998 at 9:30 a.m. A copy of the Notice of Deliberation was forwarded to you on April 2nd.

Should you have any questions, please let me know.

kathi

Attachment

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

March 25, 1997

Ms Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
Towson MD 21204

RE: Baltimore County
Item No. 400
SE/S MD 139
860' north east of
Bellona Avenue
Assisted Living Facility
Mile Post 0.88

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval of the special exception.

However, we will require the owner to obtain an access permit through this office.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

a. Nine (9) copies of the site plan showing the SHA requirements.
b. Completed application.
c. Performance bond, letter of credit, or certified check (**include Federal ID number or social security number on certified checks only)** in the amount of 150% of the actual entrance construction cost and in an even thousand dollar increment. These must be made payable to the State of Maryland (**Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection**).
c. An engineering fee check in the amount of $50.00 for each point of access, made payable to the State of Maryland.
e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction; or a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

My telephone number is 410-545-5600 (Fax# 333-1041)

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

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Please contact Larry Gredlein at 410-545-5606 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

LG/eu

BALTIMORE COUNTY, MARYLAND

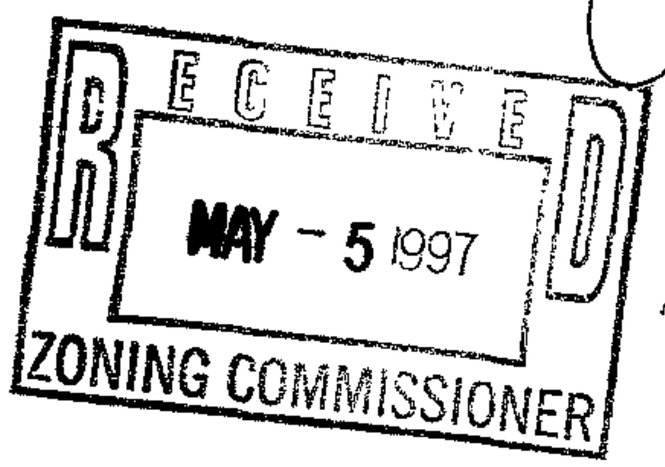
INTER-OFFICE CORRESPONDENCE

4-25-97

TO: Arnold Jablon, Director
Department of Permit and Development Management

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Charles Street



Copy forwarded to Z.C. 4-25 per Arlene

called Norma with agreed to write date on comment

INFORMATION

Item Number: 400

Petitioner: Vanguard Development LLP

Zoning: DR 2 and DR 3.5

Requested Action: Variance, Special Hearing and Special Exception

Summary of Recommendations:

The Office of Planning recommends approval of the request for a variance to allow a project identification sign with a total of 75 square feet of sign face in lieu of the 15 square feet permitted, a special hearing to amend the previously approved Final Development Plan and a special exception to allow an assisted living facility (92 beds x .25 density units = 23 density units) on Section II of the site subject to the conditions listed below. It is our understanding that with the development of this assisted living facility there will be 72 dwelling units remaining in Section III. The assisted living facility and Cloisters townhome development and Cloisters convent have used density from the entire tract/Section III.

1. Any future development of Section III will be considered a material amendment and will be subject to full CRG review. Maximizing forest retention and minimizing impacts to the forest buffers will be required. The proposed storm water management pond shown in Section III has not been approved and probably will not be approvable at the location shown.

2. The Planning Office will not look favorably upon additional access drives onto Charles Street as part of the future development of Section III.

C:\MSOFFICE\WINWORD\ZAC\400.DOC

3. The residents of the Cloisters townhome development have requested that they be appraised and included in all future development of Section III.

4. Preliminary architectural drawings have been presented to the Planning Office. The building design is acceptable. Final plans and elevations including materials and colors should be submitted to the Planning Office for review and approval prior to approval of the development plan.

5. A conceptual landscape plan has been submitted to the Office of Planning. The Final Landscape Plan should be submitted to the Office of Planning for review and approval prior to signature.

a. The landscape plan should continue the median planting scheme that has been established from Bellona Ave. intersection, north to the proposed curb cut.
b. Where the median is being narrowed north of the existing curb cut to accommodate the southbound deceleration lane for left turn movements into the the site, theplan should show the existing trees to be removed and the median treatment for the narrowed median.
c. Any work within the Charles Street right-of-way requires approval of State Highways.
d. Preservation of the existing evergreens and deciduous trees along the property line adjoining the convent should be retained to the extent possible. These trees should be field located. Existing trees to remain should be identified and preservation measures should be included on the Final Landscape Plan.
e. Grading of the lawn area above the underground storm water management facility is critical to the appearance of the facility along Charles Street. Provide two cross-sections from Charles Street to the proposed building to show the proposed grading and landscaping along this edge.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\400.DOC

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS

CRG DATE: 10/16/97
9:00 a.m., Rm. 123

FROM: PDM - ZONING REVIEW

PRE-CRG DATE: 10/6/97
9:00 a.m., Rm. 123

PROJECT NAME: **A.L.F. @ The Cloisters**

PLAN DATE: 5/6/97

REV.:

LOCATION: NEC Charles Street and Bellona

DISTRICT: 9c4

ZONING:

PROPOSAL: Assisted Living Facility
As Approved Under Zoning
Case 97-400-SPHXA

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

The CRG plan must agree with the approved zoning case (97-400-SPHXA) site plan. This appears to be the case; however, the following comments must be resolved prior to final zoning (FDP, building permit) approvals. Show adequate loading areas. Include the zoning case number, order, and restrictions (noting compliance with same) on the plan.

Final zoning approval is contingent first upon all plan comments being addressed on the CRG plan; secondly upon the final resolution of all comments, the outcome of any requested zoning hearings; and finally the inclusion of the Final Development Plan (FDP) checklist information being included on the FDP.

JOHN L. LEWIS
Planner II
Zoning Review

JLL:scj

c: Zoning case #97-400-SPHXA

Baltimore County
Department of Permits and
Development Management

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

July 8, 1997

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Petitions for Special Hearing, Special Exception, & Variance
SE/S Charles St., 860 Ft. NE of c/l Bellona Ave.
(fka Cloisters @ Charles - Sec. II)
9th Election District
4th Councilmanic District
Mount Vernon Properties, *Inc. - Legal Owner*
Contract Purchaser:
Vanguard Development, LLP - Petitioners
Case No. 97-400-SPHXA

Dear Mr. Hoffman:

Please be advised that an appeal of the above-referenced case was filed in this office on July 8, 1997 by Peggy Squirtieri on behalf of Ruxton-Riderwood-Lake Roland, H. Eugene Funk, Jr. on behalf of Murray Hill Association, Clyde Shallenberger, David O. and Carol G. Whitman, William Heffernan, Mark McMenamin, Lea Packard, Janice Moore, Jean Duvall, and Susan Kleinsasser. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

Sincerely,

ARNOLD JABLON
Director

AJ:rye

c: Messrs. T. Madden and Bob Bradley
Mr. Warren Burke
Mr. Victor J. Cardona
Sister Betty Koehn
People's Counsel

RECEIVED
COUNTY BOARD OF APPEALS
97 JUL 11 AM 9:06

APPEAL

Petitions for Special Hearing, Special Exception, & Variance
SE/S Charles St., 860 Ft. NE of c/l Bellona Ave.
(fka Cloisters @ Charles - Sec. II)
9th Election District - 4th Councilmanic District
Mount Vernon Properties, Inc. - Legal Owner
Contract Purchaser: Vanguard Development, LLP - Petitioners
Case No. 97-400-SPHXA

Petitions for Special Hearing, Special Exception, and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners, Protestants, and Citizens Sign-In Sheets

Petitioners' Exhibits: 1 - Plat to Accompany Special Exception and Variance
2 - 3rd Amended Partial Development Plan
3 - Elevation Drawing
4 - Landscape Drawing
5 - Schematic Landscape Plan

Zoning Commissioner's Order dated June 9, 1997 (Granted)

Notice of Appeal received on July 8, 1997 from Peggy Squirtieri on behalf of Ruxton-Riderwood-Lake Roland, H. Eugene Funk, Jr. on behalf of Murray Hill Association, Clyde Shallenberger, David O. and Carol G. Whitman, William Heffernan, Mark McMenamin, Lea Packard, Janice Moore, Jean Duvall, and Susan Kleinsasser

E

c: Robert Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204
Messrs. T. Madden and Bob Bradley, Morris, Ritchie and Assoc., 110 West Road, Towson, MD 21204
Mr. Robert Doyle, Vanguard Development LLP, 401 E. Pratt Street, Suite 2355, Baltimore, MD 21202
Mr. Warren Burke, Genesis Corporation, 515 Fairmount Avenue, Towson, MD 21204
Mr. Victor J. Cardona, 5 ~~Georgia~~ Gregoria Court, Baltimore, MD 21212
Ms. Jean K. Duvall, 227 Murdock Road, Baltimore, MD 21212
* Mr. Gene Funk, 41 Murray Hill Circle, Baltimore, MD 21212
Sister Betty Keohn, SSND, 6401 N. Charles St., Baltimore, MD 21212
* Ms. Peggy Squirtieri, Ruxton-Riderwood-Lake Roland, P.O. Box 204, Riderwood, MD 21139
People's Counsel of Baltimore County, M.S. 2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Gregoria

RECEIVED
COUNTY BOARD OF APPEALS
97 JUL 11 AM 9:06

Case No. 97-400-SPHXA — SPH -To approve amendment to previously approved FDP for Cloisters at Charles; SE -To approve an Assisted Living Facility (ALF); VAR -To permit project ID sign with total of 75 sf of sign space ilo permitted 15 sf.

6/09/97 -Z.C.'s Order in which Petition for Special Hearing, Petition for Special Exception and Petition for Variance GRANTED with restrictions.

10/22/97 - Notice of Assignment for hearing scheduled for Thursday, January 15, 1998 at 10:00 a.m. sent to following:

Peggy Squirtieri /Ruxton-
Riderwood-Lake Roland, et al
H. Eugene Funk /Murray Hill
Association, et al
Jean K. Duvall
Mr. Victor J. Cardona
Sister Betty Keohn, SSND
Robert A. Hoffman, Esquire
Robert Doyle /Vanguard Dev LLP
Warren Burke /Genesis Corp.
Morris, Ritchie and Assoc. /Timothy Madden and Bob Bradley
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

11/17/97 - Letter from R. Hoffman; requests that matter to be heard on 1/15/98 be rescheduled for hearing in late March of 1998 with related CRG matters (should appeal be filed from CRG amendments) with two days assigned to same.

11/20/97 -Confirmation by Office of People's Counsel /no object by that office, nor Ms. Duvall on behalf of Protestants, to the granting of this request for reasons as stated by Mr. Hoffman. To be postponed and reassigned to date near the latter part of March 1998.

11/21/97 -Notice of PP and Reassignment sent to parties; case rescheduled to Wednesday, April 1 and Thursday, April 2, 1998 at 10:00 a.m. for both dates (two days assigned per Mr. Hoffman's request).

4/01/98 -Hearing begun and concluded in one day (4/02 not needed for this case). Closing Briefs due from counsel 4/07/98; deliberation to be scheduled for 4/14/98 at 9:30 a.m. David Whitman represented Ruxton-Riderwood at the hearing (Rule 8 papers submitted as Protestants' Exhibit 3A and #B). (C.W.M.)

4/02/98 -Notice of Deliberation sent to parties; scheduled for Tuesday, April 14, 1998 at 9:30 a.m.

CONTINUED ON PAGE 2

4/07/98 -Memorandum in Support of Petition filed by R. Hoffman on behalf of Petitioner.

4/14/98 -Deliberation concluded; special exception granted; special hearing granted; variance request withdrawn by Petitioner prior to hearing; dismissed as moot. Order to be issued by Board. (C.W.M.)

Appellants (et al)

(unavailable at signing - please include)
David O and Carol G Whitman
11 Murray Hill Circle
Baltimore, MD 21212
410-377-7445

Terry & Bill Heffernan
Mr William Heffernan
6411 Murray Hill Road
Baltimore, MD 21212
410-377-0539

Terry & Bill Mark McMenamin
Mr. Mark McMenamin
116 Stanmore Road
Baltimore, MD 21212
410-321-6841

Lea Packard
Mrs. Lea Packard
216 North Tyrone Road
Baltimore, MD 21212
410-377-7013

Clyde R. Shallenberger
Clyde R. Shallenberger
228 Tyrone Circle
Baltimore, MD. 21212-1120
410-377-5470

Janice Moore
Mrs Janice Moore
201 Dumbarton Road
Baltimore, MD 21212
410-377-4074

Jean K. Duvall
Jean K. Duvall
227 Murdock Road
Baltimore, MD 21212
410-377-4541

Susan Kleinsasser
Mrs. Susan Kleinsasser
137 Stanmore Road
Baltimore, MD 21212
410-823-4934

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Mount Vernon Properties, Inc. -Legal Owners;
Vanguard Development LLP -C.P.
Case No. 97-400-SPHXA

DATE : April 14, 1998 @ 9:30 a.m.

BOARD /PANEL : Charles L. Marks (CLM)
Margaret Worrall (MW)
Thomas P. Melvin (TPM)

SECRETARY : Kathleen C. Bianco
Administrator

PURPOSE: To deliberate Case No. 97-400-SPHXA /Petition for Special Hearing to approve amendments to prior Final Development Plan; Special Exception for assisted living facility; and Variance for sign (sign request withdrawn; not at issue before Board).

Included among those in attendance at deliberation was Robert A. Hoffman, Esquire, counsel for Petitioner. David Whitman, Esquire, appeared at the hearing of this matter on behalf of protestants.

The Board discussed and deliberated issues as to this matter and testimony and evidence produced, including those pertaining to Cloister Gate Drive. Upon conclusion of deliberation between panel members, the following decisions were reached by each Board member:

CLM: Special exception and special hearing GRANTED as requested.

TPM: Concurs with CLM; special exception and special hearing should be GRANTED.

MW : Issue concerning Cloister Gate Drive having been discussed and questions responded to, also finds that special exception and special hearing should be granted.

The Board's unanimous decision based on testimony and evidence produced at hearing and after public deliberation: Petition for Special Hearing GRANTED; Petition for Special Exception GRANTED.

Written Opinion and Order to be issued by the Board as required by statute. Appellate period to run from date of written Order; anyone feeling aggrieved by the Board's decision may appeal to Circuit Court.

These minutes indicate public deliberation in this matter was held this date in the subject matter and a final decision rendered by the Board of Appeals.

~~~~~~~~~~~~~~~~~~~~~~~~

Respectfully submitted,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator
~~~~~~~~~~~~~~~~~~~~~~~~

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 12, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

Dear Mr. Hoffman:

RE: The Cloisters at Charles Assisted Living Facility, SE/S Charles Street & NE of Bellona Avenue, Zoning Case 97-400-SPHXA, 9TH Election District

This is a response to your request for zoning regulation interpretation regarding the above referenced site.

With regard to the Charles Street property, on 5/19/98, the County Board of Appeals of Baltimore County, in addition to other relief, granted a petition for special exception for an assisted living facility involving more than four beds in a D.R. zone (case number 97-400-SPHXA). To the best of our knowledge, these approvals were not appealed to the Circuit Court for Baltimore County.

My understanding of Section 502.3 of the Baltimore County Zoning Regulations (BCZR) is that, because the order from the Board of Appeals does not specify a longer time, the special exception for the Cloisters at Charles Assisted Living Facility project will expire two years from the date of the Board's order or May 19, 2000, if not "utilized" within that period of time. In order to "utilize" this special exception, the developer must commence construction during the authorized period. Construction must then be pursued to completion with reasonable diligence.

Lastly, under BCZR Section 502.3, upon request by the Petitioner, the Zoning Commissioner, at any time prior to the expiration of the utilization period, has the authority to grant an extension or extensions of the utilization period of no greater than an additional three years. This extension could be obtained by filing a petition for special hearing well in advance of the expiration and by attending a hearing before the Zoning Commissioner on this request.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

John L. Lewis
Planner II, Zoning Review

Baltimore County
Department of Permits and
Development Management

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

March 27, 1997

97-400-X

Robert A. Hoffman, Esquire
Venable, Baetjer, and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #400)
Mount Vernon Properties, Inc.
9th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted 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 in this office, 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 revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

1. Show, label, and dimension adequate loading space as required by Section 409.11, BCZR.

2. The zoning description and the metes and bounds shown on the plan do not agree. Some information is missing, some is wrong either on the plan or description.

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, Zoning Review

Enclosure (receipt)

c: Zoning Commissioner

Baltimore County
Department of Permits and
Development Management

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

97-400-XA

March 18, 1997

Robert A. Hoffman, Esquire
Venable, Baetjer, and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Drop-Off Petition (Item #400)
Mt. Vernon Properties, Inc.
9th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper forms pertaining to this. There is a form indicating the posting standards required by Baltimore County, as well as a list of vendors serving the Baltimore County area. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to Gwendolyn Stephens.

If you have any questions regarding the sign posting, please do not hesitate to contact Gwendolyn Stephens at 887-3391.

Very truly yours,

WCR | scj

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

July 8, 1997

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

RE: PETITIONS FOR SPECIAL EXCEPTION
AND VARIANCE, SE/S Charles Street
(Rt.139), 860' NE of c/l Bellona Ave.
(fka Cloisters at Charles, Sec.II), 9th
Election District, 4th Councilmanic
MOUNT VERNON PROPERTIES, INC.,
Owner–VANGUARD DEVELOPMENT LLP,
Purchaser, Petitioners, Case No.97-400-XA~~SPH~~

Dear Mr. Jablon:

Please enter an appeal of the Ruxton-Riderwood-Lake Roland Association, Murray Hill Association and David O. and Carol G. Whitman, Mr. William Heffernan, Mr. Mark McMenamin, Mrs. Lea Packard, Mrs. Janice Moore, Jean K. Duvall, and Mrs. Susan Kleinsasser, to the County Board of Appeals from the Findings of Fact and Conclusions of Law and Order dated June 9, 1997 of the Baltimore County Zoning Commissioner in the above-entitled case.

Enclosed is our check in the amount of $460.00 for the filing fee. Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Ruxton-Riderwood-Lake Roland
By: Peggy Squirtieri
Executive Director

Peggy Squirtieri
P. O. Box 204
Riderwood, MD 21139
(410) 377-4700

Murray Hill Association
By: H. E. Funk
President

H. Eugene Funk, Jr.
41 Murray Hill Circle
Baltimore, MD 21212
(410) 377-7929

RECEIVED
RYE 7/8/97

cont. on P. 2

Clyde R. Shallenberger
Clyde R. Shallenberger
228 Tyrone Circle
Baltimore, MD. 21212-1120
410-377-5470

(unavailable at signing - please include)
David O. and Carol G. Whitman
11 Murray Hill Circle
Baltimore, MD 21212
410-377-7445

Terry & Bill Heffernan
Mr. William Heffernan
6411 Murray Hill Road
Baltimore, MD 21212
410-377-0539

Terry & Bill Mark McMenamin
Mr. Mark McMenamin
116 Stanmore Road
Baltimore, MD 21212
410-321-6841

Lea Packard
Mrs. Lea Packard
216 North Tyrone Road
Baltimore, MD 21212
410-377-7013

Janice M Moore
Mrs. Janice Moore
201 Dumbarton Road
Baltimore, MD 21212
410-377-4074

Jean K Duvall
Jean K. Duvall
227 Murdock Road
Baltimore, MD 21212
410-377-4541

Susan K Kleinsasser
Mrs. Susan Kleinsasser
137 Stanmore Road
Baltimore, MD 21212
410-823-4934

cc: Robert A. Hoffman, Esquire, Venable, Baetjer and Howard,
210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204,

People's Counsel for Baltimore County, Old Courthouse, Room 47,
400 Washington Avenue, Towson, MD 21204

RECEIVED
Rye 7/8/97

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

RESOLVED: That at the first meeting of the RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION held on June 23, 1997, it was decided by the Association that responsibility for review and action on all zoning matters for the period June 1997 through June 1998 be placed in the Board of Directors and Zoning Committee consisting of the following members:

Barry Truax	Judith Wright
Michael Sicher	Sarah Lord
George Grose	Peggy Squitieri
Carol Shear	David Whitman

AS WITNESS OUR HAND AND SEAL THIS 23rd day of June, 1997.

Ruxton-Riderwood-Lake Roland Area
Improvement Association, Inc.

ATTEST:

Judith Wright
Secretary

Barry Truax
President

Accepted by Board —
Not all exhibits

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the Board of Directors and/or Zoning Committee of the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc.

David Whitman
The Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc.

ATTEST:

Judith Wright
Secretary

Barry Truax
President

Date: June 23, 1997

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

RESOLVED: That the position of The Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. as adopted by the Board of Directors/Zoning Committee on the zoning matter known as:

Case No. 97-400-SPHXA
(Property: NE Corner of Charles Street and Bellona Avenue)

is that the Association is opposed to the granting of a special exception and variance.

AS WITNESS OUR HAND AND SEAL THIS 23rd DAY OF MARCH, 1998.

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC.

ATTEST:

Secretary
Judith Wright

President
Barry Truax

97-1111

3/20/97

400

VENABLE
ATTORNEYS AT LAW

ABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

3/14/97
CR

Writer's Direct Number:
410-494-6201

March 13, 1997

DROP-OFF
OK - UCR
3/14/97

Hand Delivery

Mr. Carl Richards
Department of Permits & Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Legal Owner: Mount Vernon Properties, Inc.
Property Location: Northeast Corner of Charles Street
and Bellona Avenue
Petition for Special Exception, Special Hearing and Variance

Dear Mr. Richards: Carl :

I am hereby drop filing the enclosed Petition for Special Exception (which includes Special Hearing request) and Petition for Zoning Variance with regard to the above captioned property. This request was previously reviewed by John Lewis on April 13, 1996. Since that date, the plan has received the necessary DRC and Alternate CRG Plan approvals. Pursuant to Zoning Enforcement, there is no evidence of any zoning citations currently outstanding on this site. Enclosed for submittal are the following documents:

1. Petition for Special Exception (including Special Hearing) (3);
2. Petition for Zoning Variance (3);
3. Zoning description (3);
4. Site Plans (12);
5. 200' Scale Zoning Map (1); and,
5. Check in the amount of $650.00.

If you have any questions, please give me a call.

RECEIVED
MAR 3 1997

Sincerely,

Barbara W. Ormord
Legal Assistant

cc: Robert A. Hoffman, Esquire
TO1DOCS1/BAW01/0040544 01

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

OFFICES IN
MARYLAND
WASHINGTON, D.C.
~~VIRGINIA~~

11/2/98 g

To: JCL SOP 11/4/98 ua 11/6/98 RH
mail BOA ORDER called
& costumer

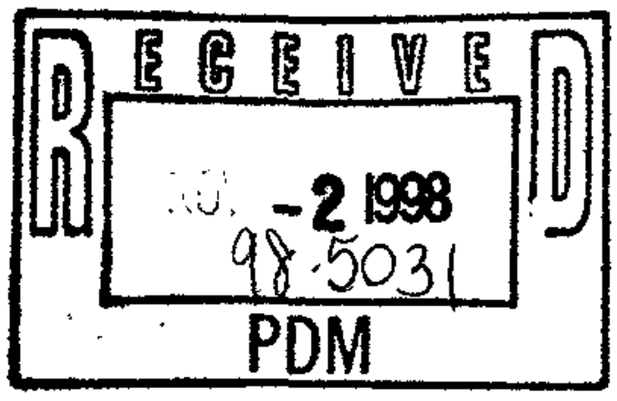
VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262

October 30, 1998

HAND-DELIVERED

Mr. W. Carl Richards, Jr.
Zoning Supervisor
County Office Building, 1st Floor
111 W. Chesapeake Avenue
Towson, Maryland 21204



Re: The Cloisters at Charles Assisted Living Facility
Southeast Side of Charles Street,
Northeast of Bellona Avenue
Zoning Case No. 97-400-SPHXA

Dear Mr. Richards:

Our client, Vanguard Development, LLC, contract purchaser of the above-referenced property, wishes us to confirm Baltimore County's regulations relating to the grant of special exceptions.

With regard to the Charles Street property, on May 19, 1998, the County Board of Appeals of Baltimore County, in addition to other relief, granted a Petition for Special Exception for an assisted living facility involving more than four beds in a D.R. zone (Case No. 97-400-SPHXA). These approvals were not appealed to the Circuit Court for Baltimore County.

My understanding of Section 502.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") is that, because the order from the Board of Appeals does not specify a longer time, the special exception for the Cloisters at Charles Assisted Living Facility project will expire two years from the date of the Board's order or May 19, 2000, if not "utilized" within that period of time. In order to "utilize" this special exception, the developer must commence construction during the authorized period. Construction must then be pursued to completion with reasonable diligence.

Lastly, under B.C.Z.R. Section 502.3, upon request by the Petitioner at any time prior to the expiration of the utilization period, the Zoning Commissioner has the

authority to grant an extension or extensions of the utilization period of no greater than an additional three years. This extension could be obtained by filing a Petition for Special Hearing and by attending a hearing before the Zoning Commissioner on this request.

I would appreciate receiving confirmation from your office that my understanding of B.C.Z.R. Section 502.3 is correct. I am enclosing a check in the amount of $40.00 made payable to Baltimore County to cover the administrative cost of this review.

If you need any further information in order to complete your review, please feel free to give me a call.

Yours truly,

Robert A. Hoffman /pam

Robert A. Hoffman

RAH:sm

cc: Richard A. Mielbye, Director, Development
Senior Living Services

TO1DOCS1/PAM01/0073827.01

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

OFFICES IN

MARYLAND
WASHINGTON, D.C
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
410-494-6262

November 17, 1997

Via Hand Delivery

Kathleen C. Bianco, Legal Administrator
Board of Appeals for Baltimore County
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Baltimore County Board of Appeals
Case No.: 97-400-SPHXA
Petitioners: Mt. Vernon Properties, Inc./Vanguard Development, LLP
Our File No.: 28018/118194

Dear Ms. Bianco:

The above referenced matter is scheduled to be heard before the Board of Appeals on January 15, 1998. CRG meetings on this same matter will likely be heard between December 1997 and February 1998. In the interest of judicial economy, I would request that two (2) hearing days be scheduled in late March, 1998 on both cases.

Thank you for your consideration.

Very truly yours,

Robert A. Hoffman

RAH:pmp

TO1DOCS1/RAH01/0055241.01

PP to 3/25/98

97-4511

8/27/97
9
TO 65

THE GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS

August 18, 1997

27 AUG

Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Attn: Arnold Jablon

Re: PETITION FOR SPECIAL EXCEPTION AND VARIANCE
SE/S Charles Street (Rt. 139), 860' NE of c/l Bellona Ave.
(fka Cloisters at Charles, Sec II), 9th Election District, 4th Councilmanic
MOUNT VERNON PROPERTIES, INC.,
Owner --- VANGUARD DEVELOPMENT LLP
Purchaser, Petitioners, Case No. 97-400-XA

Dear Mr. Jablon:

The Greater Towson Council of Community Associations, Inc. wishes to express it's strong support for the Ruxton Riderwood - Lake Roland Association appeal of the above petition. GTCCA, Inc. is a nonprofit, umbrella group organized for the purpose of education, assistance in development, and as a means for member Community Associations to present a united front on common community problems too large or complex to be handled effectively by individual associations. The vote to support the appeal at our July meeting was unanimous.

Sincerely,

The Greater Towson Council of Community Association, Inc.

John P. Keenan
Vice President

cc: Jean DuVall
Peggy Squitieri

RECEIVED POST-HEARING
DAY ONE

THE GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, INC.
61 BURKSHIRE ROAD, TOWSON, MD 21286

March 26, 1998

RECEIVED
COUNTY BOARD OF APPEALS
98 APR -9 PM 1:35

Kristine K. Howanski, Chairman
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE
SE/S Charles Street (Route 1139), 860' NE OF c/ 1 Bellona Avenue
(fka Cloisters at Charles, Sec II), 9th Election District, 4th Councilmanic
MOUNT VERNON PROPERTIES, INC.
Owner - VANGUARD DEVELOPMENT LLP
Purchaser, Petitioners, Case No. 97-400-XA

Dear Ms. Howanski:

At the March 19, 1998 meeting of the Greater Towson Council of Community Associations, Inc. (GTCCA), members reaffirmed our strong support for the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc., the Murray Hill Association and individual appellants in their appeal of the above petition.

GTCCA , Inc. is a nonprofit, umbrella group organized for the purpose of education and as a means for member community associations to present a unified front on common community problems too large or complex to be handled effectively by individual associations. The vote to support the appeal at our July 1997 meeting was unanimous and, as stated above, reaffirmed at our March 19, 1998 meeting.

Very truly yours,

Elizabeth Z. Kahl
President

cc: Jean Duvall
Peggy Squitieri

gtaba326.wpd

RECEIVED POST-HEARING
DAY ONE

THE GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, INC.
61 BURKSHIRE ROAD, TOWSON, MD 21286

March 26, 1998

Margaret Worrall
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE
SE/S Charles Street (Route 1139), 860' NE OF c/ 1 Bellona Avenue
(fka Cloisters at Charles, Sec II), 9th Election District, 4th Councilmanic
MOUNT VERNON PROPERTIES, INC.
Owner - VANGUARD DEVELOPMENT LLP
Purchaser, Petitioners, Case No. 97-400-XA

Dear Ms. Worrall:

At the March 19, 1998 meeting of the Greater Towson Council of Community Associations, Inc. (GTCCA), members reaffirmed our strong support for the Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. the Murray Hill Association and individual appellants in their appeal of the above petition.

GTCCA , Inc. is a nonprofit, umbrella group organized for the purpose of education and as a means for member community associations to present a unified front on common community problems too large or complex to be handled effectively by individual associations. The vote to support the appeal at our July 1997 meeting was unanimous and, as stated above, reaffirmed at our March 19, 1998 meeting.

Very truly yours,

Elizabeth Z. Kahl
President

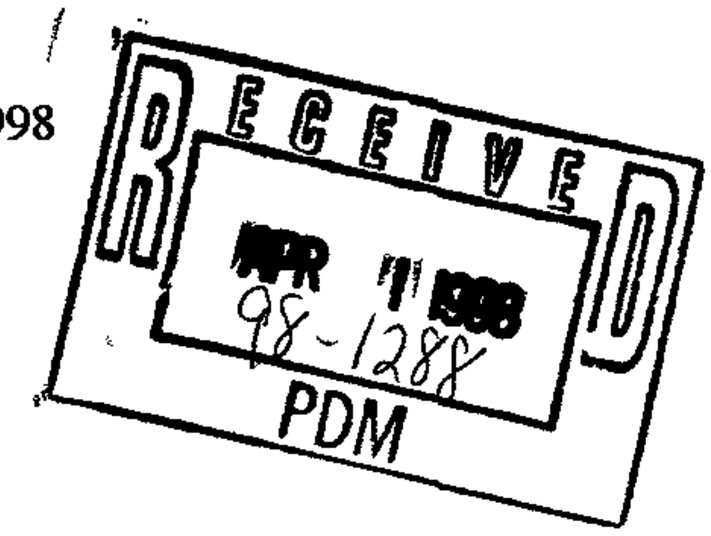
cc: Jean Duvall
Peggy Squitieri

gtaba326.wpd

4/1/98
to work file

THE GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, INC.
61 BURKSHIRE ROAD, TOWSON, MD 21286

March 19, 1998



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

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE
SE/S Charles Street (Route 1139), 860" NE of c/1 Bellona Avenue
(fka Cloisters at Charles, Sec II), 9th Election District, 4th Councilmanic
MOUNT VERNON PROPERTIES, INC.
Owner -- VANGUARD DEVELOPMENT LLP
Purchaser, Petioners, Case No. 97-400-XA

File

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Very truly yours,

Betsy Kahl
President

cc: John Dahne
Jean Duvall
Laurie Long

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Robert Hoffman	210 Allegheny Ave 21204
Tim Madden, MRA	110 WEST Rd. Towson 21204
ED HORD	250 W. PRATT ST, SUITE 1000 BALTIMORE, 21201
MICKEY CORNELIUS	40 W. Chesapeake Ave Suite 600 Towson 21204
BOB Doyle - VANGUARD Devel.	401 E. PRATT St. Suite 2355 - BALT. 21202
WARREN Bucke - Genesis	515 FAIRMOUNT AVE, TOWSON
BOB BRADLEY - MRA	110 WEST RD. TOWSON 21204

Send cc of decision

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
VICTOR J. CARDONA	5 GREGORIA Ct. THE CLOISTOR
Michael Sullivan	6441 Cloisten Gate
JEAN SULLIVAN	" " "
JOHN P. MACHEN (Attorney for Chester Bank)	36 South Charles Street Baltimore MD 21201
Arthur C. Heese	16 Murray Hill Cir.
Jean K. Rendall (DUVALL)	227 Murdock Rd 21212
Kate Harris-Brown	6 Gregoria Ct Balt 21212
Leila & Spencer Hemingway	6439 Cloisten Gate 21212
Bill & Mary Ellen Saterlee	6404 N. Charles St. 21212
Anne H. Lawlor	12 Gregoria CT.
Gene Funk	41 Murray Hill Circle 21212
Cerutti Edwards	6403 Murray Hill Rd 21212
Charlotte Edmunds	6403 Murray Hill Rd 21212
Paul P. Dallmeyer	6405 Murray Hill Rd 21212
SUSAN BRUNE	6420 Cloisten Gate Dr 21212
LAURIE LONG (RRLRAIA)	P.O. BOX 204 RIDERWOOD MD 21139
ELIZABETH DUNN	1 MURRAY HILL CIR 21212
ANNETTE NAGLER	31 MURRAY HILL CIR 21212
SCHOOL SISTERS OF NOTRE DAME c/o SISTER JOAN MAIER SSND	6401 N. CHARLES ST. 21212
SISTER LOUIS MARIE KOESTERS SSND	6401 N. CHARLES ST 21212
S. Betty Koehn SSND	6401 N. Charles St. 21212
[redacted]	

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
✓ JAMES EDWARDS	3907 Greenway Baltimore MD 21218
✓ LINDSAY THOMPSON	318 WAVELAND RD. BALTIMORE MD 21228

EX. SAN. SEWER AT ENTRANCE TO SHEPPERD PRATT HOSPITAL (ALTERNATE #2)

SECTION II IS THE SUBJECT OF THE SPECIAL EXCEPTION/ VARINCE REQUEST/ SPECIAL HEARING

EX. SAN. SEWER LOCATED IN TOWSON RUN (ALT. #1)

LANDS OF TOWSON STATE UNIVERSITY

UNDEVELOPED

N 32,000

W 3,000

W 1,500

MURRAY HILL

139

DR. 2

DR 2

DR 3.5

SEC. II

DR 3.5

DR. 2

DR 5.5

SEC. III

DR 2

DR 5.5

D.R. 5.5

POINT OF BEGINNING

CHARLES STREET

Ex 10' W

(EX. CONVENT & CHAPEL)

LOT #1

LOT #2

SEC. I

(EX. TOWN HOMES)

DR 3.5

DR 5.5

N 31,000

D.R. 3.5

92-446-A

94-170-A

94-459-A

BELLONA AVE.

LA GRANGE AVE.

CHARLES

ALLEY

ROAD

ARMAGH

SOUTH

TYRONE

DRIVE

91-442-A

EX. STORM DRAIN & SAN. SEWER NOTE:

THERE ARE NO EXISTING STORM DRAINS ALONG CHARLES STREET IN THE AREA OF SECTION II. A DRAINAGE DITCH HANDLES RUNOFF ALONG CHARLES STREET. SANITARY SEWER WILL HAVE TO BE EXTENDED FROM EITHER ALTERNATE #1 OR # 2 SITES. (SEE ABOVE)

MRA

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS

110 West Road Suite 105
Towson, Maryland 21204
(410) 821-1690
Fax (410) 821-1748

ZONING MAP TO ACCOMPANY SPECIAL EXCEPTION/ VARIANCE HEARING AND SPECIAL HEARING

ASSISTED LIVING FACILITY
AT CHARLES/ CLOISTERS

NW 8A & 9A

SCALE: 1" = 200'	DATE: 7/10/96	DRAWN BY: KAT	DESIGN BY: -	REVIEW BY: -	JOB NO: 10366

CAD ONE, INC. 301-595-1[illegible] 080764

97-400-XA

IN THE MATTER OF * BEFORE THE
MOUNT VERNON PROPRTIES, INC. * COUNTY BOARD OF APPEALS
Legal Owner; VANGUARD * OF BALTIMORE COUNTY
DEVELOPMENT,LLP * Case No. 97-400-SPHXA
(Cloisters at Charles) * April 1, 1998

* * * * *

Excerpt testimony of Will Holmes, Wes Guckert and Robert Bradley, in the above-entitled matter which came on for hearing before the County Board of Appeals at 400 Washington Avenue, Towson, Maryland 21204 at 10:45 a.m., April 1, 1998.

* * * * *

Reported by:

C.E. Peatt

EXHIBIT A

BOARD MEMBERS:

CHARLES R. MARKS, Acting Chairman

THOMAS P. MELVIN

MARGARET WORRALL

APEARANCES:

ROBERT A. HOFFMAN, Esquire
On behalf of Developer

DAVID WHITMAN, Esquire
On behalf of Protestants

* * * * *

W I L L H O L M E S,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. HOFFMAN:

Q. Mr. Holmes, could you please state your name, your address, and your occupation, please.

A. My name is Will Holmes. I work at One Marriott Drive, Washington D.C., for Marriott International. Zip code is 20058.

Q. Your work for what division of Marriott?

A. I work for Marriott Senior Living Services as Vice President of Development and Special Projects.

Q. How long have you been with Marriott Living Services?

A. I have been with Marriott Living Services eight years, and with Marriott for eighteen years.

Q. Can you tell us what your experience in the profession of senior housing has been for the last eight years?

A. My responsibility has been to go into areas to find sites for retirement communities, mostly for assisted living retirement communities.

Once sites are identified, we contract for them and work for obtaining some --

THE REPORTER: I'm sorry, I can't hear.

Q. Could you describe what is an assisted living facility?

A. Yes. Assisted living is for seniors who really can no longer live independently, but do not need 24-hour nursing care.

These are folks who need assistance with the activity of daily living, such as bathing, grooming, eating. They may also have short-term memory loss, and in taking medication, need someone to remind them when it's time to take medication.

The assisted living facility provides assistance with daily living as well as three meals a day, a waiter and waitress dining room, flat plan service, housekeeping service, van transportation.

There are activities directors to promote

cultural, recreational and social activities.

We also have a 24-hour hour emergency response in all of the units and in the bathroom of those units.

Q. A call button of some sort? A call switch?

A. Yes. Twenty-four hours a day.

Q. How many of these types of facilities have you personally developed?

A. I worked on thirteen communities that are open today and another, I believe, six that are under construction.

Q. One of those facilities under construction is in Baltimore County?

A. Yes, in Pikesville, on Reisterstown Road.

Q. That's where, across from the Festival at Woodholme, north of Hooks Lane?

A. Just outside of the beltway.

Q. What's the age -- I mentioned it in my opening, but if you could put it in evidence?

A. The average age in our community is 83. And these tend to be folks who are no longer living with a spouse, and occasionally we'll have a couple come to us,

or maybe a pair of sisters, but usually, if your spouse is still living, you're able to help each other, you don't need assited living. It's after you are alone and you really can no longer live independently.

Q. Do these folks drive cars?

A. No. On the average, they do not. Occasionally we will have a resident that will move in with a car, one or two, but their children are really concerned about them driving.

If they need someone to be helping them to be getting dressed, or baths, it's a lot of pressure by their kids to give up the vehicles.

And our experience is shortly after moving in and experiencing van transportation service, they feel they made the right decision and give up the vehicle.

Q. In regard to this particular facility, Marriott will be the owner-operator of the proposed facility, if it's approved?

A. That is correct.

Q. Why is Marriott Senior Living Services interested in this particular location?

A. We have been interested in the Towson area for quite sometime. And in looking for the right opportunity for assisted living, we were looking for a site, knowing at the time that this project was being developed by Vanguard, as well as some other projects that were happening in the area, and we were looking to find a site ourselves and be in the market, because we saw such a strong concentration of age and qualified seniors. We think it's important to locate where most of your residents can come from within a five-mile radius. That allows them to continue to be a part of the community. They can keep the doctors that they have. They can continue with the same place of worship, use the same bank, have their friendships and neighbors' connection that they have in the community.

If you move someone more than five miles, a lot of those ties are severed. So we look to try to locate where the seniors currently live.

Q. What are visiting hours? Are there visiting hours?

A. Well, we secure the doors in the evening after 9

o'clock and open up again in the morning around 7 o'clock.

Now, if a family member wanted to come in after those hours, they would need to notify staff, and they can be let in the facility.

But there are no restrictive visiting hours. Just security in terms of when people come and go.

Q. Can you describe how visitation occurs, the frequency, and what it involves generally?

A. Visitation is usually in the evenings or on the weekends, happens to occur when we have less staff on at the time which allows us not to overpark or provide so many parking spaces.

The visitation is usually not an occasion for the family to come and stay for a couple hours visiting mom or grandmom, but often it's an occasion to take them away from the community, take them out to dinner, take them shopping, or back to their house, if they happen to live near.

Q. The employees, you proposed a chart that would indicate for the 92-bed facility when employees would be there coming and going?

A. That is right.

Q. Is this a copy of that chart?

A. Yes, it is.

Q. I will look over your shoulder while asking these questions. If you would, would you please describe what is this chart and how it's organized first.

A. We are showing a 24-hour period by hour across the top of the chart, and this is for a weekday. And down the left side we are showing the various positions we have that we staff in the community.

And we are showing how many people are on each of those positions at what hours during that 24-hour period, so it shows how many staff we have on at a particular hour in a 24-hour period.

Q. The bar graph?

A. The bar graph is an illustration of the number of people on at a particular hour.

Q. Could you just -- I don't want you to run through 24 hours, but if you could just hit the three or four busiest times in terms of staffing, that is, when the most members of the staff members will be there, as well as

identifying when you believe the most number of people will be coming and going in terms of employees?

A. Okay. The most number of employees on at one time are thirty from 11 a.m. to 1 p.m. during the weekday.

In the rush-hour time period, seven to nine in the morning, we have nineteen employees there by 7 a.m., and they are there helping to prepare the breakfast meal, get residents ready for breakfast. And then in the next hour, we'll have, I believe, about seven more employees arrive, and people are coming and going, really, based on their function.

We have some folks that work in the kitchen that arrive to help prepare meals. And others there are going to help serve or assist the residents.

And then, later in the morning, people may arrive that are going to be housekeeping.

The same thing in terms of when they are going home in the afternoon and evening, depending on what your function is. After the noon meal, if you have been involved in preparation and serving of that meal, you may be going home. A little later, the housekeeper may be

11

going home.

We have, at 3 o'clock, twenty-four people that are on staff. 4 o'clock, eighteen. And by 5 o'clock, there are twelve.

So it really is not a shift change, but more has to do with what your function is.

Q. In terms of the peak hours, or what we think of peak hours from a traffic vehicle volume point of view, most of your trips do not occur during the normal peak driving hours, is that correct?

A. That is correct. And we think one of the advantages of this facility for the overall community is that it's a low traffic generator, and a lot of traffic that does occur is not peak hour.

In the morning peak times, we are looking at twenty-two to twenty-four trips typically by our staff. In the evening, it's even less. It's been our experience, because of people coming and going by functions, it may be nine to twelve trips generated by our staff.

Q. That would not include visitation that might occur during those times?

A. That's correct.

Q. You are aware that Mr. Guckert is going to testify later and his number takes into account the total number of trips he projects?

A. That is correct.

MR. HOFFMAN: If I could have the chart entered as Petitioner's Exhibit No. 4.

MR. WHITMAN: No objection.

THE CHAIRMAN: So noted.

MR. HOFFMAN: Thank you.

Q. Mr. Holmes, in terms of deliveries, you have congregate meals provided three times a day. I assume you have food service, food deliveries. When would those occur?

A. We have two main deliveries a week that come in, a tractor-trailer delivery that is driven by a Marriott driver. The trucks are owned by Marriott. They come from our distribution center, yes. So we have control over when they come, how they come.

Q. What would be the times of those deliveries?

A. Typically, nine in the morning until three in the

afternoon.

Q. So somewhere between those two hours, deliveries would take place twice a week?

A. Yes.

Q. And trash pickup, you have commercial trash pickup? You have a dumpster located --

A. We do, and we get two pickups a week, two trash pickups a week.

Q. What would be the times of those trash pickups?

A. We are not going to allow themn to come early in the morning hours or late evening hours when our residents are sleeping.

So our contractors will provide that service. Typically, it would be seven in the morning until seven in the evening.

Q. Somewhere between those hours?

A. Yes.

Q. Mr. Holmes, you're familiar with the access that's been provided for this facility, correct?

A. Correct.

Q. And you are aware that the access, both ingress

and egress, to this facility will be via Charles Street only?

A. Yes.

Q. You're also aware that any employees or visitor who may want to go south on Charles Street would exit the facility, would have to go north on Charles Street, and then make a U-turn at Charlesway?

A. Yes.

Q. Have you, given your experience, do you believe that there will be any traffic safety issues involved if this project were approved and if that particular access were approved as part of this case?

A. No, we do not.

Q. Can you explain why?

A. In terms of the turnaround at Charlesway, given the sight distance, the light that's further north on Charles Street, my experience, looking at what they call gaps, they look very adequate, and we looking at doing improvements to be sure there's plenty of room to make that turn.

Q. You're not concerned for either your employees or

the visitors for your residents --

A. No.

Q. -- in coming or going from this facility?

A. No. If we had that concern, we would not want to be part of the development, if we thought there was a real risk of someone being hurt from traffic.

Q. You are familiar with this part of Baltimore County?

A. Yes.

Q. How are you familiar with it, looking for a site?

A. We have been looking for a site for quite sometime, yes.

Q. You're aware of Charles Street being a major arterial road?

A. Yes.

Q. And you would like to have a sign for the facility if it's approved, wouldn't you?

A. Yes.

Q. Did you bring a picture of what this sign would look like?

A. I did. In fact, it's on the floor.

Q. Is that a photograph of a sign on an existing facility?

A. Yes.

Q. That's the proposed sign for this facility?

A. Yes.

MR. HOFFMAN: If I could submit this as --

Q. I am taking it away from you now.

A. That's fine.

MR. HOFFMAN: -- I think that would be Petitioner's No. 5.

THE CHAIRMAN: Any objection, Mr. Whitman?

MR. WHITMAN: For the record, what is the size of that sign?

MR. HOFFMAN: My next question was going to be --

THE CHAIRMAN: Go ahead and proceed.

Q. The sign that's shown there -- and I don't know if you know the exact square footage of that sign -- do you?

A. It's approximately -- the face on that sign is approximately thirty square feet.

We are going to reduce it in size to probably

twenty-five square feet.

Q. You understand if the Board agrees with or understoods what I had to say in my opening, or both, hopefully, that you would only be permitted a twenty-five square foot sign?

A. That is right.

Q. Why is it important for you to have a sign at all?

A. We think its visibility, first of all, is important to us. We find a lot of our residents come to us as a result of people driving by, seeing the facility, seeing the sign, and it creates some awareness that they may either have a family member or know of someone who has a family member or knows of a senior in the community that they recommend checking with Marriott about assisted living when they have had that need.

Also for people coming to the facility, I think having a sign identification is a smart and safe thing to do so people can easily, more easily find the facility. I think that's wise.

Q. With the type of traffic and speed you find on

Charles Street, do you believe a twenty-five square foot sign is adequate for people to see and identify the location?

A. Yes.

Q. Do you think that your location on Charles Street and your access point being only to Charles Street provides a unique situation that requires you to have some sort of freestanding signage on the property?

A. Yes.

Q. Do you think there would be any adverse impact by allowing you to identify this residential community, this facility, whatever you want to call it?

A. No. I think it's a tastefully done sign. And in terms of safety, I think it's a benefit to the community by having a sign, eliminating any potential for confusion.

Q. Mr. Holmes, you have testified in at least one other zoning case in Baltimore County, did you not?

A. That is correct.

Q. And the facility in Pikesville requires a special exception as well?

A. Yes.

Q. So you're familiar with the requirements of Section 502.1?

A. Yes, I am.

Q. Do you believe that the proposed facility would be detrimental to the health, safety, or general welfare of this community?

A. No, I do not. I think that this facility would benefit the community and provide a service to the individuals that reside in the area.

And I think it's well located, being in a transitional area for the community, and I think it will end up serving the health and welfare of the community.

Q. Mr. Holmes, do you believe it would tend to create congestion in the roads, streets or alleys?

A. No, I do not. I think the access to Charles Street is a very good access, and it is a low traffic use.

That's really one of the strengths and benefits of the assisted living, and so I think in terms of development for this property, it's a great use in that regard.

Q. Based upon your experience, do you believe that

the size of the property is adequate to support a 92-bed assisted living facility as shown?

A. Yes, I do. There's a good, enjoyable amount of green space for the residents, and it's two and three story building. It's attractive, and works well for the residents.

Q. Is the size of the property and the size of the facility consistent with your other facilities you have developed?

A. Yes, it is.

MR. HOFFMAN: I don't have any further questions.

THE CHAIRMAN: Mr. Whitman?

MR. WHITMAN: Just a question or two.

CROSS EXAMINATION

BY MR. WHITMAN:

Q. With respect to the sign, how close to Charles Street do you anticipate putting the illuminated sign?

MR. HOFFMAN: I think it's shown on there. It is shown on there.

Q. But it's down on Charles Street?

A. Yes. My guess is about ten feet back.

Q. Is the orientation of that so the illuminated portions go north and south?

A. Yes. It's ground-lit.

Q. Not from within?

A. Not from within.

Q. I am asking this question on behalf of the residents directly across the street in Murray Hill who will be the ones who will see that all night long, in whatever form it takes.

Will they be able to see the illuminated letters from where they are?

A. Because it's perpendicular to Charles street, I don't think that the residents on the other side will be able to see.

Q. If it becomes an issue just because of the fact they are far enough back, is there some simple means for you to block out their view of that without decreasing the view from the traffic going each way?

A. I don't know. Only landscaping comes to mind, but I don't know if there's a way to do that without blocking the view of the sign.

We'll be happy to work with the community to accomplish that, if we can.

Q. Apart from landscaping, would there be some way to shield the sign's impact across the street where nobody will be looking at it anyway

A. I think by having it perpendicular, you have shielded it probably as best you can versus parallel where it would be much more visible and obvious to the community.

MR. WHITMAN: No further questions.

THE CHAIRMAN: I have a question, if you don't mind.

Are there any similar type signs along that particular stretch of Charles Street presently existing?

THE WITNESS: I'm not intimately familiar with the existing signage there. Perhaps -- I don't know if any of our other witnesses will know that or not.

MR. HOFFMAN: I have Mr. Hord or Mr. Bradley coming up, and he will tell you about the existing signage.

THE CHAIRMAN: Question number two is, is it

necessary for that sign to be illuminated all the time?

Is it possible that sign can be turned off after a certain hour at night and reapplied in the morning?

Your intention, I take it, is for that sign to be illuminated from dawn to dusk?

THE WITNESS: It is possible. The only downside to that that I can see, if for some reason you have emergency access vehicles that needed to get to the facility, it might be clear, more clear where it is.

But in terms of our -- in terms for our use and our visitors, turning it off later in the evening would be no problem for us.

MR. HOFFMAN: That was my question, if we could limit the hours of illumination. Thank you, Mr. Marks.

THE CHAIRMAN: Thank you.

MR. HOFFMAN: Mr. Marks, could I take just a very brief --

THE CHAIRMAN: Sure.

(Off the record.)

THE CHAIRMAN: Back on the record. Mr. Hoffman.

MR. HOFFMAN: Thank you. Wes.

* * * * *

W E S G U C K E R T,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. HOFFMAN:

Q. Mr. Guckert, can you state your name, your address, and your occupation.

A. For the record, my name is Wes Guckert. G-u-c-k-e-r-t. Business address is Suite 600, 40 West Chesapeake Avenue, Towson 21204.

I am President of the Traffic Group, Incorporated, a firm of traffic engineers and transportation planners.

Q. Mr. Guckert, you have brought with you a copy of your CV?

A. Yes.

MR. HOFFMAN: Dave, are you familiar with Mr. Guckert and his qualifications?

MR. WHITMAN: Yes.

MR. HOFFMAN: I'd like to submit Mr. Guckert's

qualifications as Exhibit No. 6, and offer him as an expert traffic consultant.

THE CHAIRMAN: Any objection?

MR. WHITMAN: No objection.

Q. Being the expert that you are, and since I can't figure out which is up and which is down on this aerial article photograph, I'm hoping that you can do it.

Okay. Mr. Guckert, you were retained by the petitioner to do a traffic analysis at the proposed facility and its relationship to the surrounding road network?

A. Yes.

Q. Can you tell the Board what it is you did as part of that traffic study?

A. Yes. We undertook a series of traffic engineering tasks that included working with the county, the developer, and the State Highway Administration regarding the main entrance to the facility onto Charles Street and the design of that access and the redesign of the existing median opening along Charles street at the shared entrance for the subject property and for the

Sisters property.

We then set out and undertook a series of trip generation studies of other assisted living facilities so that there was a clear understanding of the amount of traffic that is typically generated by these facilities.

And we did that because, to date, there has not been published good information on the amount of traffic that these type of facilities generate.

The Institute of Transportation Engineers in Baltimore County simply have not been able to keep up with what I will say is a fairly new land use, fairly new residential land use.

Certainly, there's information on nursing homes, there's information on certain life care communities, but assisted living facilities are a little bit different and, therefore, real good data has not been published. So we undertook some of our own studies in that light.

Additionally, we examined the issue of how vehicles that would desire to proceed south on Charles Street would do so, and that ties directly to the U-turning vehicles that are northbound on Charles Street

that would have to make a U-turn at Charlesway Avenue, which is the first street, the first median opening north of the entrance to the Sheppard Pratt hospital.

We also undertook traffic counts at the intersection of Charles Street and Charles Way so that we had a clear understanding of the amount of vehicles that are being generated currently at that left turn, at the U-turn, and along Charles Way Avenue itself.

So those were the basic items, the scope of services, if you will, of the work that we undertook on behalf of the developer of this project.

Q. Can you start by describing -- and if you could use this aerial photograph which I would ask be introduced as Petitioner's No. 7 -- describe the existing road network and the existing access points to this property.

A. This exhibit is facing with north to the top, south the bottom. This is Bellona Avenue. Charles Street runs in this area here where I am describing, basically down the middle of the aerial photograph.

GBMC is in the upper third of the photograph, to the east of Charles street, Towson State University

dormitory in the far upper right side. Towsontown Boulevard -- I'm pointing to now -- is east of Charles Street.

The subject property is located just to the north of the Sisters property, and I am pointing to the area east of Charles Street, north of Bellona, with the Sisters property being located in the area that I am pointing to, east of Charles Street, north of Bellona. There's an existing median break where the entrance to the property exists today --

Q. And that would be the entrance to the Sisters facility?

A. Yes, correct. Currently, that operates with all movements, left turns in, right in, left out, right out, and it is that median break that will be modified to prohibit left turns out of the site onto southbound Charles Street, and it is that modification that is being requested by the State Highway Administration that will result in vehicles proceeding north on Charles Street to make a U-turn at this location where the Charles Way median break exists.

Q. The Sisters currently have a second means of access to their property?

A. They do. They have access directly out to Bellona.

Q. And there's a signal at Bellona and Charles?

A. There is.

Q. And the Cloisters Section I, Mr. Cardona's portion of the subdivision, they have their own access to Bellona Avenue?

A. They do. And, of course, it's located immediately east of the Sisters property. I am pointing to it on the aerial.

Q. You might want to take your seat again. Thank you. You stated that as part of your study, you made a determination of the number of trips, meaning the number of vehicles that would either enter or leave this particular facility.

Can you please describe for the Board what that particular study entailed and what the results were?

A. Well, we undertook studies at four to five assisted living facilities throughout the

Baltimore-Washington metropolitan area, and we undertook traffic counts during peak hours, during peak periods between seven and nine in the morning and four and six in the evening, which coincide with commuting rush hours.

We determined, based upon our earlier studies, that the assisted living facilities generate a relatively small volume of traffic, quite frankly, during any hour of the day, but they generaate a small volume of traffic during the commuting periods for a couple basic reasons.

Number one, the employees, primarily the medical employees, medical staff, work what I would say are hospital hours, shift work, seven to three, three to eleven, eleven to seven.

That makes up the bulk of the employees that arrive and depart. And, of course, with those, that type of shift work, they arrive and depart outside of the traditional commuting hours.

Additionally, as detailed by Mr. Holmes, lunchtime is a time of day when they have serving personnel and cleaning personnel in-house, and so that the midday hours are the time when the bulk of the employees

are there, with employees arriving generally and departing generally outside the commutting hours.

Additionally, visitation to assisted living facilities, although it is generally light to begin with, unfortunately, when visitation occurs, it also does not occur during the commuting hours, because that's the time when most visitors would be going to and from work, not going to and from visitation of a loved one.

And so that visitation now will occur on the weekend. It will occur midday. It will occur after dinner hour, typically, but not during the morning commute or evening commute. That's what we have found.

So that when you take those factors, those actual facts into account and, as a matter of fact, then you undertake traffic counts to see what does that -- what do those conditions translate to as relates to traffic volumes.

You find that, overall, a 92-bed facility such as this would typically generate about 350 trips in a day, 175 cars going in in a 24-hour period and 175 cars going out during a 24-hour period.

And, of course, they are spread throughout the day, throughout that 24-hour period.

Q. Mr. Guckert, you're referring, I think, to a chart that you produced as part of a report. That would be Exhibit 2 in your report that indicates the number of total trips --

A. Yes.

Q. -- in an average weekday?

A. Yes.

Q. If I could -- we are going to end up introducing this report, which we probably will -- you might want to refer to it, and I have given David a copy.

I have copies for the Board, and if I could have this marked as Petitioner's Exhibit No. 9.

THE CHAIRMAN: Eight.

MR. HOFFMAN: Eight. Excuse me. And I believe the chart that you are referring to is the first chart in the report which is about five pages back, labeled Exhibit 2, Projected Traffic Volumes?

A. Yes.

THE CHAIRMAN: Mr. Whitman, do you need time to

examine this study?

MR. WHITMAN: Without reading through it, I see the total volume number has not changed from the last numbers we saw. So with respect to that, I have no problem.

MR. HOFFMAN: I am going to take him through it pretty much page for page. We're going to go through it together.

THE CHAIRMAN That's fine.

A. So what we did, on Exhibit 2, was that we took the overall average daily traffic volume of 350 is what we started with, 175 in, 175 out, and then made projections for the hourly distribution of that daily volume, and that's what Exhibit 2 shows.

The far left column shows the hour of the day, beginning at midnight. The next colum shows the volume for inbound. The next is the percentage of inbound. And then repeated outbound, and the totals.

And down the bottom you will see 356, 24-hour trips, and that's due to rounding of the percentages. If we took the percentages out to a couple decimals

points, we'd end with 350 trips a day.

So you can look and see any particular hour of the day that the volume of traffic coming in or out is relatively small, and that you're dealing with vehicle volumes that are in the teens, which means you have maybe a car coming in every six or eight minutes and a car going out every six or eight minutes for the bulk of the 24-hour period.

In essence, a low traffic generator. And we assume half those cars would proceed north on Charles Street and the other half would also proceed north on Charles Street, however with a destination ultimately to southbound on Charles Street.

Q. How would those vehicles -- again, I know you stated it once, but if you could specifically talk about those vehicles that want to head south on Charles Street, how they would make that movement.

A. Well, in the Appendix B in the back of the report, there are two fold-out exhibits, eleven-by-seventeen white exhibits that are in color, and those fold-out exhibits show the movement of a passenger

car making a U-turn from northbound Charles Street, and then the second exhibit shows the same movement with a 15-passenger van, assuming that van would make that movement. And you will see in the yellow, the area of the shoulder that we are recommending would be improved to accommodate the U-turn movement of the van.

These are improvements we would make, and discussions have been held with the State Highway Administration about widening that shoulder slightly to accommodate turning movement of the van.

Q. The van you're referring to is the one Mr. Holmes testified there's usually a van associated with these assisted living facilities?

A. Yes.

Q. To take residents to different places?

A. Yes. And, of course, they don't have to make the U-turn. There are other alternate roads they could take in order to return as well.

Q. The existing volumes on Charles Street, it's a heavily traveled road?

A. It's about a 30,000 vehicle per day range, which

16 is really a moderate volume for a four-lane divided facility in terms of its capacity.

Certainly, there are, you know, lots of vehicles on Charles Street. There's no question about that.

Q. During the peak hours, seven to nine and four to six, how many vehicles do you anticipate will either be leaving or arriving at this facility?

A. Well, it's possible that you could have as many as fifteen to twenty cars coming in or out during any one hour of the day in any particular direction.

Q. If it's twenty cars coming out -- let's just take the peak hour. Assume it's during the seven to nine rush hour in the morning, 7 a.m. to 9 a.m., and there are twenty cars coming out.

You projected fifty percent of those cars, or ten, would want to proceed south on Charles street?

A. Yes.

Q. And those ten cars would proceed north on Charles Street from the facility to Charles Way?

A. Yes.

Q. And make a U-turn at Charles Way and then proceed

south on Charles Street.

What's the approximate distance between the access to the facility and Charles Way?

A. It's about half a mile.

Q. Is that enough distance to make a right turn, or northbound turn onto Charles street, and make your way over to the left lane so you could then make your left turn, U-turn at Charles Way?

A. Without question. There's sufficient sight distance at the Sheppard Pratt entrance that would be far enough away, but we have gotten further, because you cannot make U-turns at Sheppard Pratt because there is inadequate geometrics, so there's plenty of room in order to turn right out of the facility, make your way into the right lane, and then make your way into the left lane, in order to make the U-turn at Charles Way.

Q. At the intersection of Charles Way and Charles, did you study the sight distance available for a person wanting to make a U-turn at Charles Way to head south on Charles?

A. Yes, I did.

Q. What did you find in the way of sight distance at that intersection?

A. We found -- and the photograph is in Appendix B, a photograph that's included in the upper right corner, and it shows what a driver sees from the left-turn lane as he's looking at oncoming vehicles southbound on Charles street.

And what occurs is that you can nearly see all the way to the traffic signal at GBMC. The sight distance is in the range of 850 feet.

Q. With the speeds on Charles Street posted to be, I believe, forty miles an hour on Charles Street, would an 800-foot sight distance under the traffic safety requirements be adequate?

A. It's double what would be needed.

Q. Are there sufficient gaps in the traffic for one to make that U-turn at Charles Way and Charles?

A. Yes. And we have looked at that very carefully.

Q. Can you tell me how you looked at it and what the results of that analysis were?

A. What we did as a result of community input was to

undertake a gap study, a gap analysis, such that we measured the time, therefore, the spacing between southbound vehicles on Charles street, at Charles Way.

As the Board may be aware, there is a traffic signal at the entrance to GBMC which naturally creates gaps in the traffic flow along southbound Charles Street.

What we did was to mechanically count the spacing, the time, the number of seconds, between oncoming southbound vehicles, and we determined that, for example, during the morning period, there were a total of 354 gaps that were four to five seconds or greater.

That would allow more than sufficient time to recognize that there's a large gap, for the driver to then recognize that, and make the maneuver.

And we found that -- we found similar conditions during the evening, utilizing the same methodology, that there were approximately 350 gaps in southbound Charles Street traffic that were four to five seconds or greater during the four to six p.m. period.

Q. Is it your opinion that the number of gaps provides more than sufficient opportunity for ten vehicles

to make their way south on Charles Street by making the U-turn?

A. Without question. And what we talked about was the potential for ten vehicles to make a U-turn, and there are 350 opportunities to do that, ten vehicles in an hour, having the desire to make the U-turn, potentially 350 opportunities in the hour, to safely make that maneuver.

Q. Could you go up to the aerial photograph and just point out once more the entrance to our facility and the exit from our facility, the location of Charles Way, the location of the lights at Charles and GBMC.

A. Again referring to Exhibit 6 --

Q. Seven.

A. Exhibit 7, the aerial photograph. I am pointing now to the entrance to the proposed facility which is currently the entrance to the Sisters property.

And if you were making a U-turn, you'd proceed north on Charles Street, you would pass the entrance to Sheppard Pratt, continue north to Charles Way, and it is that location where you can see nearly to the traffic signal at GBMC, pointing to that entrance at Malverne.

You can see nearly to that traffic signal, clearly see oncoming vehicles. Vehicles would then make a U-turn to provide south.

Q. Mr. Guckert, this proposed access has been approved, not physically designed or permits issued, but the access has been approved by the State Highway Administration?

A. Yes, sir.

Q. If this property were developed for a different use, a use that was permitted as of right, it also could have the same access arrangement as we are currently proposing?

A. I would suspect that, based on our discussion and my discussions with the State Highway Administration, that however this property is developed, that the State Highway Administration would require the median to be modified and that vehicles that would be proceeding south on Charles Street would be required to do so via the U-turn that we have been discussing at Charles Way, whether it was done with single family homes or any other permitted or special exception use.

Q. This property could be developed in that way under any of those scenarios without accessing Bellona Avenue or Cloisters Gate Drive or the Sisters property?

A. Yes.

Q. By way of comparison, did you analyze the traffic that would be generated by the twenty-three townhouses that would be permitted as part of this plan?

A. I did, and it would be.

Q. That would have permitted it as part of the previously submitted plan?

A. I did, and it's comparable.

Q. Meaning -- can you describe what "comparable" means? That's what I'm asking you to do, Mr. Guckert, is compare.

A. There's not an exact one-to-one correlation, but certainly twenty-three townhouses are going to generate twenty-three to twenty-five peak hour trips, so it's comparable in the peak hour trip generation.

Q. I thought the number there --

A. Twenty-three, because that correlates the number of dwelling units being utilized to get the 92-bed

17 assisted living facility, meaning one bed equals one dwelling unit. That's my understanding.

Q. Did you look at the sight distance at the entrance ingress and egress to the facility?

A. Yes.

Q. Is that sight distance adequate?

A. Yes, sir.

Q. Can you tell me what that sight distance is?

A. I have to refer to the -- referring to the CRG plan, the sight distance and sight line is approximately 600 feet, looking to the south.

Looking to the north -- for southbound traffic is not an issue, because we are not being permitted to make a left turn out of the site -- so looking to oncoming vehicles northbound on Charles Street as it relates to vehicles leaving the facility, the sight line is about 600 feet.

The required sight distance is about 400 feet, so it exceeds the requirements of the county and State Highway Administration.

Q. Are there existing facilities immediately

adjacent to this one that have the ability to go southbound on Charles Street immediately from their access point?

A. Yes.

Q. Sheppard Pratt, I think you mentioned as part of your initial testimony?

A. Yes.

Q. The facilities further to the south, the retail components like Eddie's Supermarket and full service gas stations and the bank and Chalet, all those have the ability for people to make essentially a left turn out of those retail facilities?

A. Yes. And for reference, return to Exhibit 7, the aerial photograph, the intersection of Charles and Bellona, proceeding south, there are a series of commercial uses along the east side of Charles Street, north of Stevenson, where there are individual driveways where full movement is permitted, and occurs.

Q. Now, you wouldn't certainly recommend that if you could redesign it today, that's not the preferable solution to allow for those movements in all cases?

A. In all cases, it's not preferred. Certainly, where you may have separate left-turn lanes, and you have adequate sight distance, there's no problem from a safety point of view in allowing all movements.

Q. I know David is going to want to have this issue dealt with. By closing off Cloister Gate Drive -- we agree Cloister Gate Drive would be closed?

A. Yes.

Q. And knowing that, in your testimony today, we have adequate and safe access to our property, we have eliminated the ability, have we not, to access the light at Bellona and Charles for people who wanted to go south on Charles Street?

A. That is correct.

Q. Would it be a safe movement, in your opinion, if we were able to access Bellona and Charles to get to the light to go south on Charles Street, would that be a safe traffic move?

A. In my opinion, it would be.

Q. And if this was a perfect world and you could have your wish today, would you say that that would be a

preferable access point?

A. Preferable from the standpoint of convenience. It's not a -- in my opinion, the U-turn is not a safety issue, as long as two things occur.

Number one -- maybe three things. Number one, that you have adequate distance for weaving, for folks to get in the left lane, to get in the left-turn lane, and we certainly have that here.

Number two, that you have sufficient sight distance to see oncoming vehicles. I have testified we have over 800 feet, and 400 feet is desirable.

Number three, that the U-turn movement can be made without causing a problem, causing you to make a three-point turn, and that, indeed, can occur with passenger vehicles to date, and will be modified to allow for the U-turn of vans under permit by the State Highway Administration. So it is and it will be a safe movement to make.

Would it be more desirable for the developers to have access to Cloister Gate Drive in order to have to make a right turn on Bellona and left turn at the signal?

Yes. Is it necessary? No.

Q. Therefore, is it your opinion that our means of ingress and egress will be safe and not cause any adverse impact on the health or safety of the surrounding community, from a traffic standpoint?

A. It is my opinion it will not create an adverse effect.

Q. And is it your opinion that, based on your testimony, the amount of traffic generated by this facility will not create congestion in roads, streets or alleys?

A. In my opinion, this use where it's located will not create congestion in roads, streets or alleys, and would not create any different impact where it's located, quite frankly, than if located elsewhere.

And the U-turn issue is one that is going to be made in a safe situation. And the use, the utilization of that property as townhouses, if it did not have access through Cloister Gate Drive, would be making the same U-turns.

MR. HOFFMAN: Thank you.

THE CHAIRMAN: Mr. Whitman.

CROSS EXAMINATION

BY MR. WHITMAN:

Q. I think you just said if there were townhouses there and if they did not have access through Cloister Gate Drive.

You are aware the current plan provides for thru access through that entire area?

A. I was aware there was a plan to show that, yes, sir.

Q. Just to go back a little bit, you said the distance that you would drive turning right out of the exit up to the U-turn was about half a mile?

A. That was estimated yes.

Q. So a person heading south would then be going a mile out of his way?

A. Yes, sir.

Q. You said you assumed that there would be a fifty-fifty mix of people heading north and south?

A. Yes, sir.

Q. Did you take into account where the people

19 leaving that exit would likely go?

For instance, I know when I leave my house, I go to the 7-Eleven or grocery store or to pick up my kids at school, whatever. And if we look at that plan, all those things are located south, not north?

A. Who are we talking about picking up children and --

Q. Employees of the place. Employees that go to the 7-Eleven at lunchtime, or go shopping, or go get gas at the Mobile or Exxon. All those are south?

A. Of course, what we're talking about are employees of the assisted living facility.

Q. And visitors.

A. And visitors. I think that you made a very astute statement indicating that the convenience uses, many of those are located to the south.

And as you may be aware, or the Board may be aware, convenience uses are, from a land use prospective, are placed in a convenient location, that is, gas stations, 7-Eleven, those types of stores and facilities that cater to the convenience of the traveling public will

select whether they want to catch the inbound or the outbound movements, such that, typically, one does typically not leave their place of employment and say, "Okay, well, I am going to get gasoline," in the middle of the day.

If they are coming northbound on Charles Street and they need gasoline, and their selection is the Mobile station, then they will stop on their way to work, because they know that, going home, they'd be making a left turn across traffic, have to make a left turn back out. It's not convenient.

The same thing with convenience stores. Doesn't mean people don't do it. But convenient land uses are located to be convenient to the motoring public, and if you know your favorite place is inbound in the morning or outbound in the evening, that's typically when you utilize those uses.

There's no question that there may be some employees that go out in the middle of the day to go to the gas station or Eddie's or 7-Eleven.

But I think the majority of those convenience

trips will occur, certainly if they are going northbound, will try to occur in the morning on the way in.

We made the fifty-fifty split because of the demographics that we are aware of in the area. Without knowing precisely the number of the employees and where they are going to live, and precisely the number of the residents and their families as where they are going to live, we assumed the fifty-fifty split.

Q. Very good. Thank you. Do you know why the state requested the porkchop median block?

A. I believe I know why they requested that. Based on my discussion was them, the median itself is simply not wide enough to store a vehicle that would make its way halfway across the intersection.

So rather than have the, or take the chance the car would be sticking out in the northbound lanes of Charles Street, they opted to modify that median.

Q. The sight distance you have mentioned was between 800 and 850 feet for a left turn at Charles Way?

A. Yes, that was the number.

Q. You also said that even at half that sight

distance, it would be adequate.

What speed are we assuming as an average speed there?

A. Forty miles an hour as you leave the traffic signal at GBMC.

Q. Is there any reason you can think of why the study done by the State Highway Administration would show an average speed of almost 50 miles an hour there and a sight line of only 600 feet?

Do they vary that much in the world of traffic?

A. I'd have to see their study in order to understand.

Q. Well, let me bring it up. I received this study yesterday from John Nesbitt of the State Highway Administration who was working with Mr. Randall Scott. Scott Randall. Excuse me.

We have been through this study three or four times, and although this study does not come to a conclusion as to the safety, or the business of a U-turn at that spot, it does go into the traffic count numbers and what they perceive to be the sight lines and the

average speed.

And although I am certainly no expert -- in fact, I found myself asking various stupid questions of them on the phone, saying, "Please explain to me," and you may have to explain this to me as well, but their conclusion, if I go page by page, the second page has a little chart, and it is that chart which shows what they call the sight line distance at the same location as being only 600 feet as they measure it.

Maybe they have a different means of measuring. I am trying to understand if you might understand why he saw only seventy-five percent of the sight line you did, or maybe they are measuring a different way. I don't know.

A. Well, I don't know that answer. I did my own measurements and, of course, you know that second page says even 600 feet meets their criteria.

Q. Be careful though. They are talking about a left turn into Charles Way which, of course, would necessitate only being an impediment on Charles Street for a fraction of a second.

They are not talking about a U-turn here, only a

left turn into Charles Way, which is half a second across Charles, not coming to almost a dead stop, and then accelerating with cars coming at you at the average or above average speed.

A. Well, in all due respect, I think -- I'm hoping that folks that are making a left turn onto Charles Way are coming to a complete stop before they proceed as well.

But, nevertheless, you're going to be moving at a very low rate of speed, whether you're making a left or a U-turn.

Q. How long does it take you to get up to speed as you make the U-turn to get up to forty?

A. You're making the U-turn into the acceleration lane of the shoulder area, so you are -- once you make the U-turn, as shown on my exhibit in Appendix B, you have made the turn, you're out of the traffic, and you're into the shoulder area, as if you were -- had just made a right turn out of Charles Way.

So that movement can be made in one to two seconds to make a U-turn movement to put yourself onto the shoulder.

Q. So in that amount of time, you can essentially execute a left turn and at that point and now the process of getting back on?

A. Yes.

Q. You're anticipating going completely off Charles Street to the shoulder?

A. Yes.

Q. Where there is what looks like about -- well, how much time does it take for that car to get back up to speed?

A. Well, it depends on how fast or how aggressive the motorist is.

Again, it's not like if you made a right turn out of Charles Way onto the acceleration lane.

You're waiting for gaps, and then you accelerate, and it depends on how aggressive the driver is.

Q. Would there -- I take it this U-turn would improve with practice? Someone who negotiates it day after day would get better at it?

A. I'd say that that's probably correct, but it is -- there is certainly enough room for passenger cars to

make the movement. And we are going to make sure that the vans, if they desire to, can make the movement.

And the important thing is that they can make it with haste, if, indeed, they need to, so that they are not hesitant, that they can see there's enough room to make the U-turn. Without the shoulder, they couldn't do that.

Q. Do the cars presently making U-turns there now, do they utilize the shoulder?

A. They have to. It's just geometrically not possible to make a U-turn within twenty-four feet of pavement that exists southbound.

Q. Going to the next page, the State Highway Administration study -- when this arrived on my desk, the prevailing speed had been circled by Mr. Nesbitt and Mr. Scott.

They've got forty-seven as a prevailing speed, and about fifteen percent of the cars moving faster than that one way or another.

Does that surprise you, or is that just something that is a knack of when you happen to do your study and when they happen to do their study?

A. Make no mistake -- let me repeat my testimony. I did not do a speed study.

They apparently did a speed study for a few minutes. As you can see by their chart, they did a speed study, and you can't tell from this whether they counted northbound and southbound.

But you can tell from the number of cars that they only did the speed study for a few minutes.

If you add up the number of vehicles that is in the column marked "frequency," you will see that it's about sixty or sixty-five vehicles, which means, as you can see the time they did it at 2:53 in the afternoon, those sixty-some vehicles would have passed that Charles Way intersection in a matter of minutes.

So they did a very short, couple-minute study indicating forty-seven miles an hour as being the eighty-five percentile speed. That's what they mean by "prevailing."

Q. As far as we know, this is the only speed study done?

A. That is correct.

Q. Leave it there. Can you tell us who uses these U-turns now?

A. You mean their origin and destination?

Q. Just as a traffic study, who is the typical user of that U-turn?

A. Again, are we talking about the Sisters, or is it folks from Sheppard Pratt?

Q. The Sisters have an entrance on Bellona, so clearly they would never head north on Charles to go south on Charles?

A. Presumably.

Q. Do you know who else would be using that U-turn?

A. I would suspect it's folks now possibly turning out of Sheppard Pratt who may not have sufficient sight distance in order to make the left turn.

Q. Do you know -- the way Charles Street is cut with a medius -- who's required to use it, if anybody? If there are any people on Charles Street that are required to make a U-turn to get there -- to their destination?

A. I am unaware of that. And it could be someone who is misdirected.

Q. Apart from those of us who had forgotten we needed to go to the 7-Eleven or to pick up a kid.

Looking at Charles Street from the north end down to where we are, are you familiar with the entrance and exit of the other institutional uses up and down Charles Street?

A. Yes.

Q. Is there another institutional use anywhere on Charles Street from the Cardiff Apartments north of the beltway, all the way down to Cold Spring Lane, which requires people exiting to go the wrong way on Charles Street?

A. I am unaware of that, if there are any.

MR. WHITMAN: No further questions.

THE CHAIRMAN: Mr. Whitman, did you want to offer this into evidence, the study?

MR. WHITMAN: Yes.

THE CHAIRMAN Any objection?

MR. HOFFMAN: I guess I would object to its introduction as an exhibit in the case in that there seems to be a number of questions as to how certain of the data

was arrived at.

I didn't object during the questioning, because I thought it was appropriate to question Mr. Guckert about anything Mr. Whitman wanted to question about in terms of his expertise and his study.

MR. WHITMAN: If it makes Mr. Hoffman any happier to have it come in, I can't offer it for its truth, because I'm not an expert.

I am offering it for the fact we have a difference of opinion.

THE CHAIRMAN: The Board will review it and assess whatever weight we feel is necessary and proper.

MR. WHITMAN: Thank you.

THE CHAIRMAN: Anything else? Any redirect?

REDIRECT EXAMINATION

BY MR. HOFFMAN:

Q. Mr. Guckert, just physically, because I made the turn and I am a little bit curious about the 600 feet versus the over 800 feet, would the State Highway Administration, if it was doing a sight line study, perhaps stop where they thought they had enough adequate

sight distance and say it is 600 feet, or is this -- is that a standard practice?

I guess that's a yes or no question. And if it isn't, I'd like to know it isn't, and I will go on to something else.

A. Ask the question again if you'd like a yes or no answer.

Q. Would the State Highway Administration, in preparing a sight line report analysis, give a number, a distance, that would equate to their adequate sight line distance and stop there and not give you a further measurement, is that a standard practice of theirs?

A. They might. Yes, they might.

Q. I have made that U-turn, as I am sure a number of people in this room, just to see what it would be like.

Forgetting what the measurement is, can you see the top of the vehicle that is stopped at the light at GBMC and Malverne Avenue -- I'm sorry -- at GBMC and Charles Street?

A. My observations have been that just passed that entrance, that signal, there's a bus stop on the west side

of Charles Street proceeding southbound, and that's the area where I was able to see oncoming vehicles.

Q. I am a little taller than you are, I guess?

A. And that may be the issue, because the sight line has to occur not from a standing driver's eye, but from a seated driver's eye, and that may be why your sight distance is slightly longer than mine, if you were *standing*.

Q. In terms of the speed analysis and its relationship to sight distance, when you say a travelway is posted for a certain mile per hour, forty miles per hour in this case, do you, as a traffic consultant and, therefore, the State Highway Administration people, you assume people are going forty miles an hour, or did you assume something different?

A. It depends on the roadway. There's engineering judgment involved.

In a situation like this, you may assume that they are traveling faster going northbound because they are coming down the hill versus maybe at the speed limit going southbound because a large number of those vehicles

have been stopped at the traffic signal at the entrance to GBMC.

So forty to fifty miles an hour is a reasonable speed. At forty miles an hour, you need 400 feet.

The State Highway Administration is indicating in their exhibit that at 50 miles an hour, the desired speed at fifty miles an hour, 475 would be the acceptable range.

MR. HOFFMAN: Thank you. I have no further questions.

RECROSS EXAMINATION

BY MR. WHITMAN:

Q. Well, getting back to that point, what they said is it's adequate for a left turn without regard to your improvement of the shoulder or anything else?

Their narrow focus was a left turn on Charles Way is what their sight line and charts reveals, not a U-turn?

A. For clarification, their Table III-1, which is labelled Stopping Sight Distance for Wet Pavement, is the amount of sight distance that's required to make a particular movement.

And by that, I mean if you're able to get out of

the way of the vehicle, whether it's crossing the roadway or making a left turn or making a U-turn, if you're able to see far enough in advance, you're able to see the situation, understand it, react to it, put your foot on the gas, make the movement, get out of the way of the oncoming vehicle, and it's really not going to matter -- and I guess it's a matter of interpretation of this exhibit as to whether you're making a left or U-turn -- once you have started making the movement across the southbound lanes, you need to have sufficient time to complete that movement.

And if that completion is going onto Charles Way or making a U-turn onto the shoulder, as long as you have enough sight distance to effectuate that move, then you're making it in a safe manner.

Q. I think you already just testified cars headed north might be going faster, having to come down that hill, than cars going south?

A. And it's unclear from the state's document, because they mention southbound, northbound, it's unclear whether they looked at one direction or both directions.

Q. Isn't it a fact that as you approach from the north to the GBMC traffic light, you're on a down slope there?

A. Yes.

Q. And then you're on a straightaway until you get to Charles Way, and then you go up again. So, really, the Charles Way is at the bottom of two hills, one from the north and one from the south?

A. You're going southbound on Charles Street approaching Charles Way, there is a slight grade, but it's not a big grade.

It's when you get to Charles Way, you start up the grade.

But as you're coming northbound towards Charles Way, there's no question you're coming down a hill.

Q. The down slope, coming from the north?

A. Southbound.

Q. Having done that a million times myself, I can state it comes from the overpass at Joppa where you are higher than the beltway by a hundred or more feet and continues, basically unabated, slowly, true, but unabated

all the way around those turns and gets steepest as you're approaching GBMC, and from that point on it's now flat?

A. I agree once you get to GBMC, you're generally flat. You get to Charles Way, and you start up the hill.

Q. Okay, enough of that.

MR. HOFFMAN: We all agree on something.

MR. WHITMAN: No further questions.

MR. HOFFMAN: No further questions.

THE CHAIRMAN: Thank you.

THE CHAIRMAN: Why don't we take a break.

(A recess was taken.)

THE CHAIRMAN: Are you ready, Mr. Hoffman?

MR. HOFFMAN: Yes, sir.

THE CHAIRMAN: We can go back on the record..

MR. HOFFMAN: Our next witness would be Mr. Bradley.

R O B E R T F. B R A D L E Y,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. HOFFMAN:

Q. Mr. Bradley, could you state your name, your address, and your occuption, please.

A. My name is Bob Bradley. I am President of Morris and Ritchie Associates, engineers, surveyors, landscaping architects. My address is 110 West Road, Towson 21204.

Q. Mr. Bradley, you're a licensed professional engineer, licensed professional land surveyor and licensed landplanner with your firm?

A. Yes, that's correct.

Q. I just handed the Board and David a copy of your qualifications.

You have testified before this Board in your capacity as an expert in land planning and engineering?

A. Yes, I have.

MR. HOFFMAN: I would offer, if there's no objection --

MR. WHITMAN: I have no objection.

MR. HOFFMAN: That would be Petitioner's No. --

THE CHAIRMAN: Number 9, I believe.

Q. Mr. Bradley, so I don't forget to do this, I am going to go to the final development plan issue first.

As I stated in my opening, there is a final development plan for the first section of the Cloisters which included the townhouses and single family detached dwellings and also included something called a provisory section shown on this drawing, provisory section, future section townhouses, and I ask you if you could identify whether this is signed by the county for the amended final development plan for the Cloisters at Charles Subdivision?

A. Yes, it is.

Q. It's signed by Mr. Mitch Kellman, who's formerly of the Office of Zoning?

A. Yes.

MR. HOFFMAN: If I could introduce this plan as Petitioner's Exhibit No. 10, please.

THE CHAIRMAN: No. 10.

Q. As you indicated, this shows the provisory section, some townhouses in the area where we are proposing to develop an assisted living facility?

A. Yes, it does.

Q. Therefore, those changes occur within 300 feet of the existing townhomes?

A. Yes, they do.

Q. The purpose of the final development plan is to provide owners of property within the subdivision with notice as to what uses may be made on other portions of the property that have not yet been developed?

A. That is correct, yes.

Q. Mr. Cardona was here earlier. You heard him testify that he and his neighbors live within a section that's covered by this final development plan?

A. Yes, that is correct also.

Q. Would it be correct, to amend a final development plan, one must show we meet the requirements of the special exception, correct?

A. Yes.

Q. In your testimony, you will be covering the elements of the special exception as the other witnesses that would be applicable to amending this final development plan as well to provide for the assisted living facility?

A. That is correct, yes, I will.

Q. There's one other requirement for amending the

assisted living facility, that the proposed use would be consistent with the spirit and intent of the original plan.

Do you have an opinion as to whether our proposal would be within the spirit and intent of this plan, Petitioner's Exhibit No. 10?

A. I believe, yes, that the provisory section, which we'll be amending, will, in fact, be within the spirit and intent of the plan, because we will be continuing to show a clustered environment.

As the townhouses were originally proposed to be a clustered environment, so will the assisted living facility be a clustered housing environment.

Q. Mr. Bradley, I know most of this has been covered by other witnesses, but you're the engineer under whose supervision the site plan was drawn, Petitioner's Exhibit Number 1?

A. That is correct.

Q. You were involved in the initial stages of design of the project and the creation of the plan?

A. Yes, that's also correct.

Q. From its inception?

A. Yes.

Q. Referring now to section 502.1, I'd like to just ask you to go through with me each of those requirements, and I will ask you if you believe there would be any adverse impact, and to gave the basis for that opinion.

First, do you believe the proposed assisted living facility will be detrimental to the health, safety or general welfare of the locality involved?

A. I believe it will not be deteriment. The use, the assisted living use is very compatible with the neighborhood and it is very appropriate to be located on this parcel.

Q. When you say "compatible with the neighborhood," are you talking about its architectural design? Its massing? Be a little more detailed.

A. I think many things go into the compatibility. One is the orientation of the building versus the adjacent uses, and certainly you can see from Exhibit 1 and the testimony that was offered earlier that the proposed assisted living facility adjacent to the School Sisters of

Notre Dame facility is a logical extension of that use. So the orientation is the same.

The access, of course, will be shared. The parking for the assisted living will be to the side of the facility, much like the parking for the immediate adjacent neighborhood Villa Assumpta building characteristic. You have seen earlier from the architectural exhibits that were submitted that the proposed building is of a residential character in order to provide an effective transition between the local residential uses and the Villa Assumpta.

Q. Will this facility tend to create congestion in roads, streets or alleys?

And I'd like you to address that issue more from a land planning and engineering standpoint in terms of the physical design of the access point, the number of parking spaces that are available, those sort of issues, as opposed to what Mr. Guckert has already covered in detail.

A. I don't believe that there will be any tendency to create congestion in the roads, either adjacent to the site, the public roads, or the roads and parking on site.

The combined entrance with the Villa Assumpta creates a very controlled point of access to the project.

And on our site, we are providing for the required number of parking spaces, forty-six parking spaces, and the appropriate amount of loading spaces and handicap spaces.

And you will notice that the front of the building itself has a turnaround for a prime entry point for dropoff of visitors, or perhaps access for emergency vehicles.

Q. Would the proposed assisted living facility create potential hazard from fire, panic or other dangers?

A. It will not, not to any greater effect than other uses in the area. There's adequate public water facilities in Charles street there will be extended into the site for fire protection.

And as was testified to earlier, the building construction would meet code to promote as much safety as possible.

Q. Would the proposed facility tend to overcrowd the land or cause undue concentration of population?

A. It will not overcrowd the land. We have more than an adequate amount of open space provided.

We are at or exceed all the setbacks in the zoning code. The stormwater management facility you, might notice, is underground so not to be seen from the surface, so there's a large amount of green area, if you will, planted area on the site.

Q. Mr. Bradley, how far is this particular building set back from the right-of-way of Charles Street? And I guess more in relationship to the setback of the Sisters building.

A. The southwest corner of the site or of the building that's closest to the School Sisters building is actually set back a little bit further than the School Sister's convent.

The northwest building corner of the building is set back eighty feet from the right-of-way line, which is about 140 feet from the center line of Charles Street.

So that corner of the building, the northwest corner, is slightly closer to the right-of-way line for Charles Street than Villa Assumpta.

Q. That looks like Charles Street curves in the direction of our site?

A. Right, curving to the right would tend to make a relationship possible.

Q. Would the proposed facility interfere with adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements, conveniences, or improvements?

A. It would not interfere with the utility systems. By and large, the amount of utilities that would be required to serve this site, instead of the twenty-three townhouses which it replaces in terms of density, those amount of utilities are, in fact, less.

And the use or occupancy of this sort of facility would have no impact on schools, and virtually no impact on any of the parks or other local open spaces in the area.

Q. Would the facility interfere with adequate light or air?

A. I don't believe it does. In fact, it provides much less of an impact than the adjacent School Sisters

building.

Q. The proposed zoning classification is in a variety of D.R. zones.

Could you first please explain what the purposes of the D.R. zoning classifications are, and then state whether you believe the proposed project would be inconsistent in any way with those purposes?

A. The density residential zones were created to provide a variety of residential housing types in Baltimore County, single family, all sorts of multi-family, depending on its density and the zone.

In this case, the balance of the property, when it was originally approved, was a clustered project, if you will, to take advantage of portions of the site for a higher density type product, namely, townhouses.

This particular use as a residential facility would be consistent with the provisions of the density residential zone.

Q. The proposed change, not to flip back to that final development plan, but the proposed change, is the final development plan, consistent with this proposal,

would it be consistent with the purposes and intent of the provisions in the D.R. zones that cover final development plans?

A. Yes, it does.

Q. Would the proposed assisted living facility be inconsistent in any way with the spirit and intent of the zoning regulations generally?

A. No.

Q. To your knowledge?

A. No, not inconsistent at all.

Q. Would it being inconsistent with the applicable and impermeable surface and vegetative retention provisions of the zoning regulations?

A. No, this use would not in this particular zone. There's not a requirement for a vegetative cover, nor a floor area ratio.

Q. There is, however, local open space, or open space requirements, is that correct?

Q. Yes, it is.

Q. Do we meet or exceed that requirement?

A. We do exceed the requirement per the zoning

regulations.

MR. HOFFMAN: I have no further questions.

THE CHAIRMAN: Mr. Whitman?

MR. WHITMAN: No questions.

* * * * *

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1997, Legislative Day No. 15

Bill No. 89-97 (See Also Bill # 136-97)

All Councilmembers

By the County Council, August 4, 1997

A BILL

ENTITLED

AN ACT concerning

Signs

FOR the purpose of updating and amending the Baltimore County Zoning Regulations concerning permanent and temporary on-premises signs and permanent off-premises signs; defining certain terms; identifying classes and structural types of signs; establishing use, area, height, number, illumination and other limitations; establishing general prohibitions and exceptions; establishing special requirements for particular classes of signs; establishing County policies concerning compliance with sign regulations; permitting certain exemptions; requiring the submission of signage information as part of the development review and approval process; and generally relating to the regulation of signs.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining INDICATES AMENDMENTS TO BILL.

EXHIBIT B

PERMANENT SIGNS

I	II	III	IV	V	VI	VII	VIII	IX
Class	Structural Type	Zone or Use	Permit Req.	Area/ Face	No./ Prem.	Ht.	Illumination	Addit'l Limits
1. CHANGEABLE COPY, meaning an on-premises sign displaying a message which may be changed periodically, manually or by electric or electronic controls	(a) Wall-mounted; free-standing	Accessory to institutional structure OR COMMUNITY BLDG.	~~Bldg~~ USE	25 sq. ft.	One	6 ft.	Yes	
	(b) Wall-mounted, free-standing; canopy	Accessory to a theater, stadium, or similar public entertainment use	~~Bldg~~ USE	150 sq. ft.	One; two if on canopy	25 ft.	Yes	
	(c) Wall-mounted, free-standing, canopy	Accessory to a planned shopping center or to any separate commercial establishment in a Business zone	~~Bldg~~ USE	See Sec. 450.7.B	One	25 ft.	Yes	See Sec 450 7.B
2 COMMUNITY, meaning a sign displaying the identity of a subdivision, or residential community	Wall-mounted, free-standing	All zones	~~Bldg~~ USE	25 sq. ft.	Not applicable	6 ft.	Yes	Maximum two signs per highway intersection
3 DIRECTIONAL, meaning a sign intended principally for traffic control, or to provide directions to an entity, activity or area elsewhere on the same premises	Wall-mounted, free-standing; projecting	Accessory, in all zones	~~Bldg~~ USE	8 sq. ft.	Not regulated	6 ft. in nonresidential zones; 4 ft. in residential zones	Yes	See Section 450 6 A 1 and A.2 May include company name or logo, if not more than 30% of the total sign area
4 DIRECTORY, meaning an accessory sign displaying the identity and location of the nonresidential occupants of a building or development	Wall-mounted; free-standing	All zones, See Section 450.7.A	~~Bldg~~ USE	Not regulated, except 25 sq. ft. in SE zone	Not regulated	6 ft.	Yes	See Sec 450 7 A

I	II	III	IV	V	VI	VII	VIII	IX
Class	Structural Type	Zone or Use	Permit Req.	Area/ Face	No./ Prem.	Ht.	Illumination	Addit'l Limits
ENTERPRISE, cont'd								
	(o) Wall-mounted;	Waterfront business off-premise directional	Use	6 sq. ft.	Not applicable	6 ft., but up to 10 ft. if multiple signs are on a single sign post	Yes	Must obtain written permission of premises property owner Number per business determined by the Director of PDM. Use permit application may include more than one sign.
6 **IDENT-IFICATION,** meaning a sign displaying the name or purpose of a place or structure	Wall-mounted, free-standing, integral	Accessory to a multi-family building or institutional structure or community building	~~Bldg~~ USE	25 sq. ft.	1 for each frontage	6 ft.	Yes	
7.**JOINT IDENT-IFICATION,** meaning an accessory sign displaying the identity of a multi-occupant non-residential development such as a shopping center, office building or office park	(a) Wall-mounted	BL, BM, BR, CB, BLR	~~Bldg~~ USE	12 percent of area of wall upon which sign is erected	One per frontage	Not applicable	Yes	
	(b) Free-standing	BL, BM, BR, BLR	~~Bldg~~ USE	The greater of (a) 1 sq. ft. per 4 linear ft. of frontage, maximum 150 sq. ft.; or (b) 1 sq. ft. per 4 linear ft. of building facade parallel to the lot line with frontage, maximum 150 sq. ft.; or (c) 100 sq. ft.	One per frontage	25 ft.	Yes	For shopping center, may display the names of tenants or occupants if copy is at least eight inches high, and no more than five lines are displayed.
	(c) Free-standing	CB	~~Bldg~~ USE	1 sq. ft. for each 8 ft. of linear bldg. or lot frontage, whichever is greater	One per frontage	12 ft.	Only during hours of operation	Same as 450 4 7 b above

Per. #

ROBERT F. BRADLEY, P.E.
President

Project Assignment:

Civil Project Manager

Years of Experience:

MRA:	9
Other Firms:	24

Education:

BS, Civil Engineering, 1973
The Johns Hopkins University

MBA, Finance 1982
Wilmington College

M.S., Real Estate 1996
The Johns Hopkins University

Active Registration:

Maryland, Professional Engineer
1973, #8641
Pennsylvania, Professional Engineer
1975, #PE019891E
Delaware, Professional Engineer
1974, #4579
New Jersey, Professional Engineer
1975, #GE20658
Virginia, Professional Engineer,
#0402007663
Florida, Professional Engineer 1992,
#0042337
Pennsylvania, Land Surveyor 1980,
#SU000018A
New Jersey, Professional Planner
1980, #LI02261

MORRIS & RITCHIE ASSOCIATES, INC.

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Qualifications:

Mr. Bradley has over 30 years experience in all phases of civil engineering and land planning. As a registered engineer, surveyor and planner, his diverse project background includes all phases of site engineering and planning, public utilities system, and road design. He also has extensive experience with land development projects for residential, commercial, industrial and institutional sites including initial project concept and planning through design and construction. His experience includes management of water resources related projects including storm water management, floodplain analysis, bank stabilization, etc.

Mr. Bradley's project experience includes the following:

BUSINESS / INDUSTRIAL PARK PROJECTS

Riparius Center at Owings Mills, Baltimore County, Maryland - Principal-In-Charge to re-plan and engineer the 162 acre office park in light of current market and space needs. Sensitive management, forest buffer and wetland mitigation issues were addressed and reviewed by a Joint Agency Review Group (J.A.R.G.) of local, state and federal agencies. Approximately 1.5 million square feet of office buildings will occupy the site.

T. Rowe Price Data Processing Center, Owings Mills, Maryland - Principal supervisor for the fast track design - build 50,000 SF data processing center.

BUSINESS / INDUSTRIAL PARK PROJECTS

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COMMERCIAL

Dulaney Center, Towson, Maryland - Overall project responsibility for planning and site engineering for multi-use building, utilities and parking.

Crossroad Station, Fallston, Maryland - Overall project responsibility for site planning and engineering for ±30,000 SF retail center.

Grumman Aerospace Building, Glen Arm, Maryland - Project responsibility for site engineering for a 100,000 SF pre-engineered manufacture plant.

AAI Corporation, Cockeysville, Maryland - Boundary survey and subdivision plan.

Target Store, Owings Mills, Maryland - Principal-In-Charge for one of the regions first stores. Difficult site adaptation, community issues and public infrastructure presented challenges to the design schedule.

DOMICILIARY PROJECTS

Residential

Winding Ridge, Frederick County, Maryland - Principal-In-Charge for this 71 lot single family project.

North Crossing, City of Frederick, Maryland - Principal supervision on site improvement design for 307 unit residential project.

Owings Mills New Town, Owings Mills, Maryland - Principal supervisor of multiple residential sections with amenity spaces for this planned unit development.

Village of Wisp, Garrett County, Maryland - Master Plan, engineering and construction coordination for 325 unit residential development.

Chapelgate, Baltimore, Maryland - Overall project responsibility for the design and construction of a 453-unit residential complex.

Wellington Trace, Frederick County, Maryland - Principal-In-Charge of 800 unit Planned Unit Development's rezoning and construction document preparation.

Wilson Farm Glyndon, Maryland - Principal supervision of a 139 lot single family Planned Unit Development.

Rockland Mills, Rockland Delaware - Project manager for this 132 unit residential adaptive re-use project. Responsibilities included site planning and engineering, surveying, and utility design.

Royal Grant, Kent County, Delaware - Project manager with responsibility for site design and engineering, utility design, management design, and surveying for this 240 unit residential project.

General's Green, Kent County, Delaware - Project manager with responsibility for site planning, site engineering, surveying, utility design and management design for this 200 unit townhouse residential project.

Centennial Village, New Castle County, Delaware - Project Manger with responsibility for site planning, site engineering, surveying, utility and management design for this 350 unit residential project.

Rivers End, New Castle County, Delaware - Project Manger with responsibility for site planning, site engineering, surveying, utility and storm water management design for this 1600 unit mixed residential planned development.

Parkview Trails, Woodlawn, Maryland - Topographic survey and construction stakeout for mixed use residential project.

Woodbrook, Randallstown, Maryland - Principal-In-Charge for a 51 lot single family project. The "in-fill" project required attention to screening/buffer with adjacent neighborhoods.

Retirement Communities

Charlestown Retirement Community, Baltimore, Maryland - Project responsibility for master planning site engineering for additional buildings and site improvements on a 100± acre site.

Correctional Facilities

FACETS, Inc. Master Plan, Harford County, Maryland - Development of the master plan for this 20 acre residential care facility for boys which includes vocational, educational, recreational, rehabilitation and residential components.

EDUCATIONAL FACILITIES

Goucher College - Towson, Maryland - Project responsibility for site engineering for buildings and site improvements.

McDonogh School, Owings Mills, Maryland - Analysis of excess property for divestiture purposes.

HYDROLOGY / HYDRAULICS

FIA/HUD flood studies in Kent and Sussex Counties, Delaware.

Numerous reinforced concrete box and structural plate pipe culvert design and flood plan analysis throughout the Baltimore Metropolitan area.

MEDICAL FACILITIES

Greater Baltimore Medical Center, Baltimore County, Maryland - Principal supervision on the design for an addition of a multi-level parking garage, oncology expansion and physicians office pavilion to an urban type campus.

Christiana Medical Office Building at the Wilmington Medical Center, Wilmington, Delaware - Project manager for site planning, site engineering, and landscape architecture for a medical office building expansion, including new parking areas, an auto court, and utility relocation.

The Johns Hopkins University, School of Hygiene & Public Health, Wolf Street, Teaching and Research Building, Baltimore, Maryland.

Harford Memorial Hospital, Parking Facilities, Havre de Grace, Maryland - Study of parking requirements for hospital and development of plans and specifications for a surface lot on adjacent property.

Helix Health Medical Office Building, Dundalk, Maryland - Principal supervision for a 49,000 SF building in a commercial corridor.

QUARRY / LANDFILL

Genstar Quarry, Texas, Maryland - Boundary Survey to transfer 35 ± acres to China Clay.

RECREATIONAL FACILITIES

Oakmont Green Golf Course and Subdivision, Hampstead, Maryland - Principal and Project Manager for development of 18 hole golf course and residential development.

RELIGIOUS FACILITIES

Archdiocese of Baltimore - Master planning and construction document preparation of a variety of sites and projects including Archbishop Curley High School, St. John the Evangelist, St. Joseph Fullerton, St. Joseph Texas, and Sacred Heart Glyndon.

ROADWAY PROJECTS

Maryland Route 30, Hampstead, Maryland - Roadway, drainage and intersection improvements.

Mays Chapel Road, Baltimore County, Maryland - Road Realignment design and drainage facilities.

Maiden Choice Lane, Baltimore County, Maryland, - Highway widening, vertical realignment and drainage improvements.

Delaware Route 4, New Castle County, Delaware - Project manager with responsibility for road and utility design for dualization and upgrade of Delaware Route 4 between Ogletown and Stanton, Delaware.

Tollgate Road and Boulton Street Intersection, Harford County, Maryland - Improvements and traffic signalization.

Joppa and Providence Road, Baltimore County, Maryland - Intersection improvements.

Dulaney Valley Road, Baltimore County, Maryland - Improvements and drainage design from Joppa Road to I-695.

UTILITY PROJECTS

Water

Water Treatment Plant, Middletown, Delaware - Expansion and upgrade study, design and construction.

Charlestown Retirement Community, Baltimore County, Maryland - Design and construction plans for potable water, fire protection system and master meter for 1500 unit life care community.

Wastewater

Tall Timbers Sewerage Project, St. Mary's County, Maryland - Project manager for this low pressure sewage collection system and pumping station, which includes surveying and mapping, subsurface exploration and geotechnical investigations, preliminary system design and cost estimate, and final design including construction documents for approximately 18,000 LF of low pressure, small diameter force mains, 146 grinder pumps, and a collection system pumping station.

City of Lewes, Delaware - Wastewater Facilities Plan.

Chesapeake City, Maryland - Wastewater Facilities Plan.

Royal Grant, Dover, Delaware - 250,000 g.p.d. Wastewater pumping station.

Villages of Wisp, Garrett County, MD - Extension of pressure sewer system, 100,000 g.p.d. wastewater pumping station, potable water treatment plant and booster station, and 40,000 gallon water storage tank.

Rockland Mills, Delaware - Two stage wastewater pumping stations and force main system.

Pinedale Road Relief Sewer, Baltimore County, MD.

The Cloisters at Charles, Baltimore County, Maryland - 6,000 LF sanitary sewer interceptor.

Long Beach Areas I & II, Baltimore County, Maryland - Principal supervision of preliminary design and construction documents for a low pressure grinder pump sewage collection system to serve over 200 existing residences.

Edgemoor Interceptor, New Castle County, Delaware - Construction inspection.

Miscellaneous

Baltimore Gas & Electric Company - Gas Transmission and Distribution - Responsible for Quality Assurance and Quality Control for gas main projects.

"Planner of Record" Salem / Hope Creek Nuclear Power Plant, N.J. - Overall responsibilities for master planning.

Awards:

Named "Consultant of the Year" by the Land Development Council of Home Builders Association of Maryland, 1997.

Management Achievement Award for Marketing Management from the Professional Services Management Association, 1992.

1996 Olympic Torch Bearer and Community Hero Award.

Organizations:

Certified Professional Manager by and Member of Professional Services Management Association

Member of Board of Directors and Co-chair of Public Works Committee of Baltimore County Chapter, Home Builders Association of Maryland.

Member and Vice Chair - Harford County Environmental Advisory Board

Member National Association of Industrial and Office Properties (NAIOP)

University Alumni Council, The Johns Hopkins University

Nominating Committee, Society of Engineering Alumni, The Johns Hopkins University

Johns Hopkins University Berman Real Estate Institute Real Estate Round Table Member

FACETS, Inc. Board of Directors 1987-1996.

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Pet. #3

hcm 2

Edward M. Hord, FAIA

TITLE
Senior Principal

EDUCATION

Bachelor of Arts (1968)
Master of Architecture (1970)
Washington University
St. Louis, Missouri

PROFESSIONAL LICENSES
Mr. Hord is a registered architect in Maryland, Virginia, and the District of Columbia.

PROFESSIONAL ACTIVITIES
Fellow, American Institute of Architects
Vice President, American Institute of Architects (1998)
Member, Advisory Committee, Architectural Record Magazine (1996-Present)
Board member of the American Institute of Architects (1994-1996)
Past president (1992) of the Maryland Society of the American Institute of Architects
Past president (1991) of the Baltimore Chapter of the American Institute of Architects

CIVIC ACTIVITIES
Member of the Building Committee for the National Aquarium in Baltimore
Member, Advisory Committee to the School of Architecture-Morgan State University

EXPERIENCE AND QUALIFICATIONS

Ed Hord is a Principal of the firm Hord Coplan Macht. He began the firm in 1977 with Lee Coplan and Carol Macht. He is also the firm's Principal-in-Charge of housing projects. Since 1994, Mr. Hord has overseen the design and completion of more than 800 units of affordable elderly housing and more than 1,600 units of multi-family housing, high-rise and mid-rise apartment buildings. Mr. Hord has also designed new town houses and garden apartments. He has designed dwellings in historic row houses. He has adapted historic schools, warehouses, and other existing structures into housing. Mr. Hord is currently managing over 800 units of assisted living projects in the mid-Atlantic region and has managed a wide variety of project types during HCM's prosperous history.

Projects managed by Mr. Hord have received design awards from the following organizations:

- *Baltimore Chapter of the AIA*
- *Home Builders Association of Maryland*
- *Baltimore Magazine*
- *Maryland Society of AIA*
- *National Association of Home Builders, National Council on Seniors' Housing*

PROJECT EXPERIENCE

Carriage Run Elderly Housing
Columbia, Maryland

Park Chesaco Elderly Housing
Baltimore County, Maryland

Park View Elderly Housing
Laurel, Maryland

Park View II Elderly Housing
Laurel, Maryland

Tyler Run Elderly Apartments
York, Pennsylvania

Montgomery Landing Elderly Housing
Elkridge, Maryland

Owen Brown Assisted Living
Columbia, Maryland

Bel Air Assisted Living
Bel Air, Maryland

Park Heights Assisted Living Facility
Baltimore, Maryland

Tyler Run Assisted Living
York, Pennsylvania

The Willows Elderly Housing
Prince George's County, Maryland

Hollins Ferry Road Senior Housing
Lansdowne, Maryland

Greenmount Elderly Housing
Baltimore, Maryland

York Road Single Room Occupancy
Baltimore, Maryland

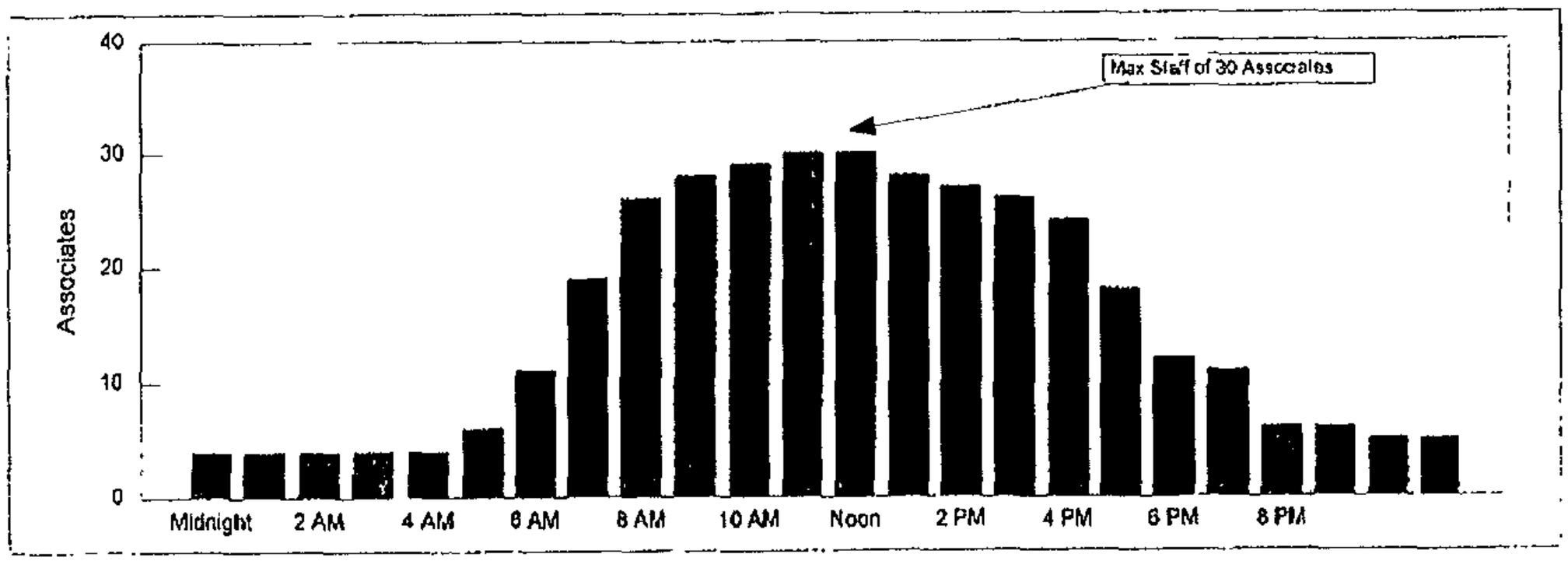
Charles & Bellona Assisted Living
Baltimore County, Maryland

Carroll Hunting Lodge Assisted Living
Baltimore, Maryland

Pg. #4

MARRIOTT SENIOR LIVING SERVICES
BRIGHTON GARDENS OF TOWSON, MD
MAXIMUM PROPERTY STAFFING (Weekday Assuming 100% Full Time Staff)

94 AL & 25 ALZ	Midnight	1 AM	2 AM	3 AM	4 AM	5 AM	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	Noon	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM
GM									1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0						
Receptionist								1.0	2.0	2.0	2.0	2.0	2.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0				
Controller									1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0						
Housekeeping Supervisor									1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0							
Housekeeping Aides									2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0							
Laundry Aides											1.0	1.0	1.0	1.0										
Maintenance								1.0	1.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	1.0	1.0						
Food Service Manager								1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0							
Cooks							1.0	2.0	2.0	2.0	2.0	2.0	2.0	1.0	1.0	1.0	1.0	1.0						
Servers							4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0				
Utility								1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0					
Transportation												1.0	1.0	1.0	1.0	1.0								
Activities Manager										1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0						
Sales Manager									1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0						
AL Supervisor / Professional						1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
AL Aides	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Alzheimer Program Dir.								1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0							
Alzheimer Rec. Therapist								1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0							
Aides	2.0	2.0	2.0	2.0	2.0	3.0	3.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	2.0	2.0
Total Staffing	4.0	4.0	4.0	4.0	4.0	6.0	11.0	19.0	26.0	28.0	29.0	30.0	30.0	28.0	27.0	26.0	24.0	18.0	12.0	11.0	6.0	6.0	5.0	5.0



Midnight	1 AM	2 AM	3 AM	4 AM	5 AM	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	Noon	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM
4.00	4.00	4.00	4.00	4.00	6.00	11.00	19.00	26.00	28.00	29.00	30.00	30.00	28.00	27.00	26.00	24.00	18.00	12.00	11.00	6.00	6.00

301 380 8949 P.04

Pet # 11

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

December 8, 1997

Mr. Donald Rascoe
Development Manager
Office of Permits and Development Management
County Office Building
Room 109
Towson, Maryland 21204

RE: Baltimore County
PDM #1X-528 (CRG)
The Cloisters
MD 139 (SE/S)
860' north east of Bellona Avenue
Mile Post 0.88

Dear Mr. Rascoe:

This letter is in response to your request for our review of the referenced C.R.G. plan.

We have no objection to CRG approval, however, the following highway improvements must be shown on the plan prior to issuance of an access permit.

- A deceleration lane of 325' (100' taper length and 225' storage length) 14' wide along MD 139.

- Auxiliary lane widening 14' wide including curb and gutter, from property corner to property corner.

- A left-turn storage lane of 250' (150' taper and 100' storage length) 13' wide along southbound MD 139 into the proposed entrance.

- Modifications to the existing median crossover to prohibit left-turns out of the entrance onto southbound MD 139.

- A complete hydraulic analysis will be required through our Highway Hydraulic's Division.

Should you have any questions, please contact Larry Gredlein at 410-545-5606.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits Division

LG/eu

cc: Mr. Randall Scott

My telephone number is _____

Resp. #2 - for i.d. only

QUESTIONNAIRE

REGARDING: **U-turn on Charles Street, at Charlesway; from Northbound to Southbound**

1. **Name:** Karen Thompson
2. **Address:** 6522 N. Charles St.
3. **Frequency of my use of u-turn:**

   4 /day; 6 days /week

4. **How safe is this u-turn, compared to other turns that you usually make?**

   _____ very safe

   _____ safe

   _____ not safe

   ✓ very unsafe

5. **Why?**
   Because, 30,000 cars go by a day allready. Traffic goes very fast, cars squeal as they go around the turns. People use the shoulders as a bike and jog path and it is very scary to see how the cars come so close to pedestrians as they try and turn around.

6. **What do you recommend with respect to the proposed use of that u-turn by hundreds of vehicles daily exiting the proposed development at the Coisters at Charles?** I recommend that they do not do this.

Signature: Karen Thompson

I have complained numerous times to traffic police about my daughter's school bus stop. The cars refuse to stop with the buses lights. It is very dangerous for her to wait for the bus. She has to stand 1/4 way up the driveway to prevent her from being hit by careless drivers who do not stop when they see a flashing school bus.

I think it would be a big mistake to increase traffic u turns at Charlesway. Speed must be at least 50 - 60 MPH by my house. People will not slow down to allow other cars to complete the u turn.

People use Shepard Pratt to cut thru Towson. It is an antquated gatway that you have to yield the right of way. Traffic often backs up onto Charles at rush hour.

QUESTIONNAIRE

REGARDING: **U-turn on Charles Street, at Charlesway; from Northbound to Southbound**

1. **Name:** Helene Glaze
2. **Address:** 6520 N. Charles St.
3. **Frequency of my use of u-turn:**

   3or4 /day; 2or3 /week

4. **How safe is this u-turn, compared to other turns that you usually make?**

   _____ **very safe**

   _____ **safe**

   ___✓___ **not safe**

   _____ **very unsafe**

5. **Why?**
   It is unsafe because of the large volume of traffic & the speed that they drive. There are numerous accidents at the Shopshead Pratt entrance and I am sure this same thing would be happening at the Charles Way turn.

6. **What do you recommend with respect to the proposed use of that u-turn by hundreds of vehicles daily exiting the proposed development at the Coisters at Charles?**
   We are in the second house from Charles Way and I oppose this idea completely. The traffic on Charles St. is heavy enough now without adding this problem to deal with.

Signature: Helene Glaze

QUESTIONNAIRE

REGARDING: **U-turn on Charles Street, at Charlesway; from Northbound to Southbound**

1. **Name:** Richard Winfield Glaze
2. **Address:** 6520 Charles St.
3. **Frequency of my use of u-turn:**

   _____/day; Three times/week

4. **How safe is this u-turn, compared to other turns that you usually make?**

   _____ **very safe**

   _____ **safe**

   ___✓___ **not safe**

   _____ **very unsafe**

5. **Why?** Curve in Charles St. At this point

6. **What do you recommend with respect to the proposed use of that u-turn by hundreds of vehicles daily exiting the proposed development at the Coisters at Charles?**

Signature: Richard W. Glaze

QUESTIONNAIRE

REGARDING: **U-turn on Charles Street, at Charlesway; from Northbound to Southbound**

1. **Name:** William SATERLIE
2. **Address:** 6404 N. Charles ST
3. **Frequency of my use of u-turn:**

   1-2 **/day;** 8 **/week**

4. **How safe is this u-turn, compared to other turns that you usually make?**

   _____ **very safe**

   _____ **safe**

   _____ **not safe**

   ✓ **very unsafe**

5. **Why?** FREQUENT ACCIDENTS AT E Heppard PRATT Hospital GATE House- MANY OF these CARS, GO North BOUND AND then make a U-turn to head South towards Baltimore City which compounds the problem - I Have travelled 42 mph in this Stretch & Cars have passed me doing 50 mph or more

6. **What do you recommend with respect to the proposed use of that u-turn by hundreds of vehicles daily exiting the proposed development at the Coisters at Charles?** There Should be Some other exit

Signature: William M. Saterlie

QUESTIONNAIRE

REGARDING: **U-turn on Charles Street, at Charlesway; from Northbound to Southbound**

1. **Name:** Mary Ellen Saterlie
2. **Address:** 6404 N. Charles Street
3. **Frequency of my use of u-turn:**

   _____/day; 3 /week

4. **How safe is this u-turn, compared to other turns that you usually make?**

   _____ **very safe**

   _____ **safe**

   _____ **not safe**

   ✓ **very unsafe**

5. **Why?**
   Traffic coming down the hill from Bellona Ave. to the Sheppard Pratt entrance and GMBC is heavy and often extremely fast. There are accidents or near accidents at the Sheppard entrance on a daily basis. The Chgleaway U-turn is equally dangerous even with the left turn lane because of the heavy northbound
6. **What do you recommend with respect to the proposed use of that u-turn by hundreds of vehicles daily exiting the proposed development at the Coisters at Charles?**
   Identify an exit on Bellona rather than on Charles.

Signature: Mary Ellen Saterlie

traffic coming out of Sheppard Pratt as well as the regular northbound Charles Street traffic. As a board member at Sheppard Pratt, I frequently use the Charlesway U-Turn when I cannot get across the northbound lane in front of the Gatehouse in order to get to my home. This is a dangerous maneuver -- added traffic would make it virtually impossible.

Pet. #3A

THE GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS

August 18, 1997

Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Attn: Arnold Jablon

Re: PETITION FOR SPECIAL EXCEPTION AND VARIANCE
SE/S Charles Street (Rt. 139), 860' NE of c/l Bellona Ave.
(fka Cloisters at Charles, Sec II), 9th Election District, 4th Councilmanic
MOUNT VERNON PROPERTIES, INC.,
Owner --- VANGUARD DEVELOPMENT LLP
Purchaser, Petitioners, Case No. 97-400-XA

Dear Mr. Jablon:

The Greater Towson Council of Community Associations, Inc. wishes to express it's strong support for the Ruxton Riderwood - Lake Roland Association appeal of the above petition. GTCCA, Inc. is a nonprofit, umbrella group organized for the purpose of education, assistance in development, and as a means for member Community Associations to present a united front on common community problems too large or complex to be handled effectively by individual associations. The vote to support the appeal at our July meeting was unanimous.

Sincerely,

The Greater Towson Council of Community Association, Inc.

John P. Keenan
Vice President

cc: Jean DuVall
Peggy Squitieri

Plot. 3B

THE GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, INC.
61 BURKSHIRE ROAD, TOWSON, MD 21286

March 18, 1998

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE
SE/S Charles Street (Route 139), 860' NE of c/l Bellona Avenue
(fka Cloisters at Charles, Sec II), 9th Election District, 4th Councilmanic
MOUNT VERNON PROPERTIES, INC.
Owner -- VANGUARD DEVELOPMENT LLP
Purchaser, Petitioners, Case No. 97-400-XA

To Whom It May Concern:

The bearer of this letter is authorized to speak on behalf of the Greater Towson Council of Community Associations and present the attached letter which was unanimously approved at our July 18, 1997 meeting and reaffirmed at our March 19, 1998 meeting.

Very truly yours,

Betsy Kahl
President

cc: John Dahne
Jean Duvall
Laurie Long

Plan. # 4 i.d. only

SIGHT DISTANCE EVALUATION

Date 10/2097 Location 139 ½ CHARLES WAY

Eye Height

Object Height

Position of Eye (from travelway)

Position of Object 42"

SIGHT DISTANCE ~~*~~ Measured by R. Scott SHA 3/25/98 - 500'

To (Direction)

Limited By

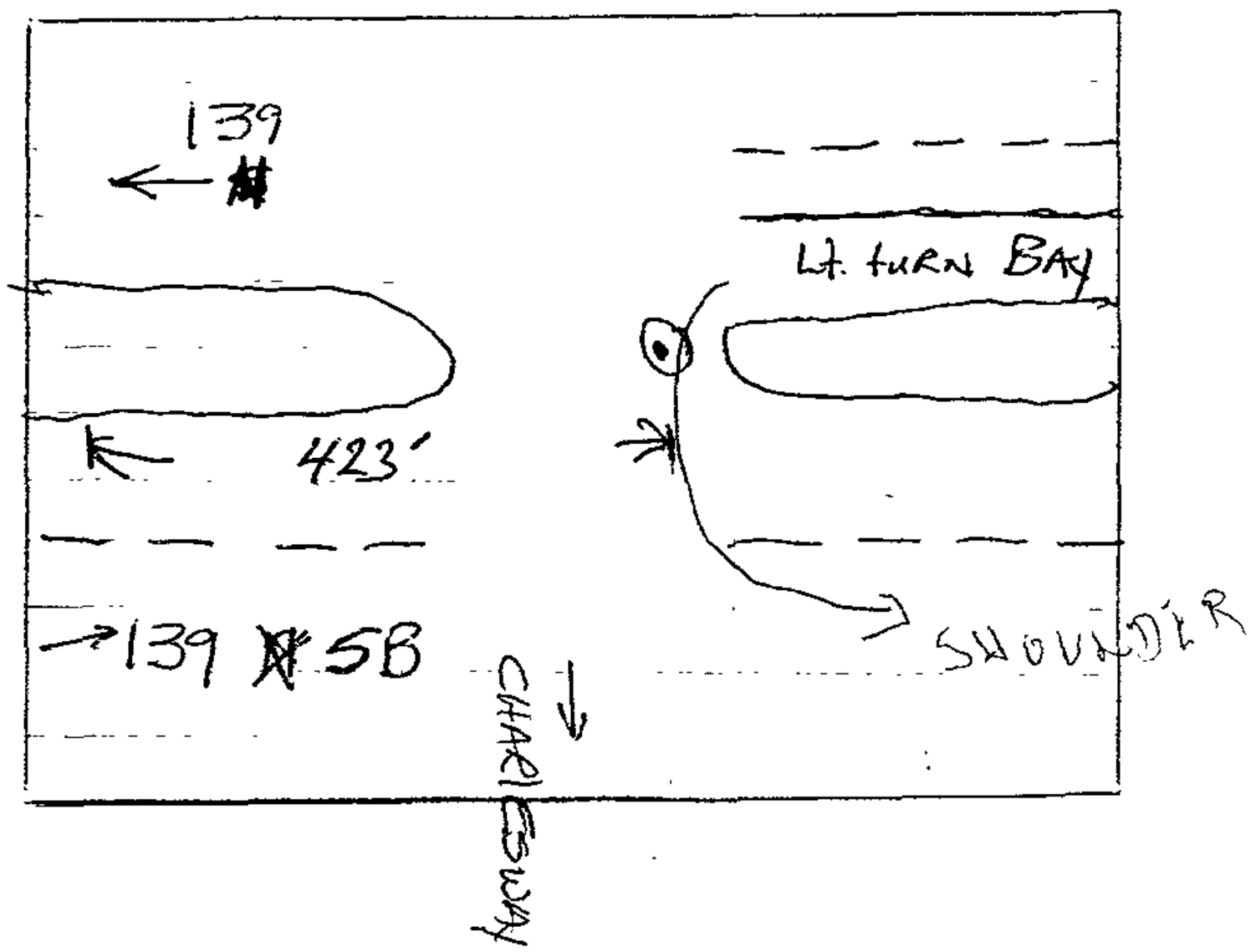
Approach Speed 40 MPH (actual mph average 55)

Speed Limit ~~40~~ MPH

Required Sight (Attach. Std)

Comments

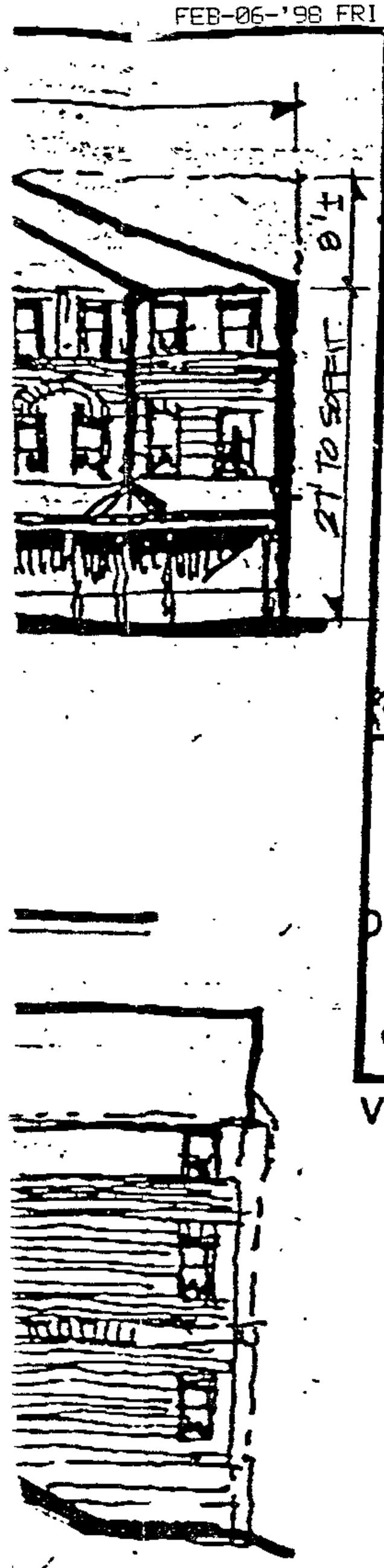
Sketch

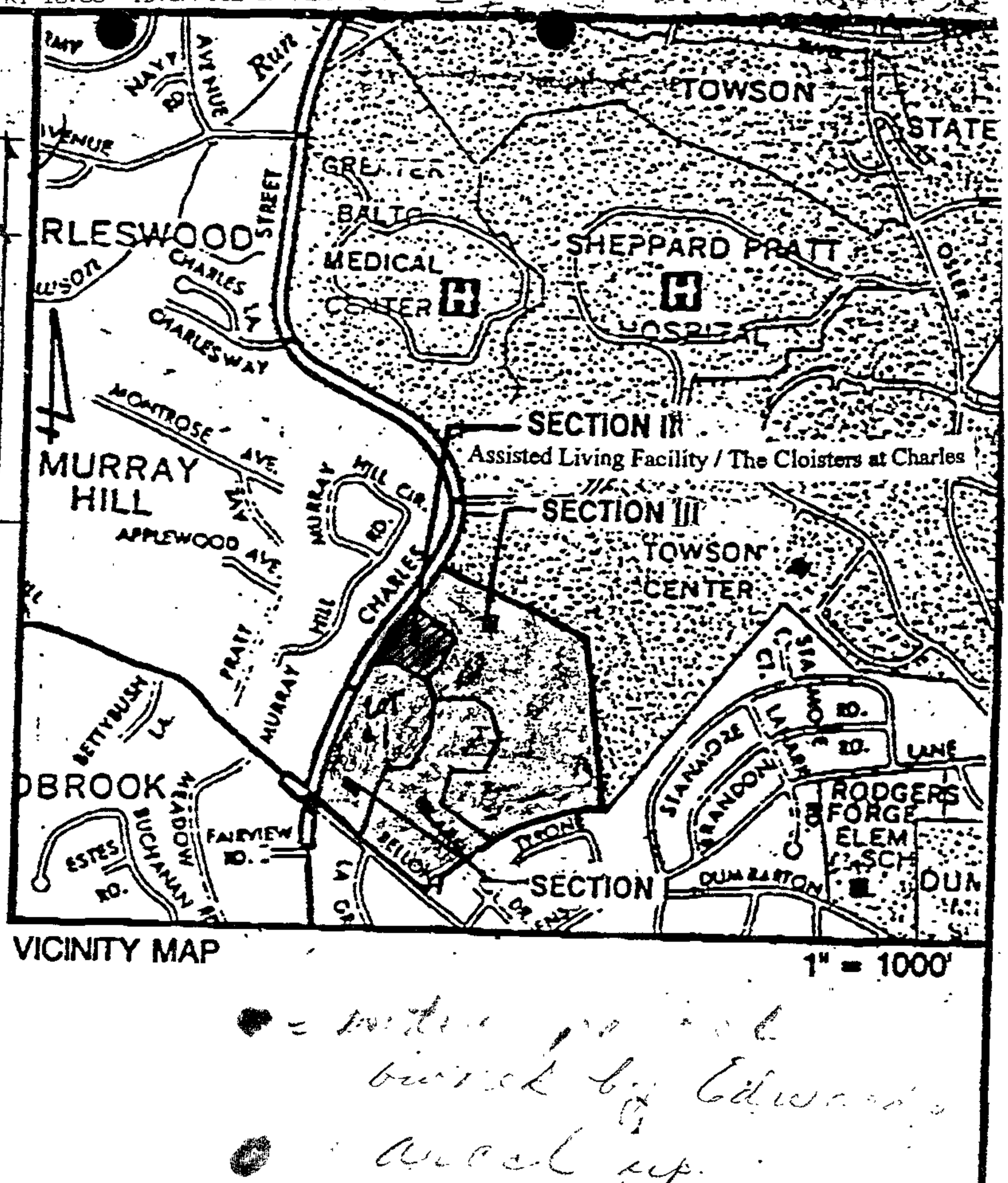


Design Speed (mph)	Assumed Speed for Condition (mph)	Brake Reaction Time (sec)	Brake Reaction Distance (ft)	Coefficient of Friction f	Braking Distance on Level[a] (ft)	Stopping Sight Distance Computed[a] (ft)	Stopping Sight Distance Rounded for Design (ft)
20	20-20	2.5	73.3- 73.3	0.40	33.3- 33.3	106.7-106.7	125-125
25	24-25	2.5	88.0- 91.7	0.38	50.5- 54.8	138.5-146.5	150-150
30	28-30	2.5	102.7-110.0	0.35	74.7- 85.7	177.3-195.7	200-200
35	32-35	2.5	117.3-128.3	0.34	100.4-120.1	217.7-248.4	225-250
40	36-40	2.5	132.0-146.7	0.32	135.0-166.7	267.0-313.3	275-325
45	40-45	2.5	146.7-165.0	0.31	172.0-217.7	318.7-382.7	325-400
50	44-50	2.5	161.3-183.3	0.30	215.1-277.8	376.4-461.1	400-475
55	48-55	2.5	176.0-201.7	0.30	256.0-336.1	432.0-537.8	450-550
60	52-60	2.5	190.7-220.0	0.29	310.8-413.8	501.5-633.8	525-650
65	55-65	2.5	201.7-238.3	0.29	347.7-485.6	549.4-724.0	550-725
70	58-70	2.5	212.7-256.7	0.28	400.5-583.3	613.1-840.0	625-850

[a]Different values for the same speed result from using unequal coefficients of friction.

Table III-1. Stopping sight distance (wet pavements).





VICINITY MAP

1" = 1000'


Marriott
BRIGHTON
GARDENS
ASSISTED LIVING

The Traffic Group

EXAMPLES OF PLACES WHERE MR. GUCKERT HAS QUALIFIED AS AN EXPERT WITNESS

California

City of Milpitas, City Council

Maryland

Allegheny County Planning Board
Anne Arundel County, Board of Appeals, Circuit Court, Zoning Hearing Examiner
City of Annapolis City Council, Planning Commission
Baltimore City Board of Zoning Appeals, City Council, Federal District Court, Planning Commission
Baltimore County Board of Appeals, Circuit Court, County Council, Planning Board, Zoning Commissioner
Town of Bel Air Board of Appeals, Planning Board, Town Commissioners
Carroll County Board of Appeals, County Commissioners, Planning Board
Charles County Town of Indian Head-Mayor and City Council
Charles County Board of Appeals, County Commissioners, Planning Board
City of Frederick Board of Appeals, City Council, Planning Commission
Frederick County Board of Appeals, County Commissioners, Planning Board
Harford County Planning Commission, Zoning Hearing Examiner
Howard County Board of Appeals, Planning Board, Zoning Board
Montgomery County Board of Appeals, County Council, Zoning Hearing Examiner
Montgomery County M-NCPPC (Planning Board)
Ocean City Planning Commission, Board of Appeals
Prince George's County Council, Zoning Hearing Examiner
Prince George's County M-NCPPC (Planning Board)
St. Mary's County Planning Board
Washington County Board of Appeals

New Jersey

Holmdel Township Planning Board

Pennsylvania

City of Scranton-Board of Appeals, Planning Board
West Whiteland Township-Planning Board, Town Council

Virginia

Arlington County Board of Supervisors
Loudoun County Planning Board
Prince William County Planning Board and Board of Supervisors

REPRESENTATIVE LIST OF PROJECTS AND STUDIES

Retail Projects

Annapolis Plaza and Restaurant Park, Anne Arundel Co.
Annapolis Mall, Anne Arundel Co.
Avenue at White Marsh, Baltimore Co
Briarcliffe Mall, Myrtle Beach, South Carolina
Cranberry Mall, Carroll Co.
Diamond Point Mall, Baltimore Co.
Festival at Riva, Anne Arundel Co
Festival at Waldorf, Charles Co
Great Mall of Arizona, Tempe, Arizona
Great Mall of the Bay Area, Milpitas, California
Lebanon Valley Mall, Lebanon, Pennsylvania
The Mall at Steamtown, Scranton, Pennsylvania
Montgomery Mall, Montgomery Co.
Potomac Mills, Pr. William Co., Virginia
Sam's Club, Anne Arundel Co.
Towson Town Center, Baltimore Co
Wal-Mart Store, Anne Arundel Co
Wheaton Plaza, Montgomery Co
Yorkridge Shopping Center, Baltimore Co

Office Projects

BWI Commerce Park, Anne Arundel Co.
Collington Corp. Ctr. , Pr. George's Co.
Columbia Corporate Park, Howard Co.
Green Spring Station, Baltimore Co
National Business Park, Anne Arundel Co
Owings Mills Corp Campus, Baltimore Co
PortAmerica, Pr. George's Co.
Presidential Corp. Centre, Pr. George's Co.
USF&G, Baltimore City

Residential Projects

Villages of Elk Neck, Cecil Co.
Villages of Marlborough, Pr. George's Co.
Villages of Piscataway, Pr. George's Co
Waverly Woods, Howard Co.
White Marsh, Baltimore Co.
Woodbridge, Harford Co.

Mixed-Use Projects

Bowie New Town Center, Pr. George's Co.
Chapman's Landing PUD, Charles Co
Milestone/Marriott Properties, Montgomery Co.
Piney Orchard PUD, Anne Arundel Co.
Riverside PUD, Harford Co.

Institutional Projects

Bryn Mawr School, Baltimore City
Friends School, Baltimore City
GBMC, Baltimore Co.
Loyola High School, Baltimore Co
McDonogh School, Baltimore Co.
Sinai Hospital, Baltimore City
St. Joseph's Hospital, Baltimore Co.
UMAB, Baltimore City
Union Memorial Hospital, Baltimore City
University of Maryland, Pr George's Co.
Villa Julie College, Baltimore Co.
Virginia Commonwealth University, Richmond, Virginia

The Traffic Group, Inc Suite 600 40 W. Chesapeake Avenue Towson, Maryland 21204 (410) 583-8405 Fax (410) 321-8458

Pet. #6

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 Steamtown (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, as a result of the 1990 Clean Air Act Amendments, Mr. Guckert formed "Transportation Coordinators" as a division of The Traffic Group, Inc. Transportation Coordinators provides consultation to employers as it relates to compliance with the Employee Commute Options (ECO) Program.

JOB HISTORY

1985 to 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

American Planning Association (A.P.A.)
Essex Community College Foundation Board of Directors
Institute of Transportation Engineers (I.T.E.)
Life Fellow
Transportation Research Board (T.R.B.)
Urban Land Institute (U.L.I.)

I.T.E PROFESSIONAL COMMITTEES

- Committee No. 5P-5 - Capacities of Multiple Left-Turn Lanes
- Committee No 5P-07 - Traffic Counting Practices
- Committee No. 5S-1 - Capacities of Triple Left-Turn Lanes
- Internal Transportation Systems for Majority Activity Centers
- Parking Facilities for Industrial Plants
- Traffic Considerations for Special Events

PUBLICATIONS

- "The Evolution of Adequate Public Facilities and Their Effectiveness as Growth Management Tools in Maryland".(Co-Author) - I.T.E. 1991 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.
Montgomery County Department of Transportation
Prince George's County Department of Public Works
The Towson Partnership
Town of Bel Air, Harford County
Town of Kensington, Montgomery County
Town of Mt. Airy, Carroll County
Virginia Commonwealth University
Washington County Department of Public Works

The Traffic Group, Inc. Suite 600 40 W. Chesapeake Avenue Towson, Maryland 21204 (410) 583-8405 Fax (410) 321-8458

Plot. # 1 I.D. Purposes

SHA-DISTRICT 4 TRAFFIC

FAX MEMO

DATE: 3/31/98

COVER MEMORANDUM

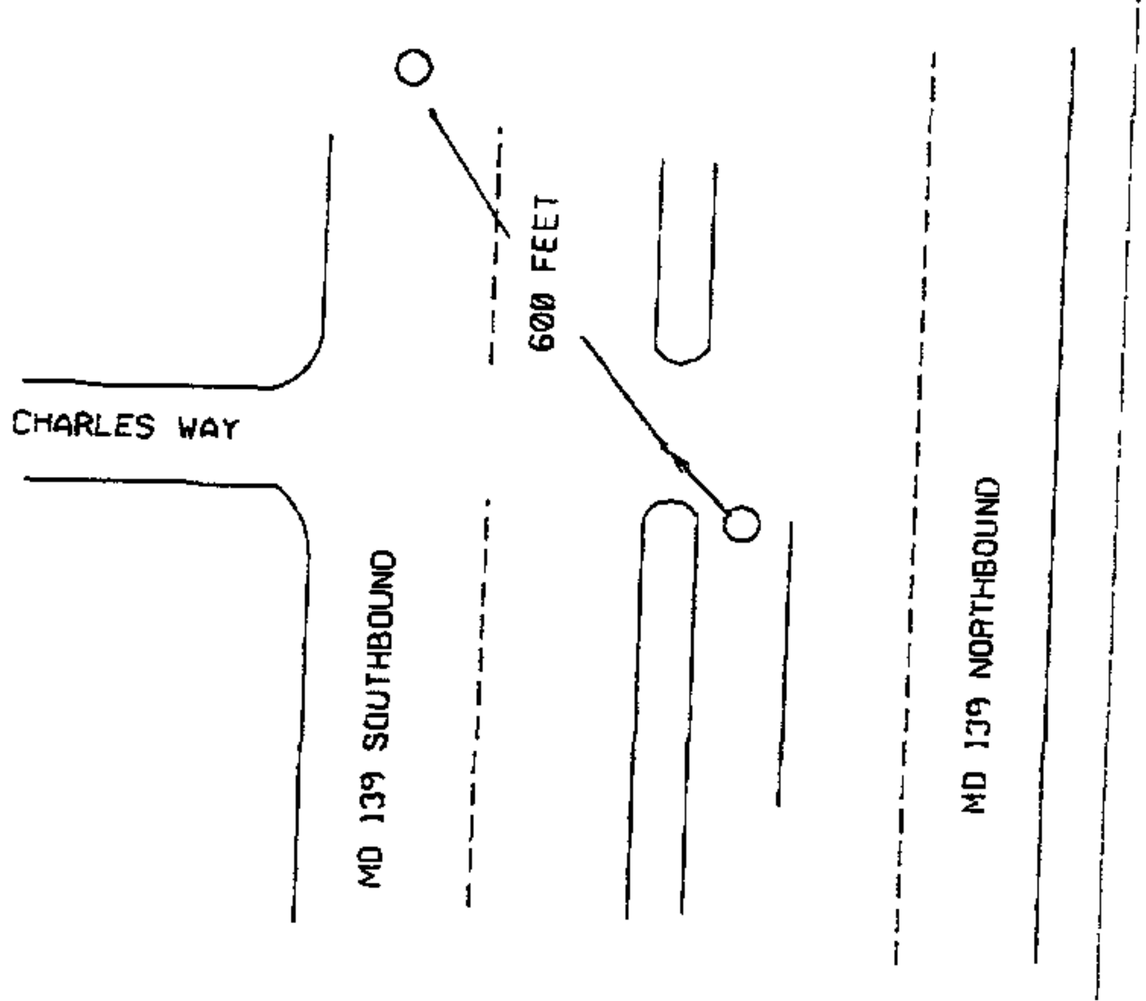
TO: MR. David Witman

FROM: John Nesbitt

TOTAL NUMBER OF PAGES (INCLUDING FAX MEMO) 5

PLEASE FORWARD THIS FAX TO THE ABOVE PERSON AS SOON AS POSSIBLE. IF YOU HAVE ANY PROBLEMS WITH THIS TRANSACTION, PLEASE CALL OUR DISTRICT 4 TRAFFIC OFFICE AT 410-321-2780. THE TELEPHONE NUMBER FOR THE FAX MACHINE AT THE DISTRICT 4 TRAFFIC OFFICE IS 410-321-2798.

Enclosed are: Line of sight sketch, speed study and stopping sight distance criteria for MD State Highways. Please call if you have any further questions.



TRAVELING NORTHBOUND ON MD 139
LOOKING SOUTHBOUND TO TURN INTO
CHARLES WAY. YOU HAVE 600 FEET OF
CLEAR SIGHT DISTANCE WHICH MEETS
OUR CRITERIA FOR ADEQUATE LINE OF SIGHT

U-TURN CAN BE MADE 1-2 seconds
CARS THAT MAKE U-TURN Use SHOULDER low

SPOT SPEED STUDY DATA SHEET

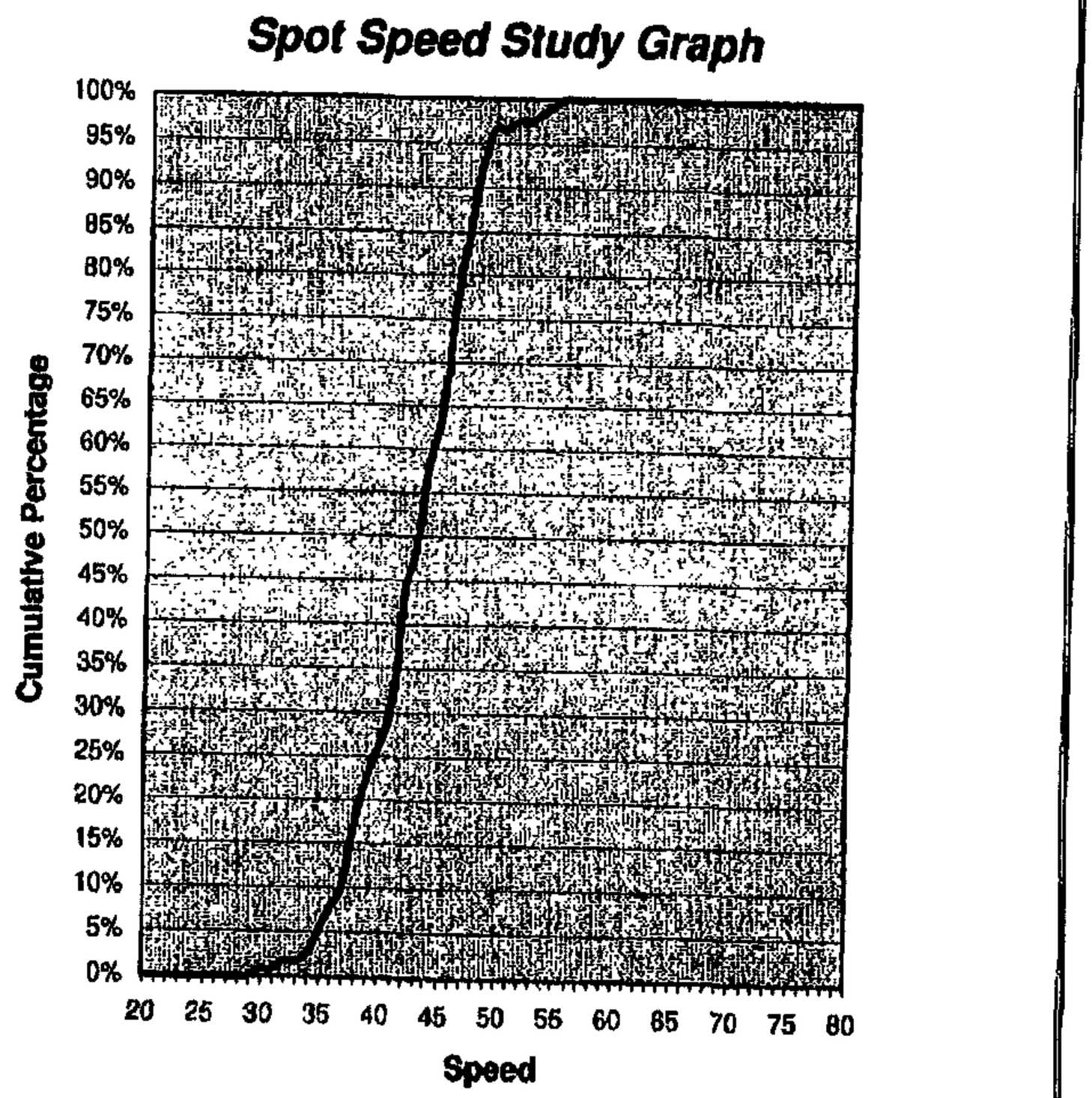
LOCATION:	MD 139
DIRECTION(S):	SB/NB
COUNTY:	BALTIMORE
DATE:	10/15/97
TIME:	2:53 PM

WEATHER:	CLOUDY
SURFACE:	Bituminous
CONDITION:	Dry
SPEED LIMIT:	40 MPH
RECORDER:	J.Nesbitt

REF: Charlesway

SPEED DISTRIBUTION

SPEED (MPH)	FREQUENCY	PERCENT	CUMULATIVE PERCENT
20	0	0%	0%
21	0	0%	0%
22	0	0%	0%
23	0	0%	0%
24	0	0%	0%
25	0	0%	0%
26	0	0%	0%
27	0	0%	0%
28	0	0%	0%
29	0	0%	0%
30	1	1%	1%
31	0	0%	1%
32	1	1%	2%
33	0	0%	2%
34	1	1%	3%
35	3	3%	5%
36	3	3%	8%
37	3	3%	10%
38	8	7%	17%
39	6	5%	23%
40	4	3%	26%
41	5	4%	30%
42	15	13%	43%
43	6	5%	49%
44	11	10%	58%
45	7	6%	64%
46	14	12%	77%
47	9	8%	84%



REVISING →

65 VEHICLES

COOKIE MINUS STUDY

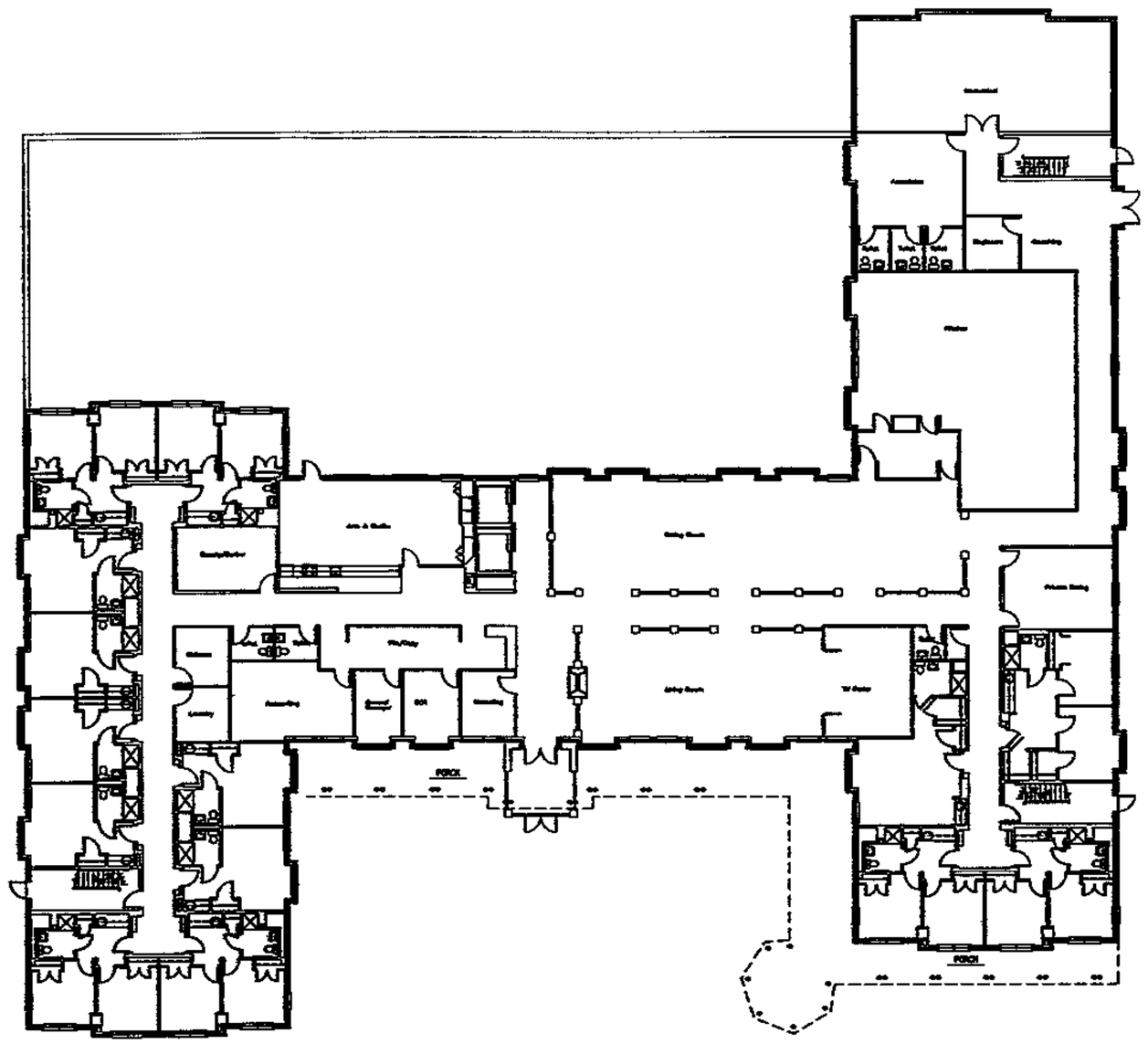
ONLY 1 DRIVER DOES

Table III-1. Stopping sight distance (wet pavements).

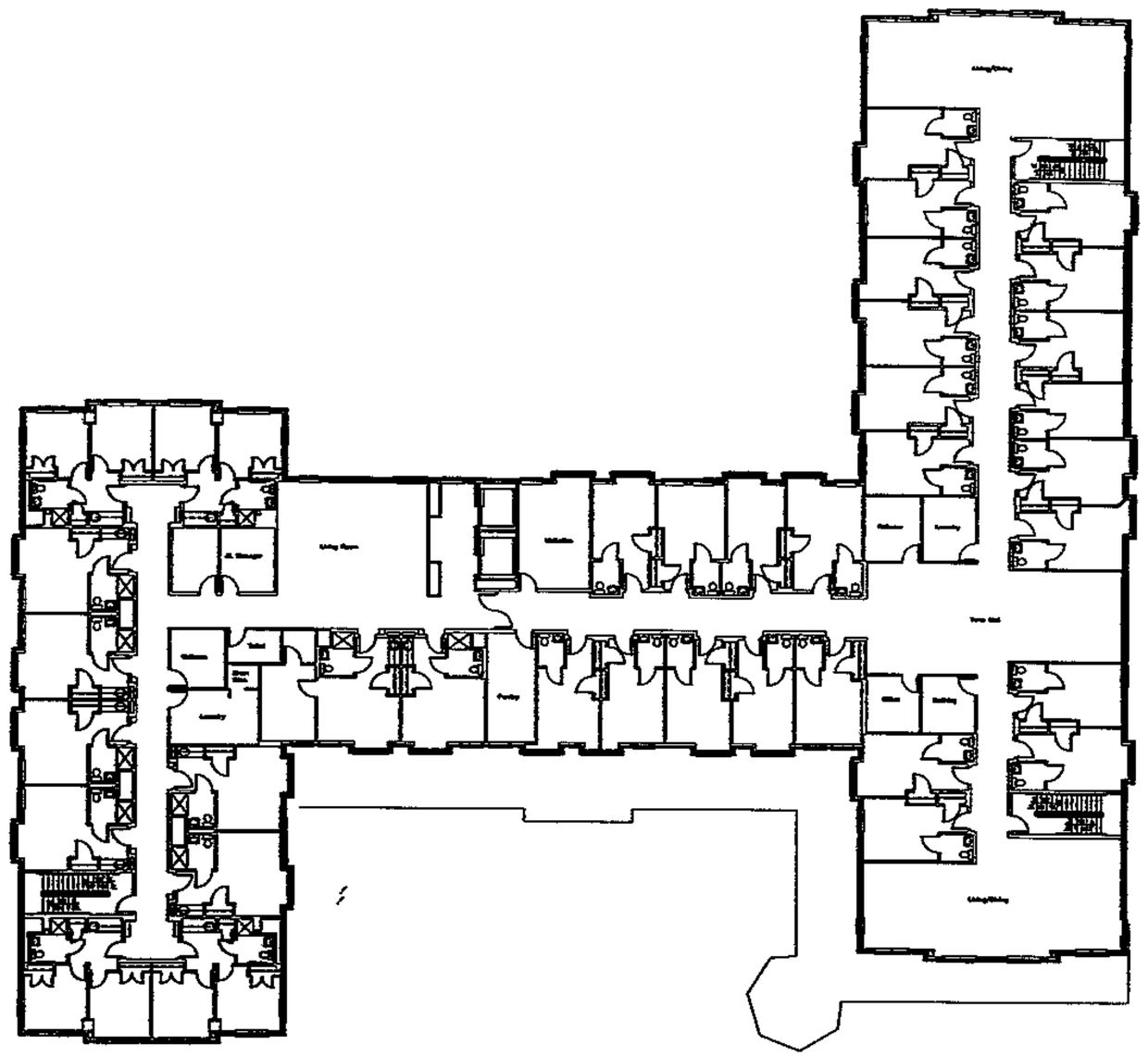
Design Speed (mph)	Assumed Speed for Condition (mph)	Brake Reaction Time (sec)	Brake Reaction Distance (ft)	Coefficient of Friction f	Braking Distance on Level (ft) [a]	Stopping Sight Distance Computed (ft) [a]	Stopping Sight Distance Rounded for Design (ft)
20	20-20	2.5	73.3- 73.3	0.40	33.3- 33.3	106.7-106.7	125-125
25	24-25	2.5	88.0- 91.7	0.38	50.5- 54.8	138.5-146.5	150-150
30	28-30	2.5	102.7-110.0	0.35	74.7- 85.7	177.3-195.7	200-200
35	32-35	2.5	117.3-128.3	0.34	100.4-120.1	217.7-248.4	225-250
40	36-40	2.5	132.0-146.7	0.32	135.0-166.7	267.0-313.3	275-325
45	40-45	2.5	146.7-165.0	0.31	172.0-217.7	318.7-382.7	325-400
50	44-50	2.5	161.3-183.3	0.30	215.1-277.8	376.4-461.1	400-475
55	48-55	2.5	176.0-201.7	0.30	256.0-336.1	432.0-537.8	450-550
60	52-60	2.5	190.7-220.0	0.29	310.8-413.8	501.5-633.8	525-650
65	55-65	2.5	201.7-238.3	0.29	347.7-485.6	549.4-724.0	550-725
70	58-70	2.5	212.7-256.7	0.28	400.5-583.3	613.1-840.0	625-850

[a] Different values for the same speed result from using unequal coefficients of friction.

48	9	8%	92%								
49	5	4%	97%								
50	0	0%	97%								
51	1	1%	97%								
52	0	0%	97%								
53	1	1%	98%								
54	1	1%	99%								
55	1	1%	100%								
56	0	0%	100%								
57	0	0%	100%								
58	0	0%	100%								
59	0	0%	100%								
60	0	0%	100%								
61	0	0%	100%								
62	0	0%	100%								
63	0	0%	100%								
64	0	0%	100%								
65	0	0%	100%								
66	0	0%	100%								
67	0	0%	100%								
68	0	0%	100%								
69	0	0%	100%								
70	0	0%	100%								
71	0	0%	100%								
72	0	0%	100%								
73	0	0%	100%								
74	0	0%	100%								
75	0	0%	100%								
76	0	0%	100%								
77	0	0%	100%								
78	0	0%	100%								
79	0	0%	100%								
80	0	0%	100%								
Total Vehicles:	115										



CONCEPTUAL FIRST FLOOR PLAN
SC.: 1" = 40'-0" 04/01/98



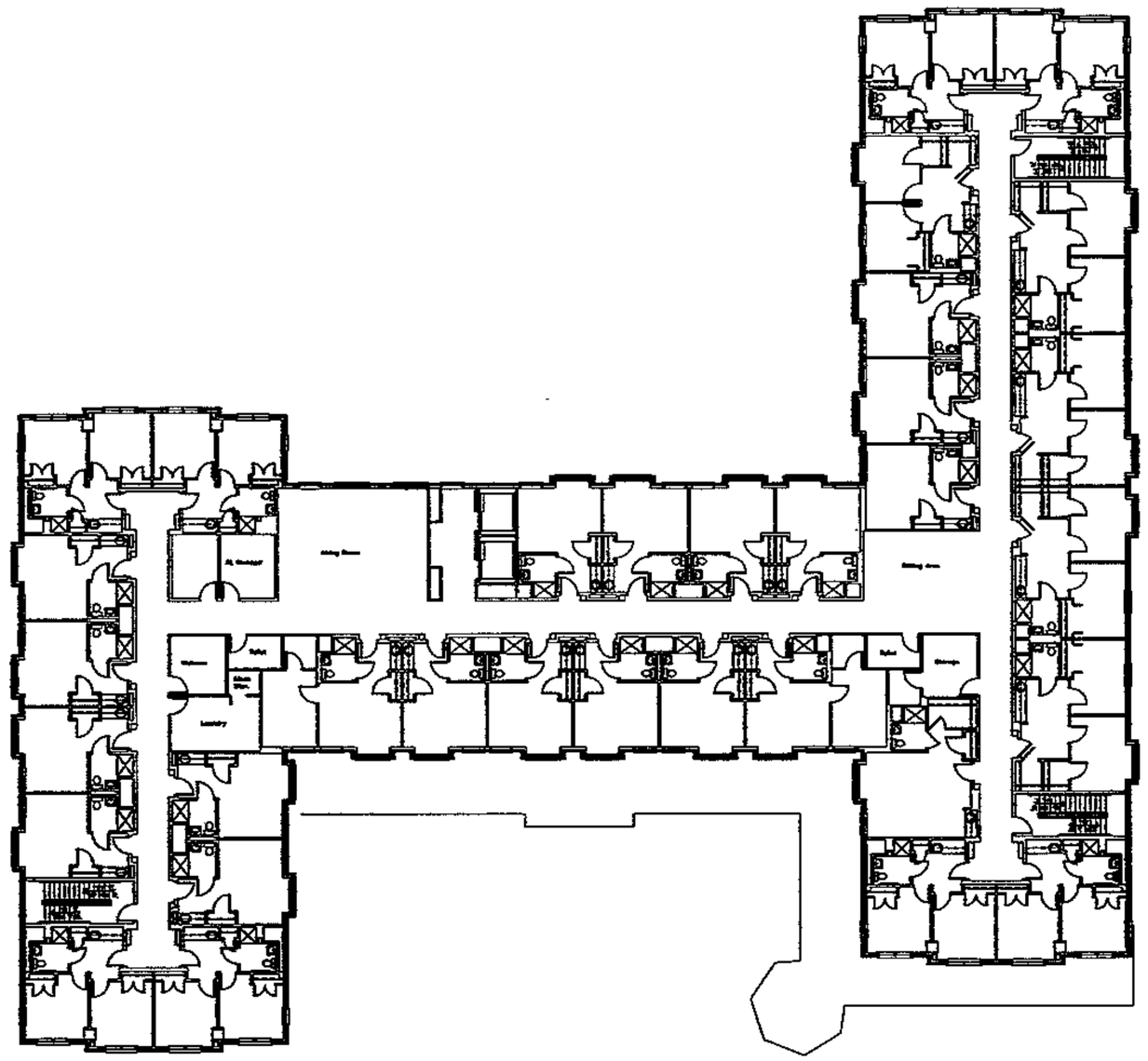
CONCEPTUAL SECOND FLOOR PLAN
SC.: 1"=40'-0" 04/01/98

hcm 2

CHARLES STREET ASSISTED LIVING FACILITY

ARCHITECTURE PLANNING INTERIOR DESIGN LANDSCAPE ARCHITECTURE 111 Market Place Suite 710 Baltimore, Maryland 21202

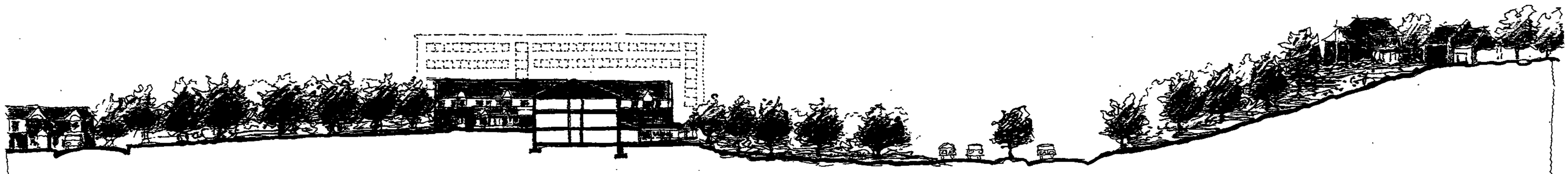
CONCEPTUAL FLOOR PLANS
03.31.98



CONCEPTUAL THIRD FLOOR PLAN

SC.: 1" = 40'-0" 04/01/98

CHARLES STREET ELEVATION



EAST/WEST SITE SECTION — ASSISTED LIVING FACILITY — CHARLES STREET — MURRAY HILL

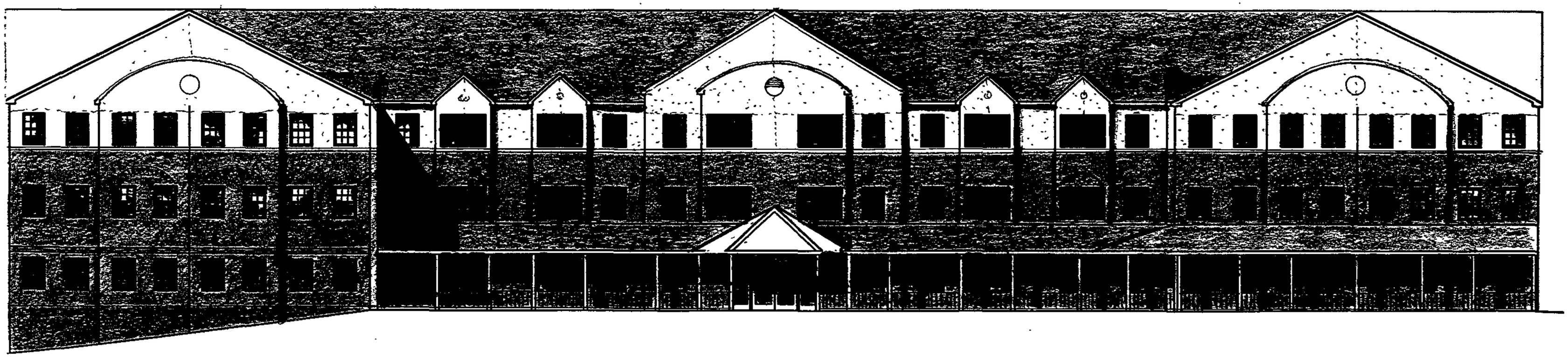
hcm²

CHARLES STREET ASSISTED LIVING FACILITY

ARCHITECTURE PLANNING INTERIOR DESIGN LANDSCAPE ARCHITECTURE 111 Market Place Suite 710 Baltimore, Maryland 21202

CONCEPTUAL ELEVATION

03.31.98



FRONT ELEVATION

1/8" = 1'

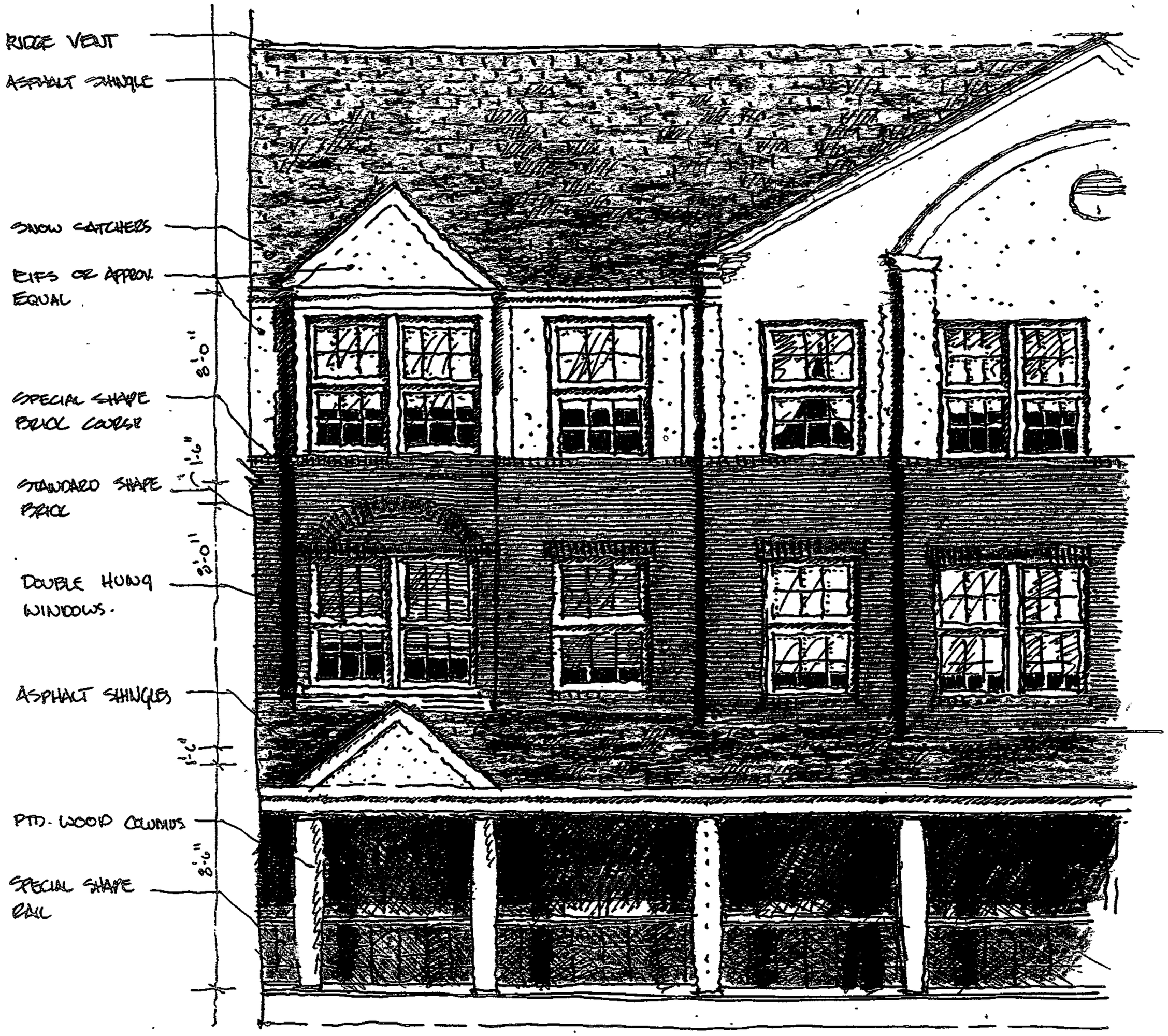
hcm 2

CHARLES STREET ASSISTED LIVING FACILITY

ARCHITECTURE PLANNING INTERIOR DESIGN LANDSCAPE ARCHITECTURE 111 Market Place Suite 710 Baltimore, Maryland 21202

CONCEPTUAL ELEVATION

03.31.98



hcm 2

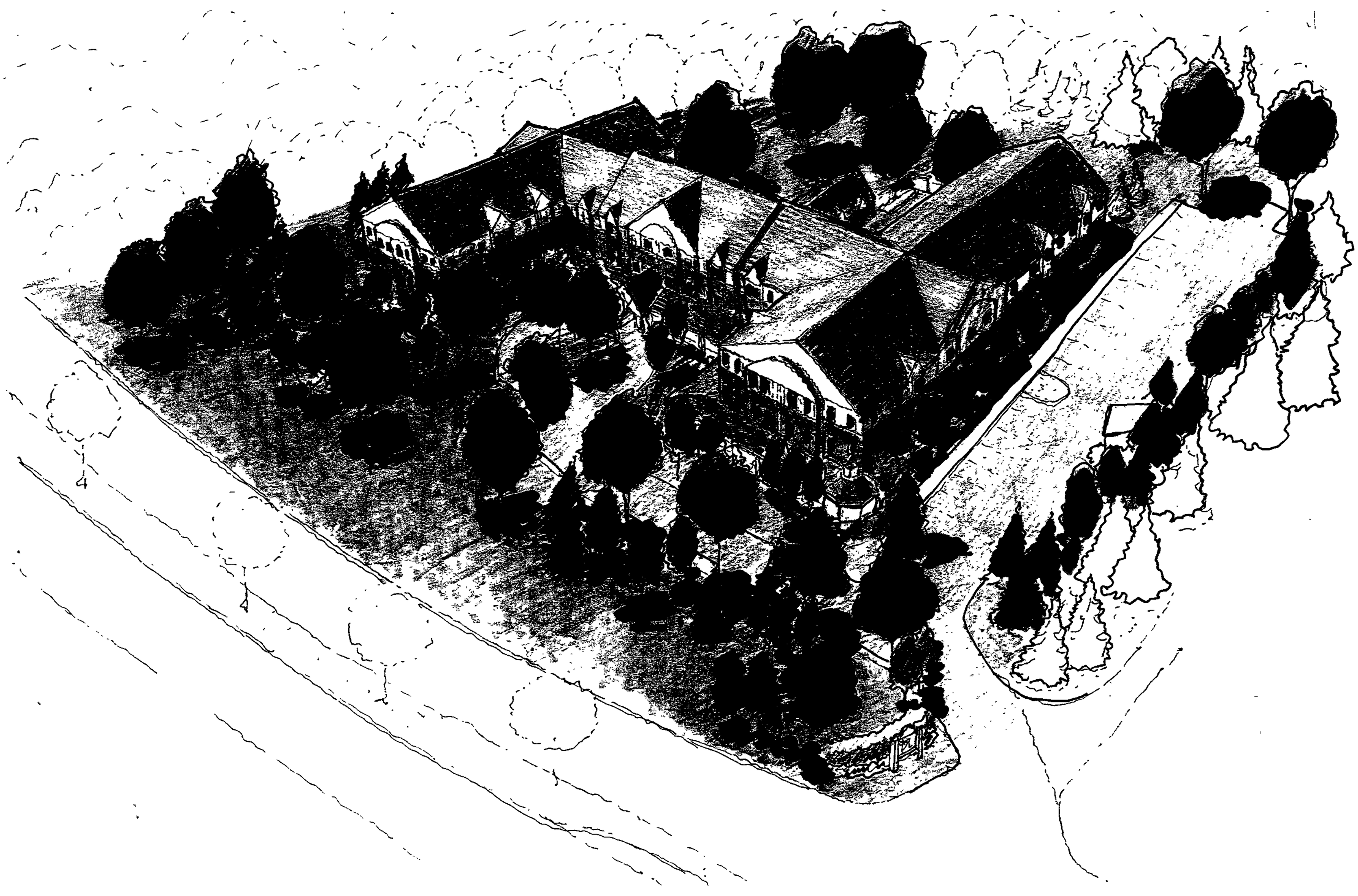
CHARLES STREET ASSISTED LIVING FACILITY

ARCHITECTURE PLANNING INTERIOR DESIGN LANDSCAPE ARCHITECTURE 111 Market Place Suite 710 Baltimore, Maryland 21202

CONCEPTUAL ELEVATION

03.31.98

Petitioners
#2



hcm 2

CHARLES STREET ASSISTED LIVING FACILITY

ARCHITECTURE PLANNING INTERIOR DESIGN LANDSCAPE ARCHITECTURE 111 Market Place Suite 710 Baltimore, Maryland 21202

CONCEPTUAL IMAGE

03.31.98

hcm 2

CHARLES STREET ASSISTED LIVING FACILITY

ARCHITECTURE PLANNING INTERIOR DESIGN LANDSCAPE ARCHITECTURE 111 Market Place Suite 710 Baltimore, Maryland 21202

CONCEPTUAL IMAGE

03.31.98

Peg. #8

The Traffic Group

March 26, 1998

Trout, Segall & Doyle
Mr. Bob Doyle
Village of Cross Keys
219 Village Square
5100 Falls Road
Baltimore, Maryland 21210

RE: Cloisters - Assisted Living Facility
Baltimore County, Maryland
Our Job No.: 960603

Dear Mr. Doyle:

The Traffic Group, Inc. has undertaken an analysis relating to the proposed 92-bed assisted living facility (ALF) to be located in the northeast quadrant of MD 139 (Charles Street) and Bellona Avenue in Baltimore County. The site location is shown on Exhibit 1.

Exhibit 2 shows the amount of traffic projected to be generated by the facility throughout a 24-hour period.

The table below shows the amount of traffic projected to be generated during peak hours. The traffic projections are based upon traffic studies conducted by The Traffic Group, Inc. at other similar assisted living facilities.

The Traffic Group, Inc.
Suite 600
40 W. Chesapeake Avenue
Towson, Maryland 21204
410-583-8405
Fax 410-321-8458

	Morning Peak Hour			*Evening Peak Hour*			*ADT*
	In	*Out*	*Total*	*In*	*Out*	*Total*	
Cloister's Assisted Living							
Trips/Bed	0.19	0.10	0.29	0.15	0.23	0.38	3.8
Trips/92 Beds	17	9	26	14	21	35	350

The Traffic Group, Inc. undertook an intersection turning movement count from 7-9 AM and 4-6 PM in March, 1998 at MD 139 and Charles Way and the total vehicles observed along with the condition diagram and photographs are contained in Appendix A to this report. As shown by the traffic volumes, there are a total of 9 cars using Charles Way during the morning peak hour and 11 cars using Charles Way during the evening peak hour. Currently, there are no cars making a left turn into Charles Way from northbound Charles Street during the morning peak hour and 7 cars making a left turn onto Charles Way during the evening peak hour. Based on observations during the day of our count, there were 9 cars making a U-turn northbound along Charles Street at Charles Way for the four-hour period between 7 and 9 AM and 4 and 6 PM.

Based upon our traffic counts (and using appropriate factors), MD 139 has an ADT of 30,000 vehicles per day. (15,000 cars/day NB and SB.)

As can be seen from Exhibit 2, the site will generate a very small amount of traffic each hour throughout the day (maximum of 35 cars during the highest hour). We have estimated that 50% of the cars will want to proceed south along MD 139. During the highest hour a maximum of 10 vehicles will need to make a U-turn at Charles Way (1 car every 6 minutes).

Appendix B contains copies of two plans that show the sight distance to southbound vehicles and the U-turn movement for both a car and a van.

Based upon the data contained in this report, the site will not have an adverse impact.

Sincerely,

John W. Guckert/smb

John W. Guckert
President

JWG:smb

cc: Rob Hoffman (1) (Hand Delivered)

(960603/wp/Doyle2)
(UPS-NextDay-PM)

The Traffic Group

NOT TO SCALE

EXHIBIT 1
SITE LOCATION MAP

EXHIBIT 2

PROJECTED TRAFFIC VOLUMES FOR CLOISTERS ASSISTED LIVING FACILITY BALTIMORE COUNTY, MARYLAND

	Volumes Average Weekday					
	Inbound		*Outbound*		*Total*	
Time	*Volume*	*%*	*Volume*	*%*	*Volume*	*%*
AM						
12-1	0	0%	0	0%	0	0%
1-2	0	0%	0	0%	0	0%
2-3	0	0%	0	0%	0	0%
3-4	0	0%	0	0%	0	0%
4-5	2	1%	0	0%	2	1%
5-6	12	3%	1	0%	13	3%
6-7	12	3%	5	1%	17	4%
7-8	18	5%	11	3%	29	8%
8-9	11	3%	7	2%	18	5%
9-10	9	3%	7	2%	16	5%
10-11	12	3%	11	3%	23	6%
11-12	12	3%	12	4%	24	7%
12-1	11	3%	13	4%	24	7%
1-2	14	4%	12	4%	26	8%
2-3	14	4%	15	4%	29	8%
3-4	11	3%	20	6%	31	9%
4-5	7	2%	17	5%	24	7%
5-6	14	4%	21	6%	35	10%
6-7	7	2%	8	2%	15	4%
7-8	4	1%	11	3%	15	4%
8-9	4	1%	6	2%	10	3%
9-10	4	1%	0	0%	4	1%
10-11	0	0%	0	0%	0	0%
11-12	1	0%	0	0%	1	0%
PM						
24-Hour Total	**179**	**49%**	**177**	**51%**	**356**	**100%**

THE TRAFFIC GROUP, INC.

3/25/98

(960603/wp/Chart)

APPENDIX A

The Traffic Group

VEHICLE TURNING MOVEMENT COUNT - SUMMARY

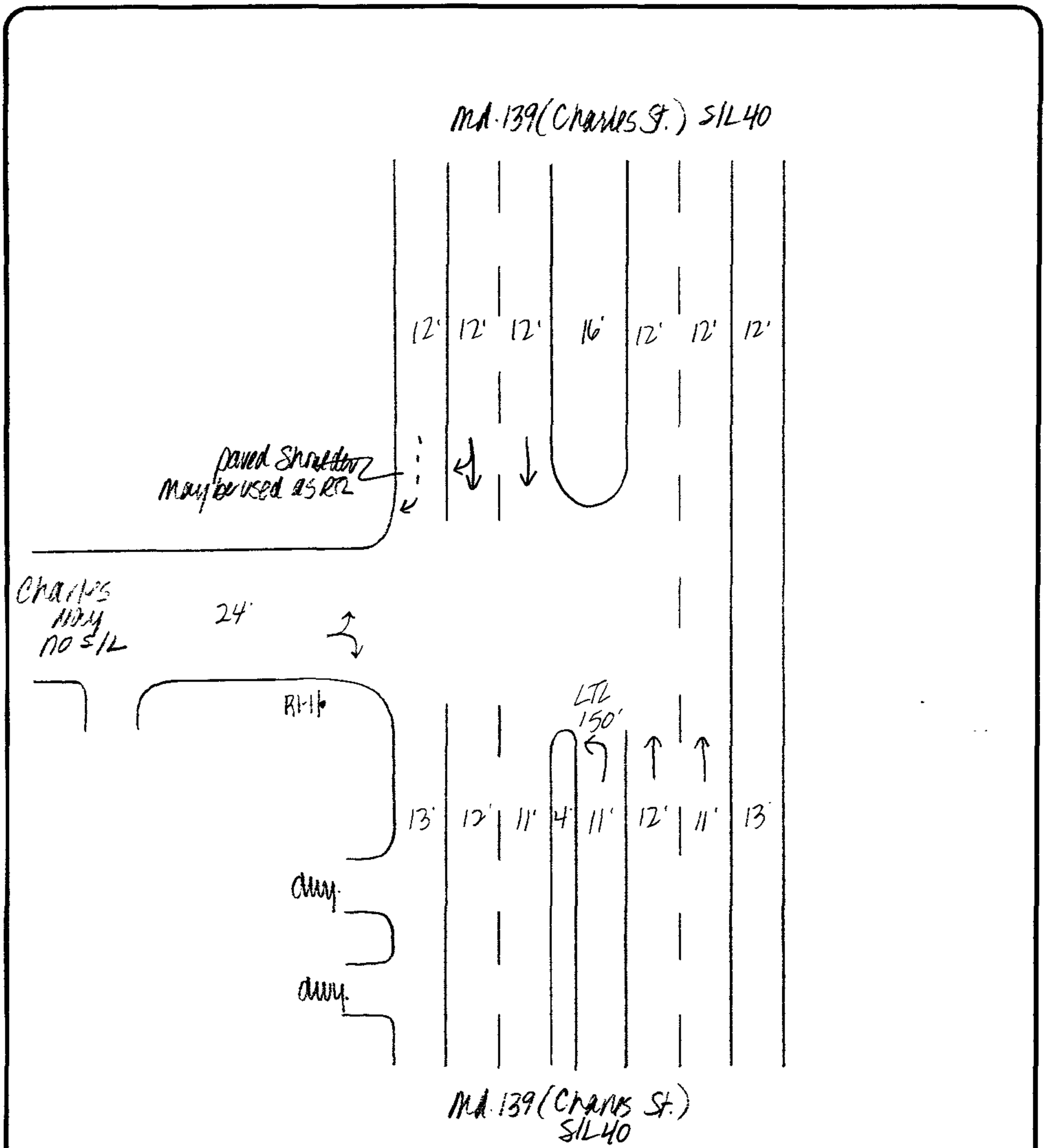
Intersection of: Md.139(Charles St.)
and: Charles Way
Location: Balto.Co.,Md.

Counted by: CH,IM
Date: March 4, 1998
Weather: Fair,Cold
Entered by: SB

Day: Wednesday

The Traffic Group

TIME	TRAFFIC FROM NORTH on: Md.139(Charles St.)					TRAFFIC FROM SOUTH on: Md.139(Charles St.)					TRAFFIC FROM EAST on:					TRAFFIC FROM WEST on: Charles Way					TOTAL N + S + E + W
	RIGHT	THRU	LEFT	U-TN	TOTAL	U-TN	LEFT	THRU	RIGHT	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	U-TN	LEFT	THRU	RIGHT	TOTAL	
AM																					
07:0-15	0	295		0	295	0	0	227		227					0		2		3	5	527
15-30	0	301		0	301	1	0	235		236					0		1		4	5	542
30-45	1	316		0	317	0	0	254		254					0		1		1	2	573
45-00	0	318		0	318	0	0	344		344					0		1		1	2	664
08:0-15	0	287		0	287	1	0	317		318					0		1		2	3	608
15-30	0	249		0	249	0	0	298		298					0		0		1	1	548
30-45	0	217		0	217	0	0	262		262					0		0		0	0	479
45-00	1	233		0	234	2	0	298		300					0		0		2	2	536
2 Hr Totals	2	2216	0	0	2218	4	0	2235	0	2239	0	0	0	0	0	0	6	0	14	20	4477
1 Hr Totals																					
07-08	1	1230	0	0	1231	1	0	1060	0	1061	0	0	0	0	0	0	5	0	9	14	2306
715-815	1	1222	0	0	1223	2	0	1150	0	1152	0	0	0	0	0	0	4	0	8	12	2387
730-830	1	1170	0	0	1171	1	0	1213	0	1214	0	0	0	0	0	0	3	0	5	8	2393
745-845	0	1071	0	0	1071	1	0	1221	0	1222	0	0	0	0	0	0	2	0	4	6	2299
08-09	1	986	0	0	987	3	0	1175	0	1178	0	0	0	0	0	0	1	0	5	6	2171
PEAK HOUR																					
730-830	1	1170	0	0	1171	1	0	1213	0	1214	0	0	0	0	0	0	3	0	5	8	2393
PM																					
04:0-15	0	247		0	247	1	3	232		236					0		0		1	1	484
15-30	1	262		0	263	1	1	213		215					0		0		1	1	479
30-45	2	260		0	262	0	2	216		218					0		0		0	0	480
45-00	2	256		0	258	0	0	227		227					0		0		1	1	486
05 0-15	3	318		0	321	1	0	223		224					0		0		0	0	545
15-30	1	313		0	314	1	2	231		234					0		1		1	2	550
30-45	0	307		0	307	1	3	249		253					0		0		0	0	560
45-00	1	298		0	299	0	2	239		241					0		0		1	1	541
2 Hr Totals	10	2261	0	0	2271	5	13	1830	0	1848	0	0	0	0	0	0	1	0	5	6	4125
1 Hr Totals																					
04-05	5	1025	0	0	1030	2	6	888	0	896	0	0	0	0	0	0	0	0	3	3	1929
415-515	8	1096	0	0	1104	2	3	879	0	884	0	0	0	0	0	0	0	0	2	2	1990
430-530	8	1147	0	0	1155	2	4	897	0	903	0	0	0	0	0	0	1	0	2	3	2061
445-545	6	1194	0	0	1200	3	5	930	0	938	0	0	0	0	0	0	1	0	2	3	2141
05-06	5	1236	0	0	1241	3	7	942	0	952	0	0	0	0	0	0	1	0	2	3	2196
PEAK HOUR																					
05-06	5	1236	0	0	1241	3	7	942	0	952	0	0	0	0	0	0	1	0	2	3	2196



THE TRAFFIC GROUP, INC.

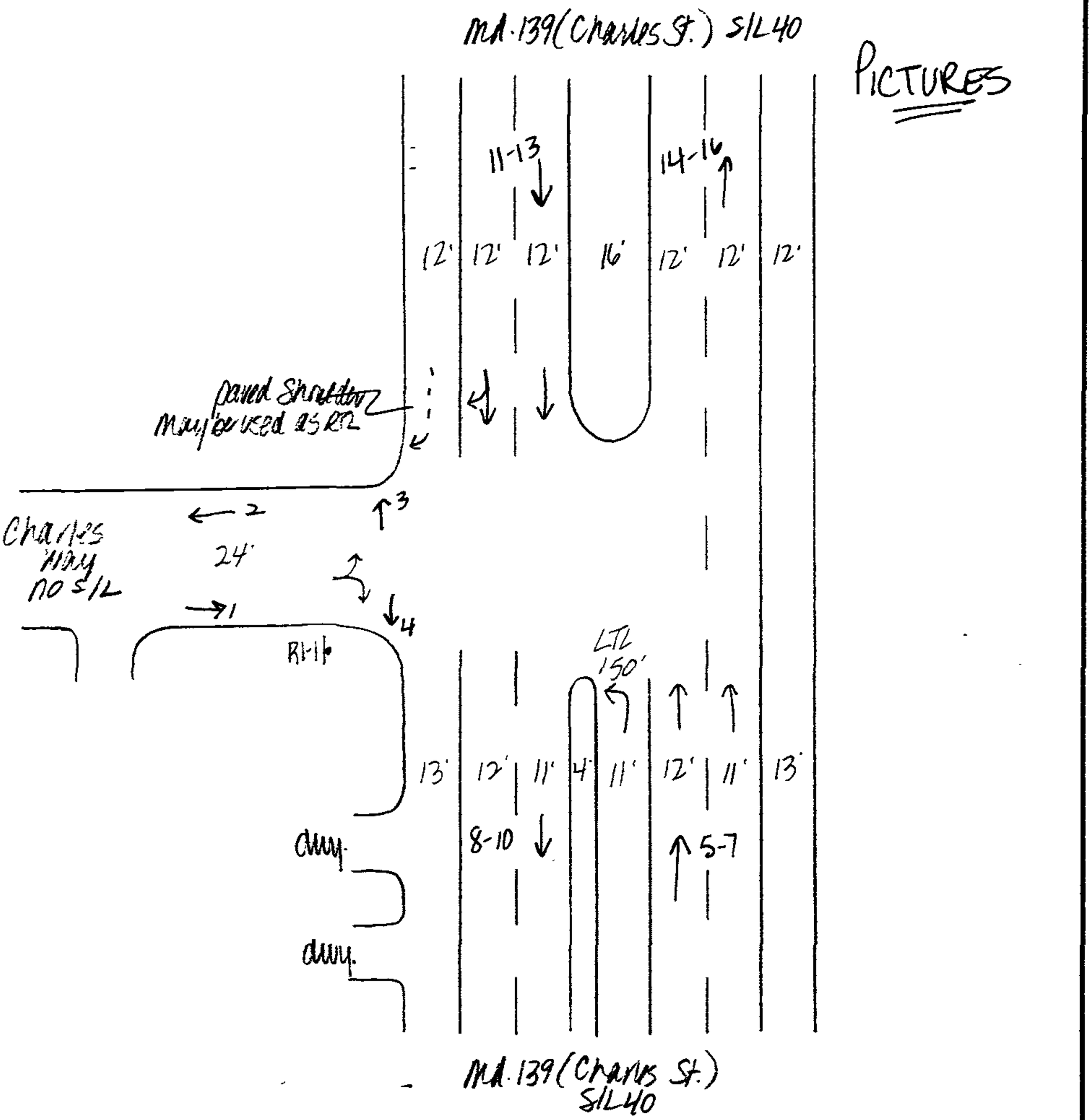
JOB NO. 9606B3

BY SB SUBJECT Cloisters - ALF

SHEET NO. 1 OF 1

DATE 3/98

PICTURES

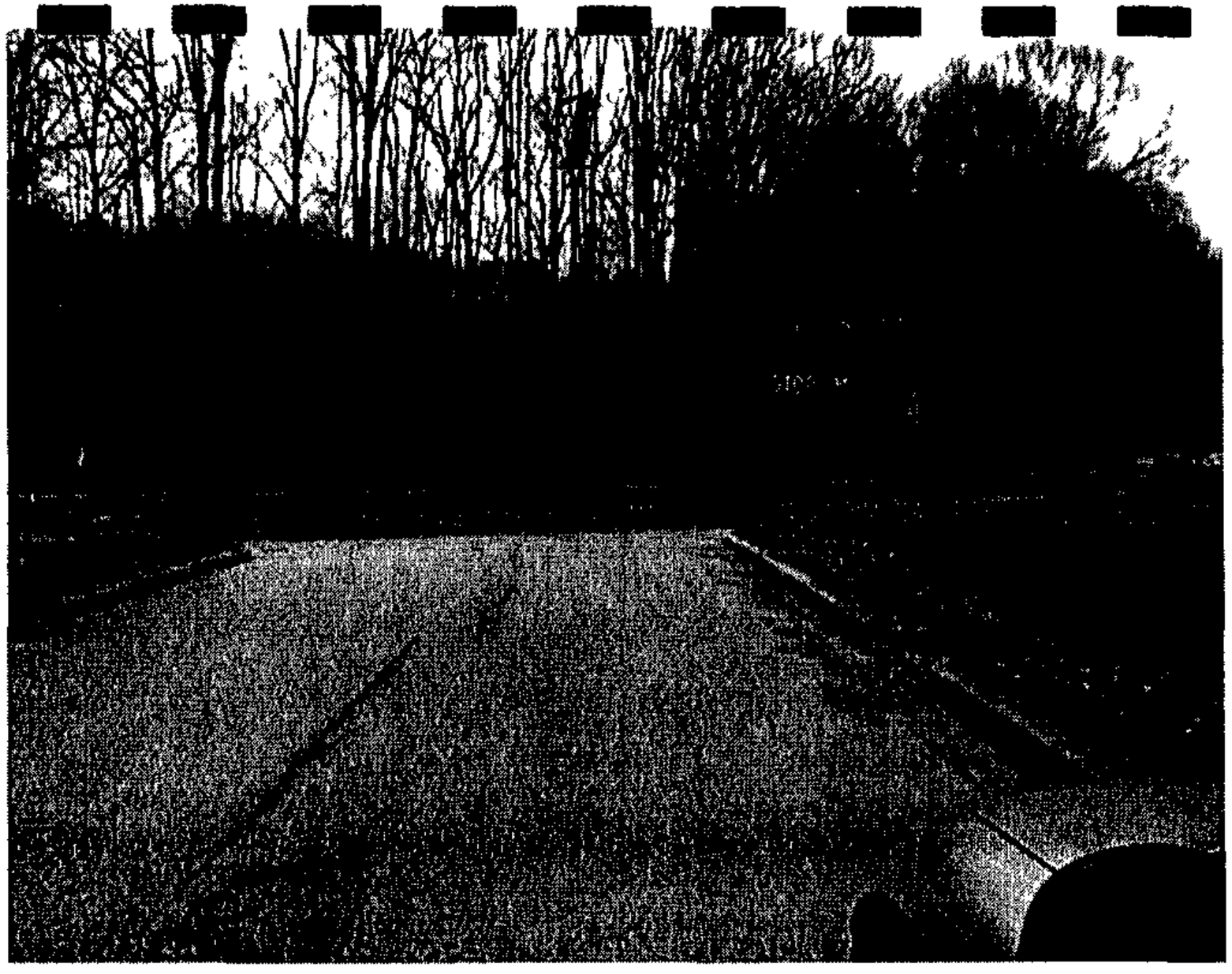


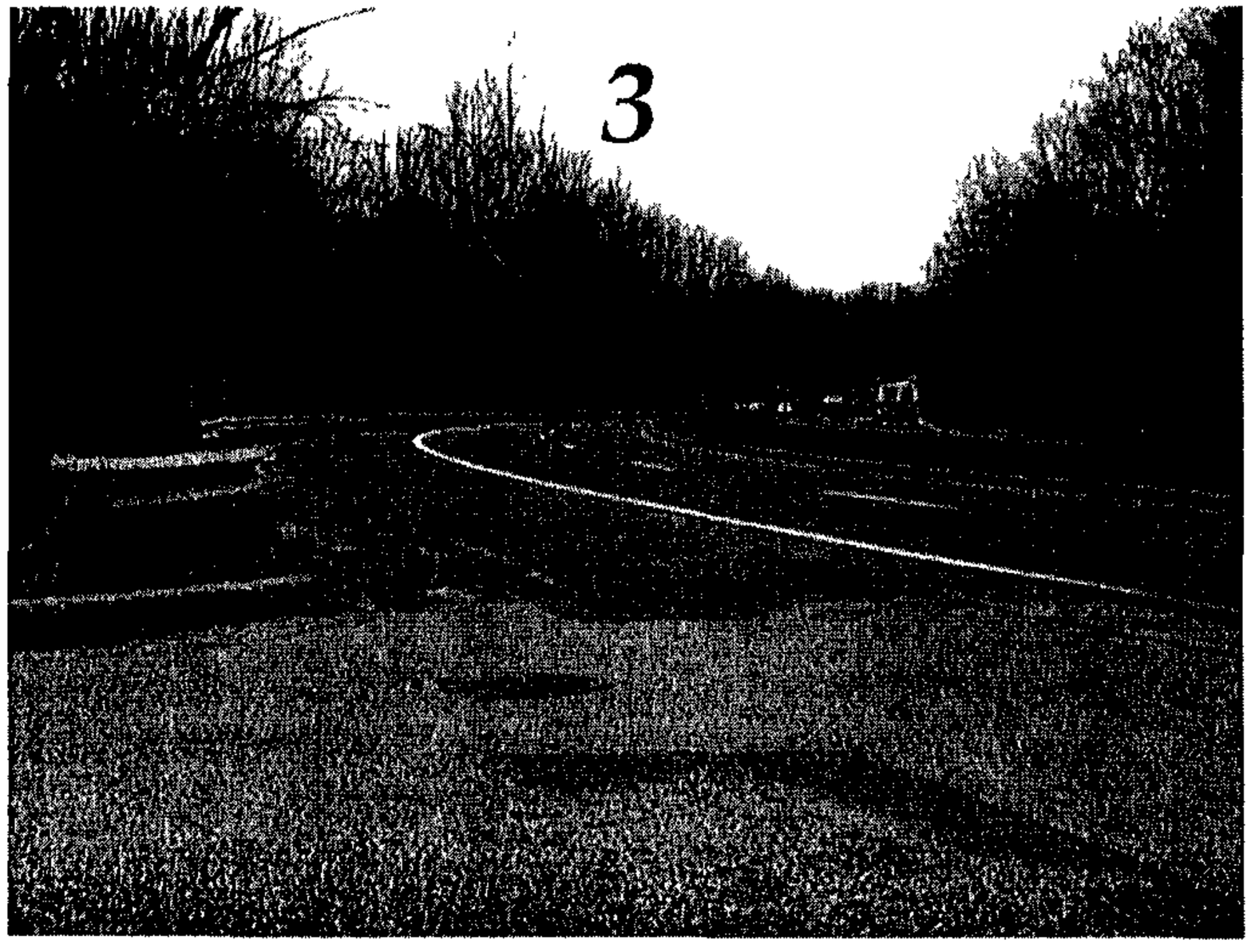
THE TRAFFIC GROUP, INC.

JOB NO. 960613

BY SB SUBJECT Cloisters - ALF SHEET NO. 1 OF 1

DATE 3/98

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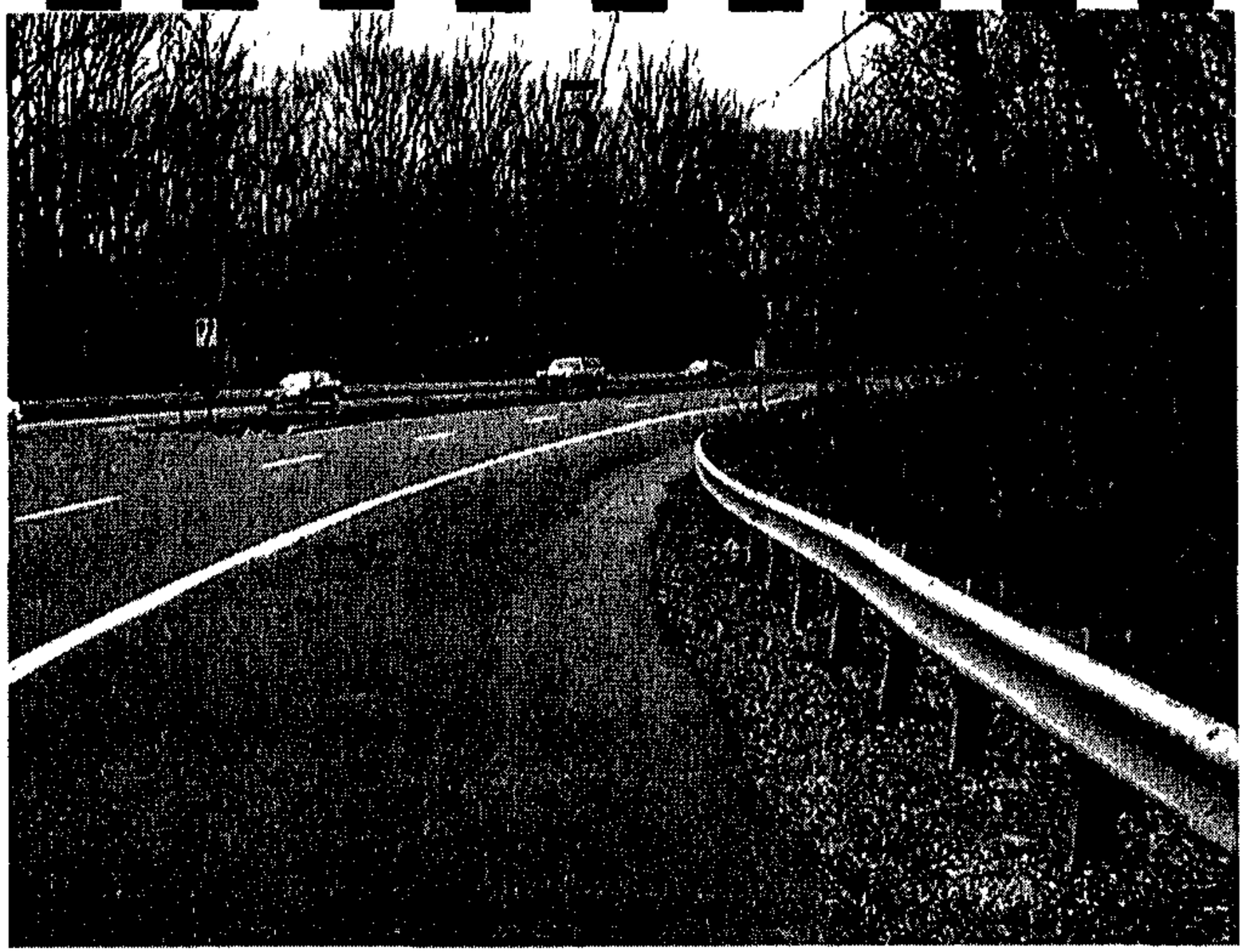

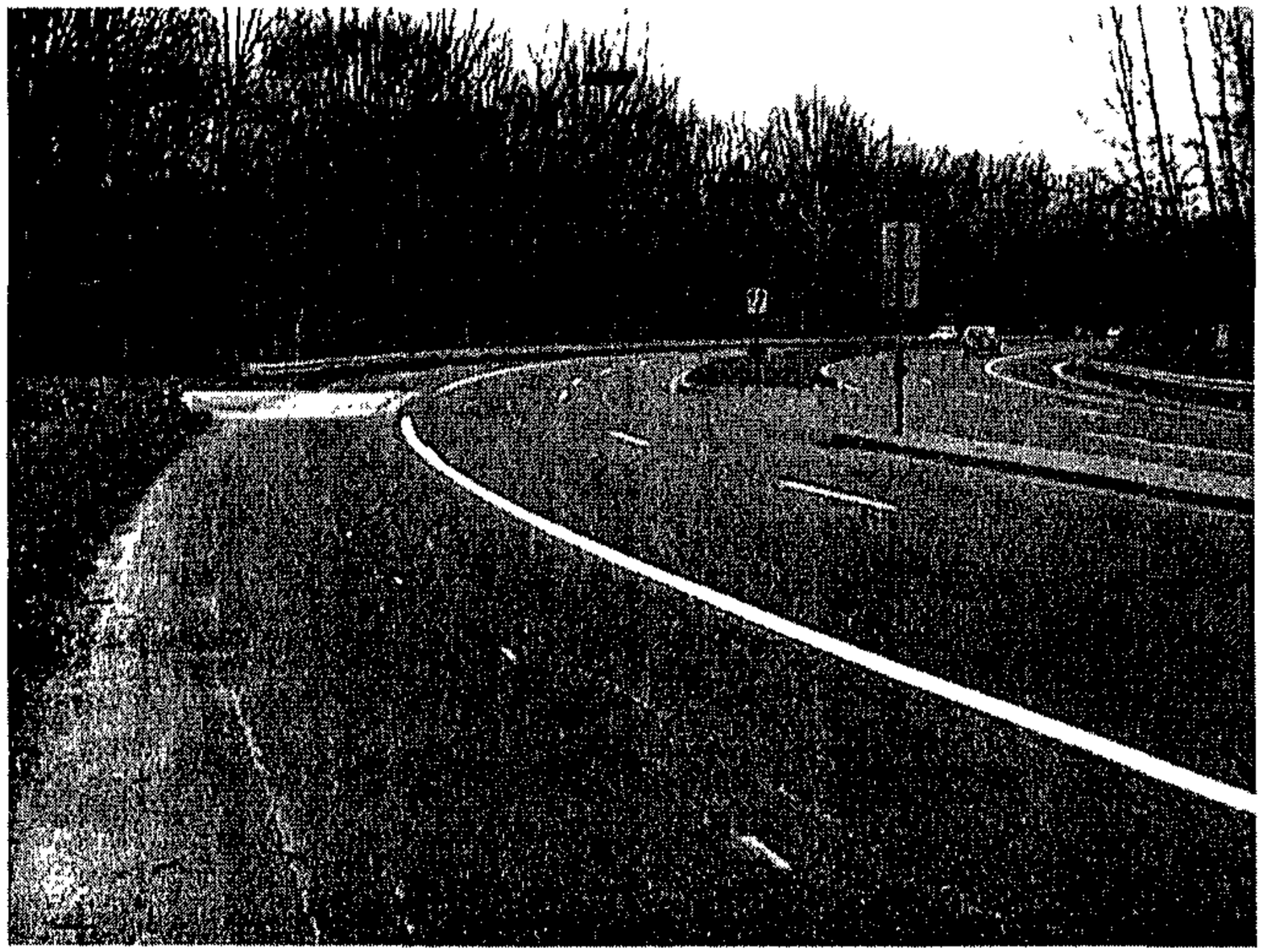

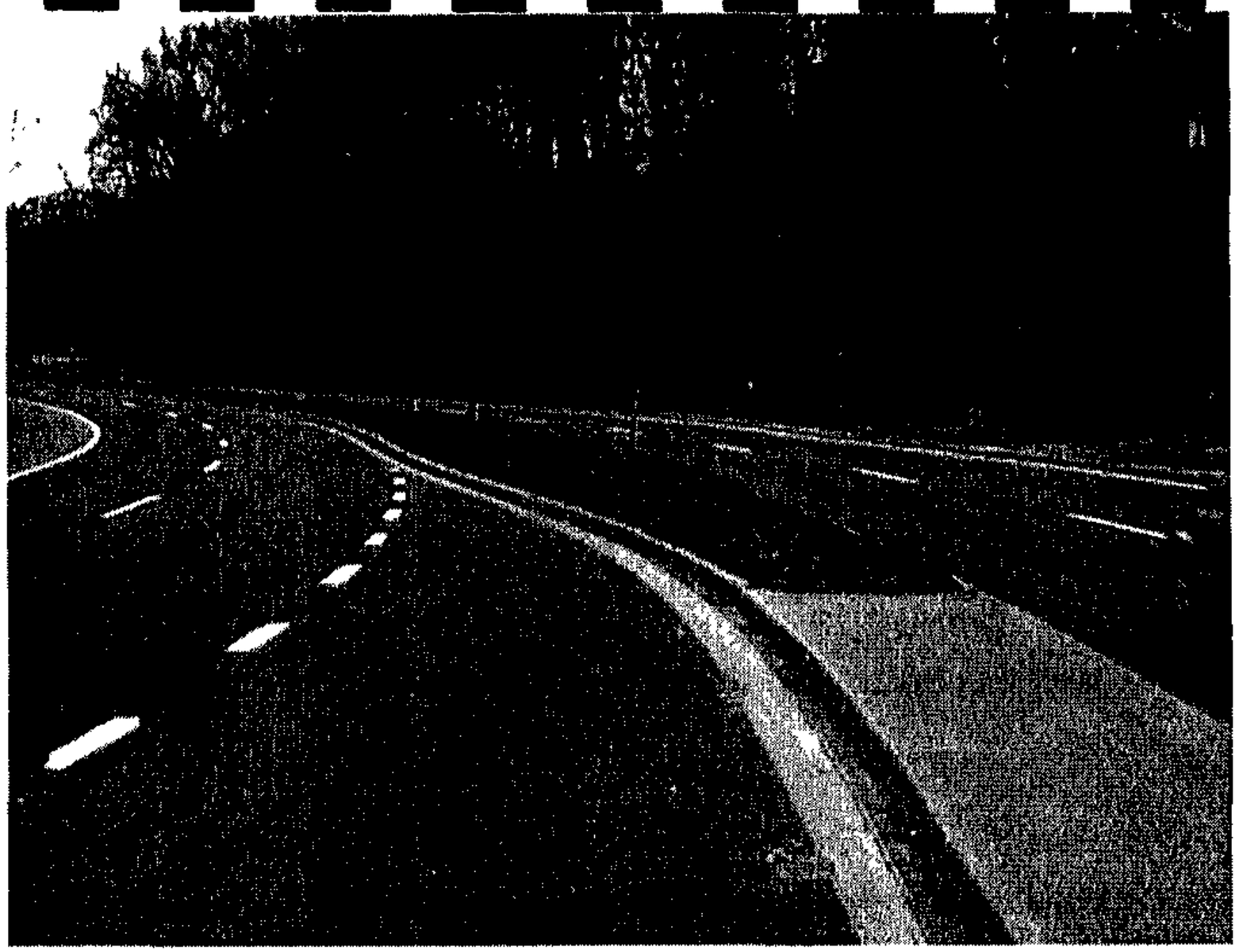

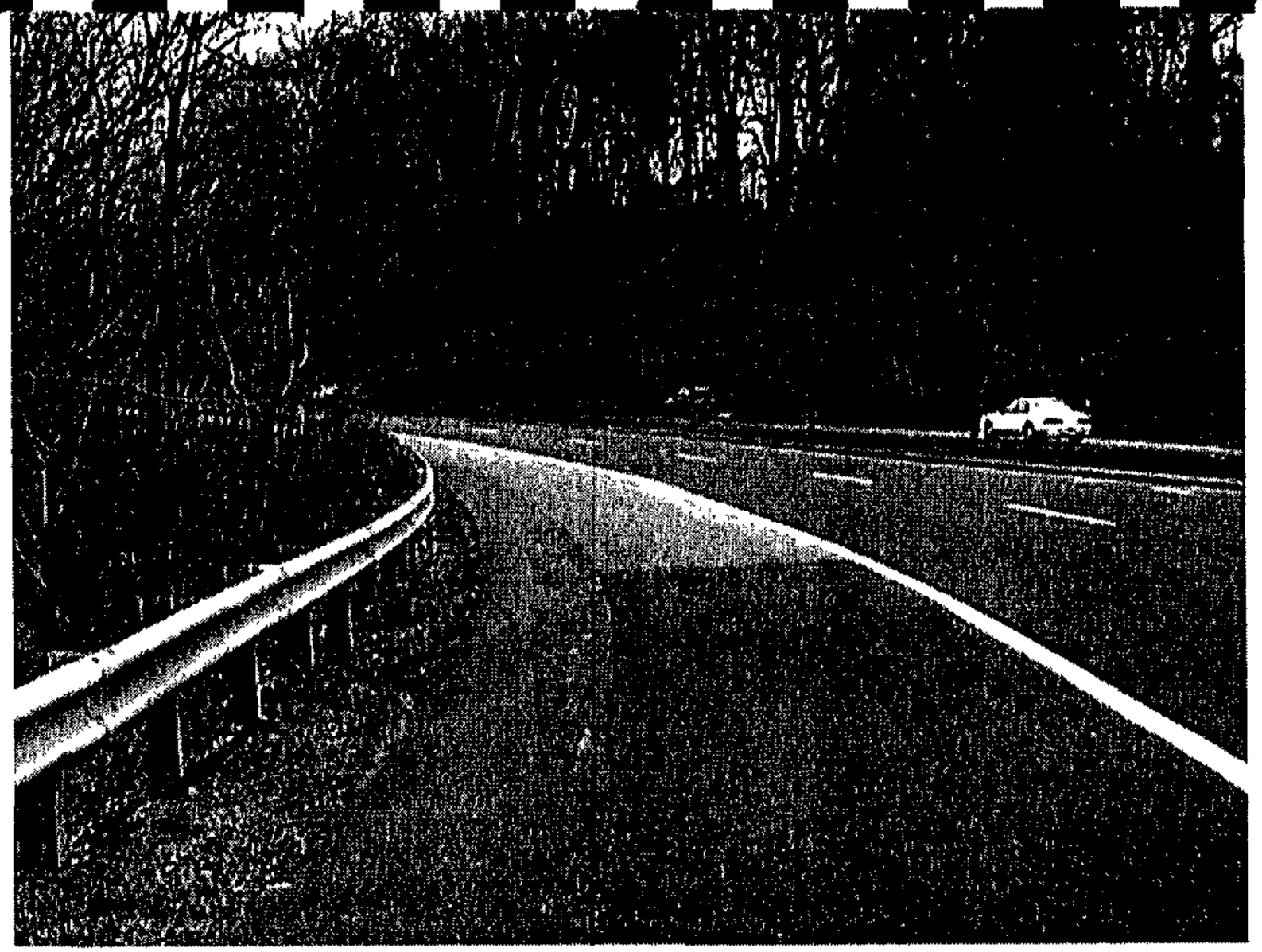

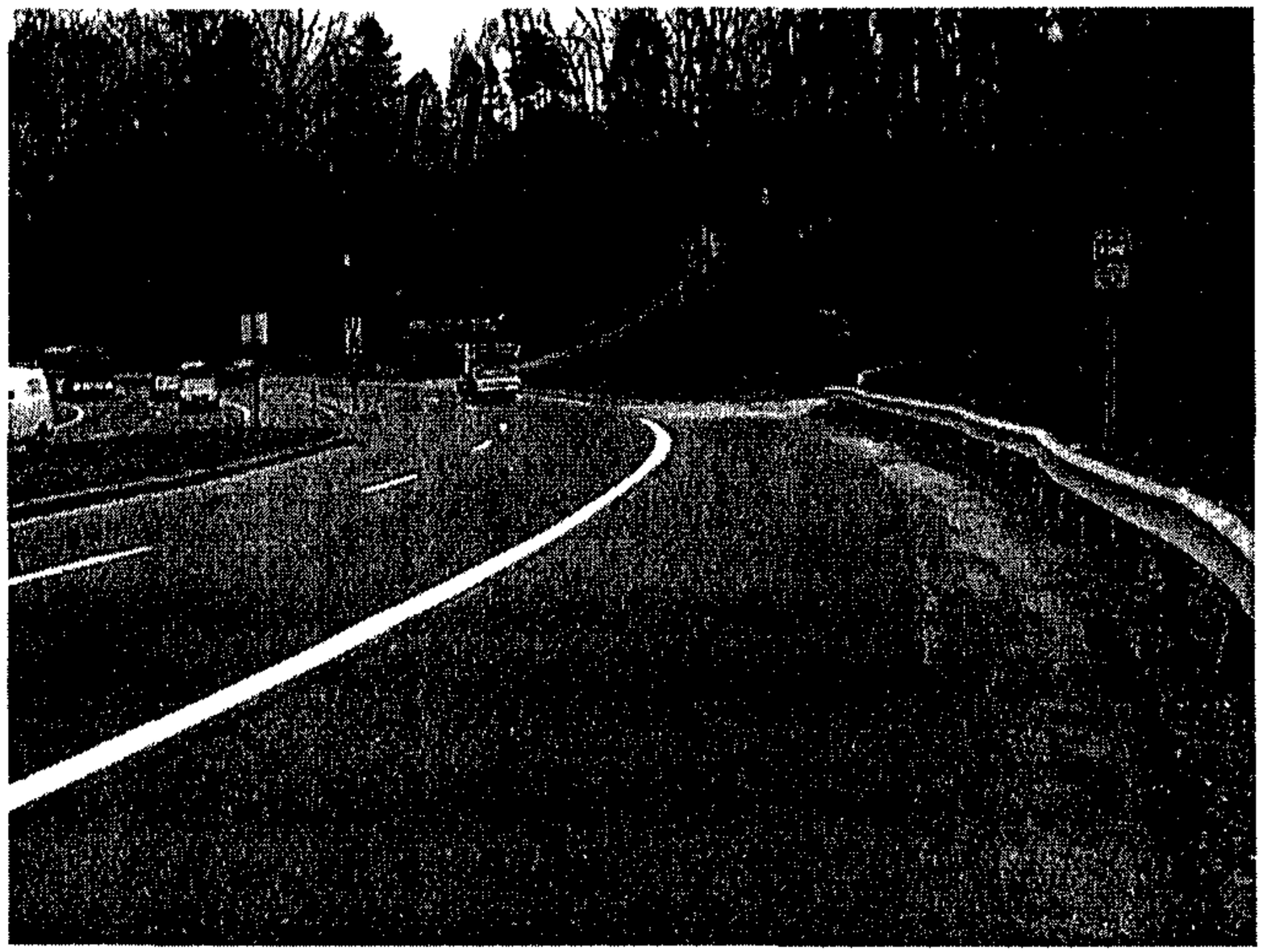

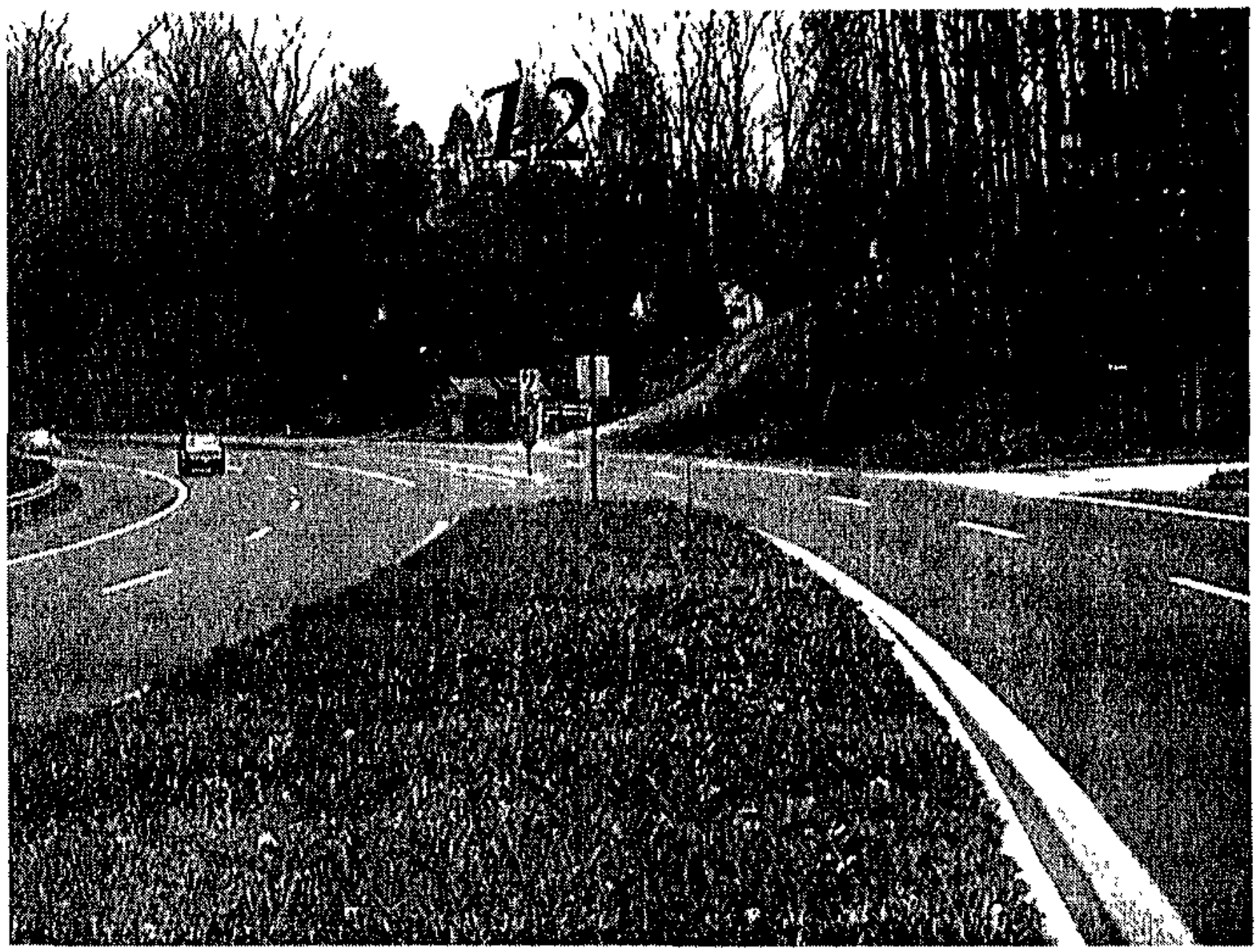
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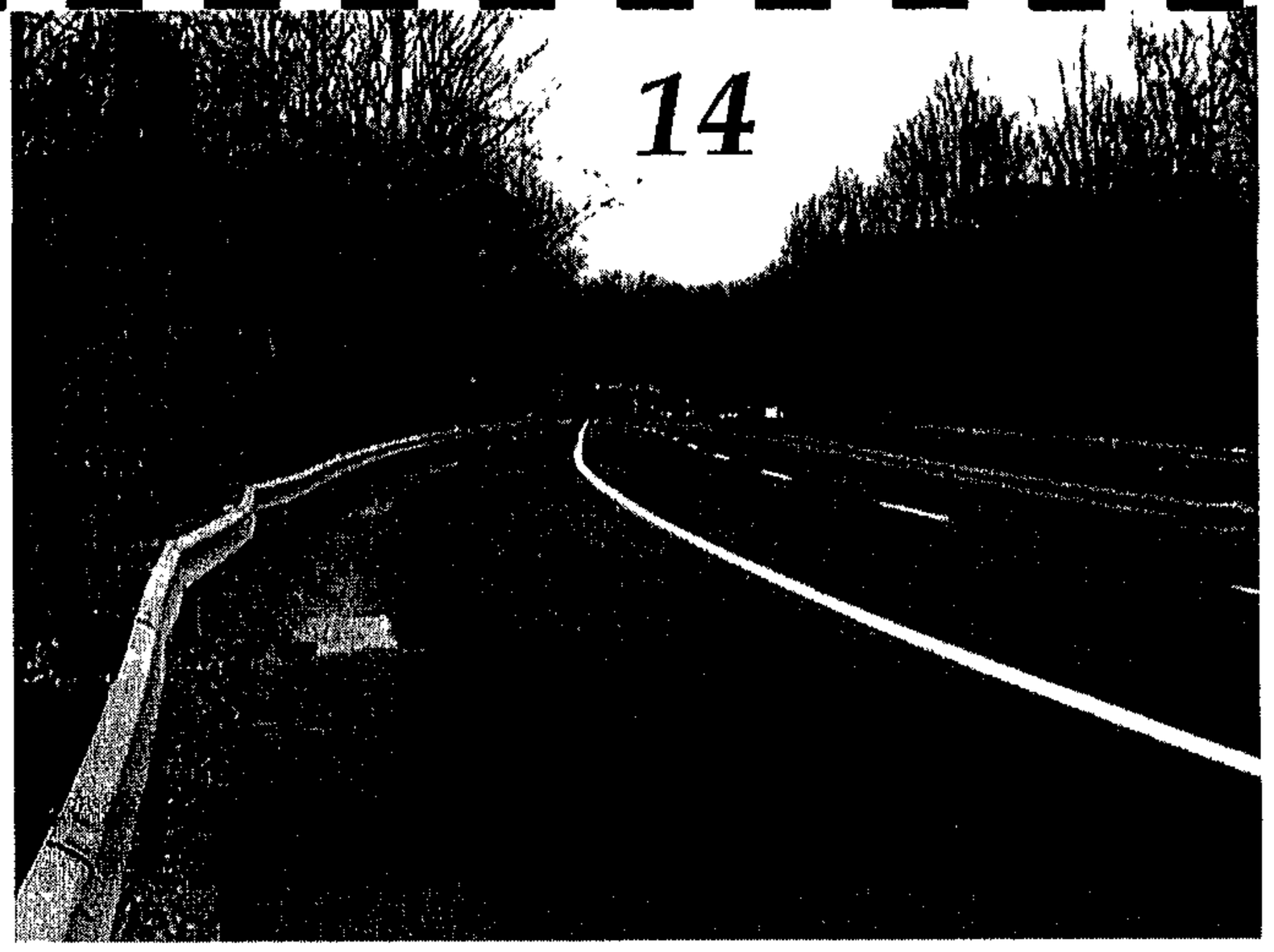
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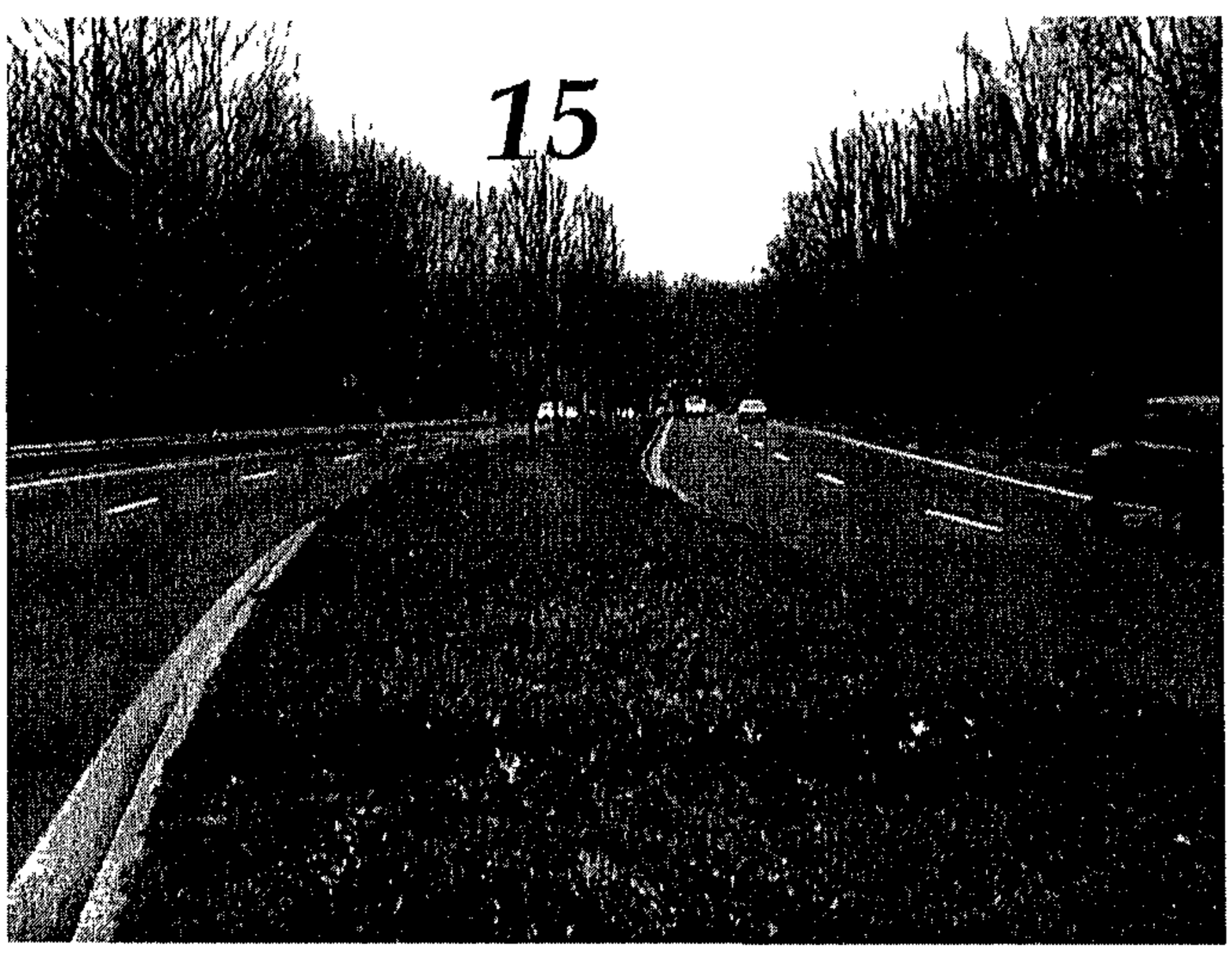
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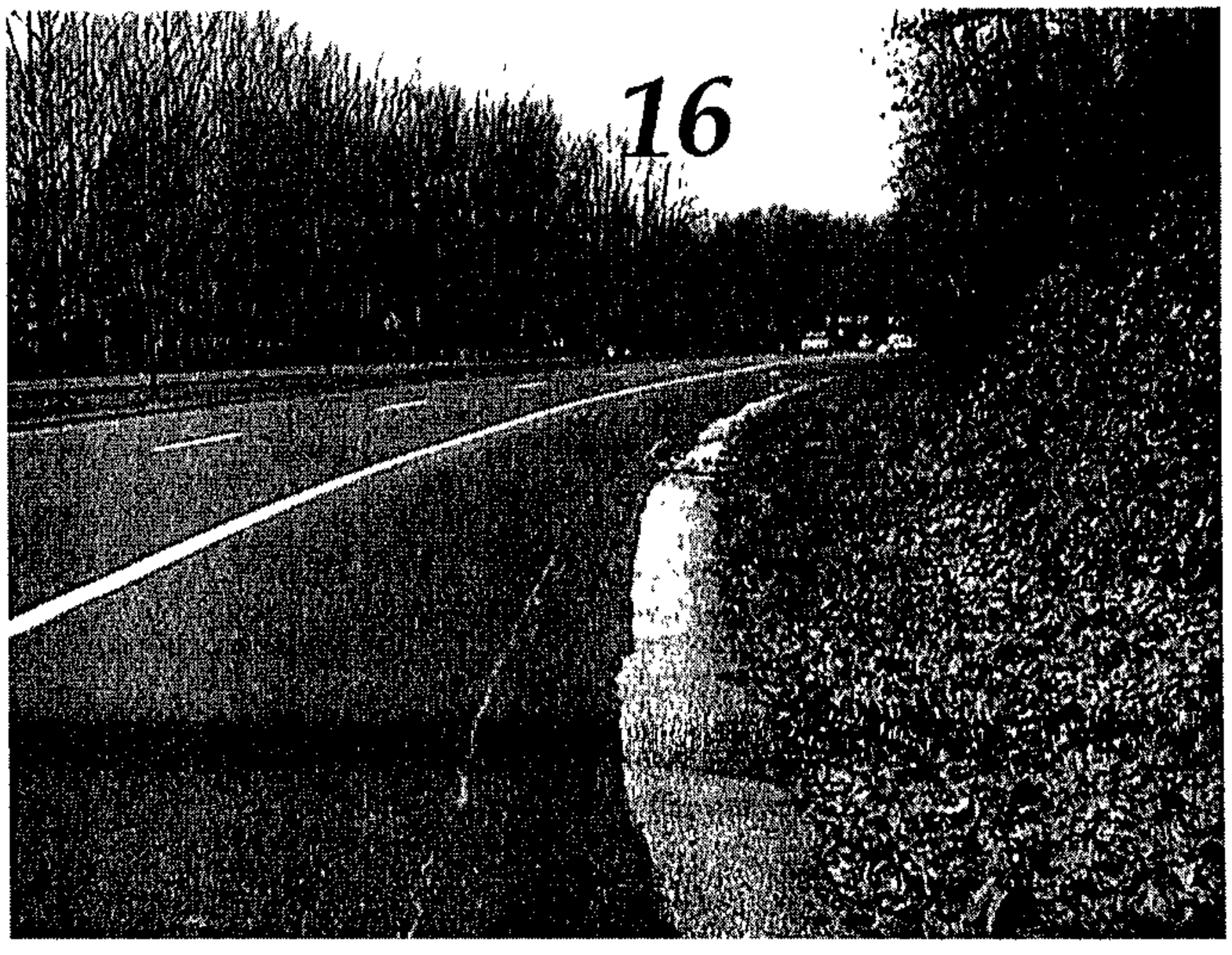
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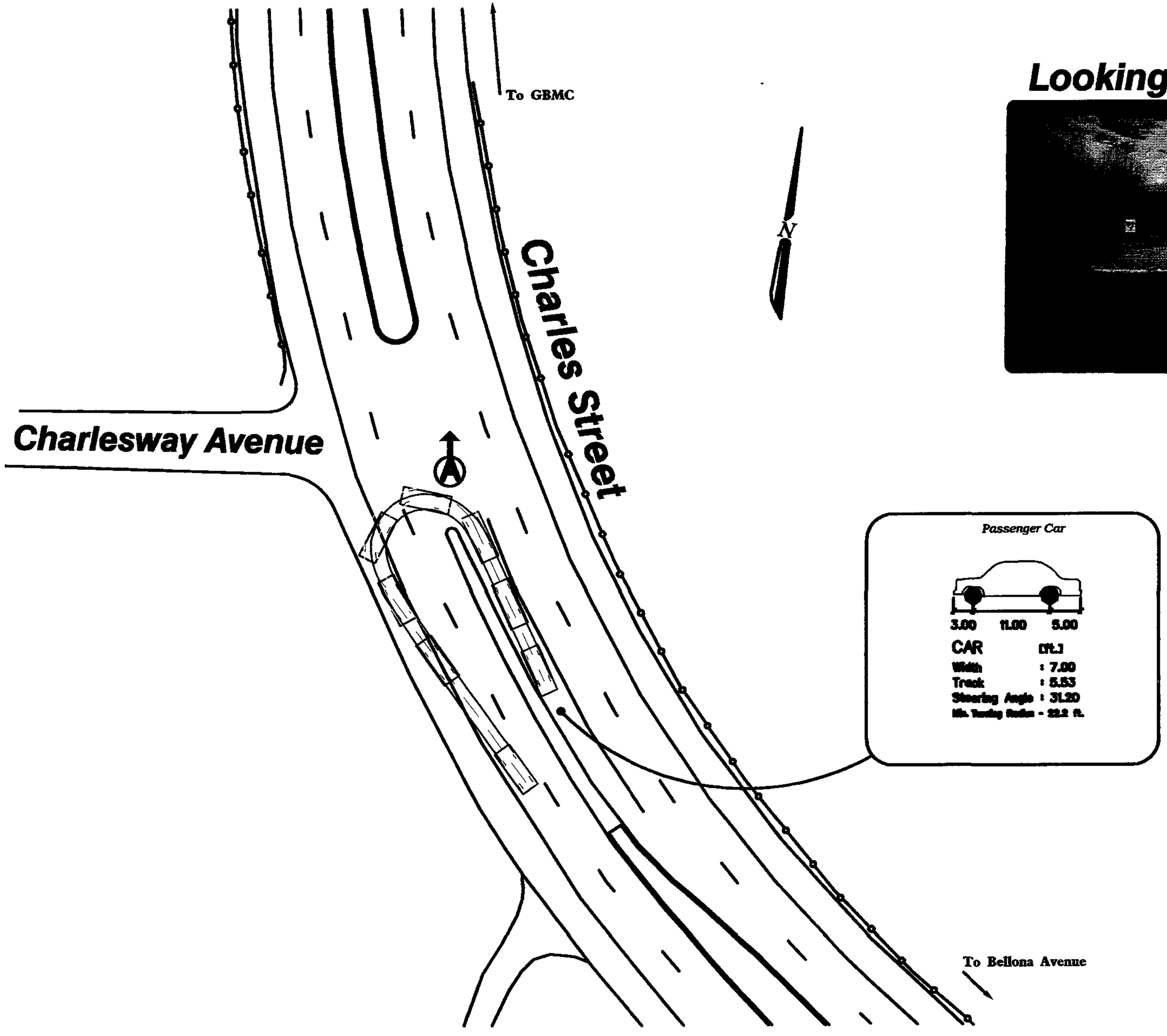
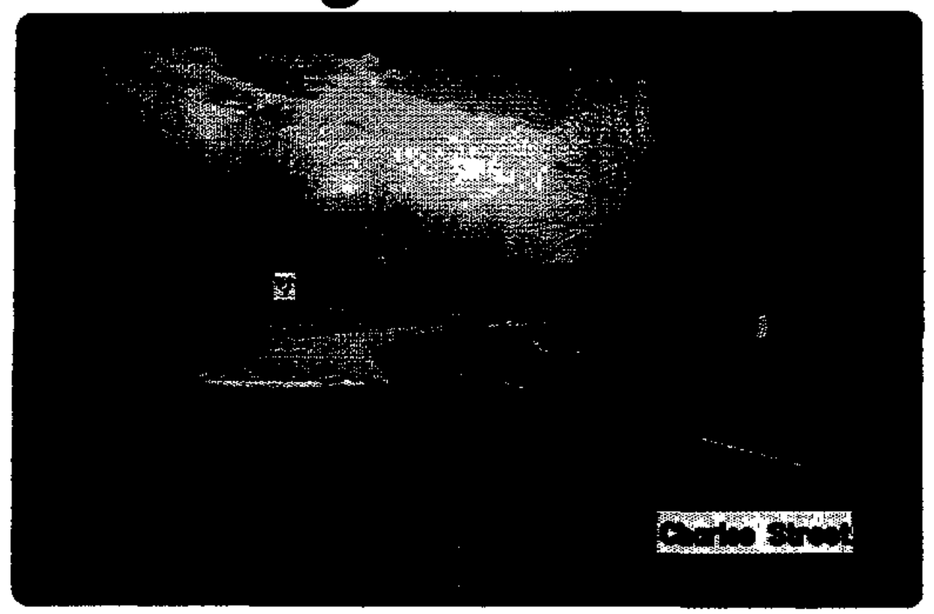
APPENDIX B

The Traffic Group



Looking Northbound



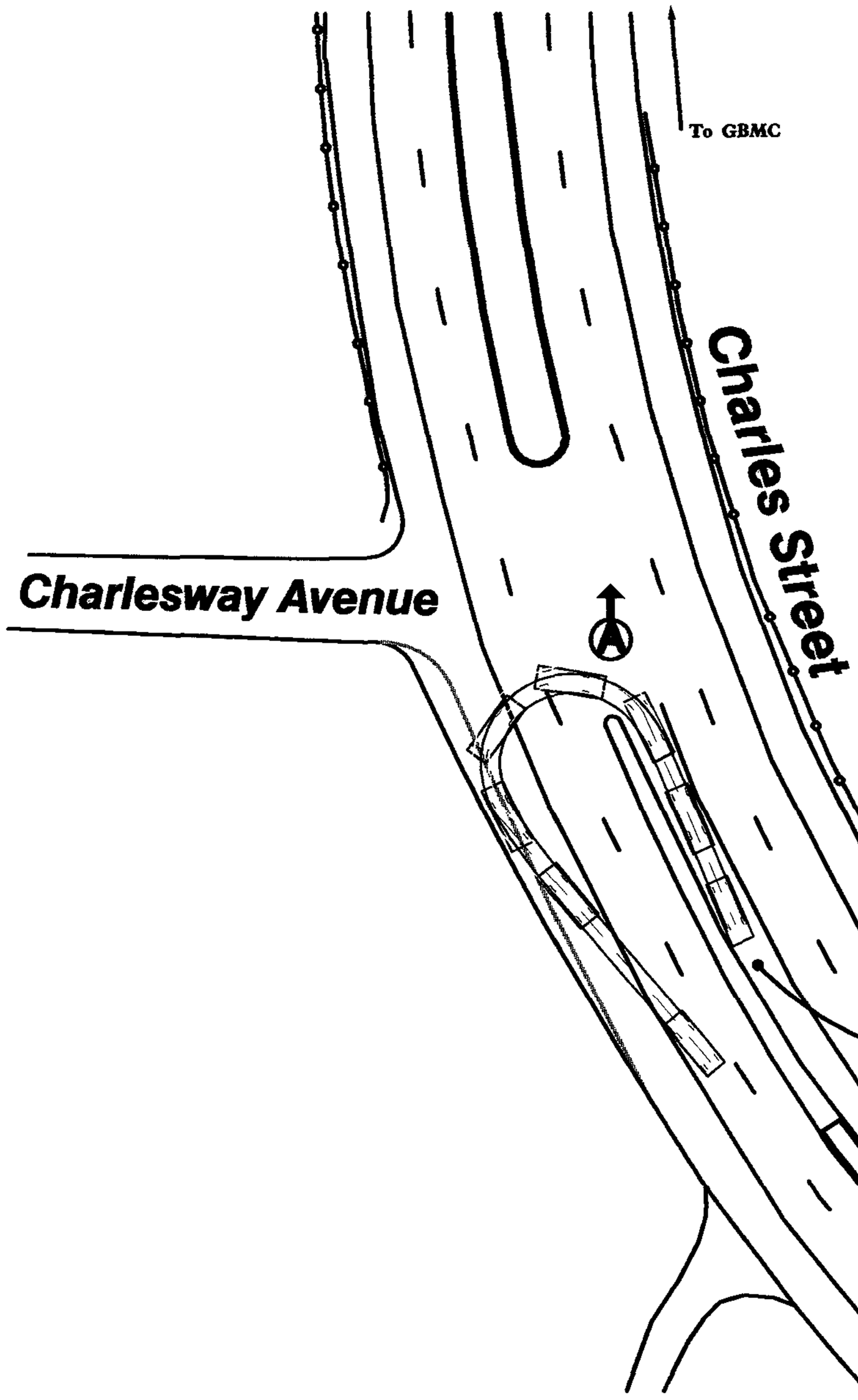
The Traffic Group
The Traffic Group, Inc.
Suite 409
40 W. Chesapeake Avenue
Towson, Maryland 21204
410-583-9405
1-800-583-9401
Fax 410-832-9409

Charles Street

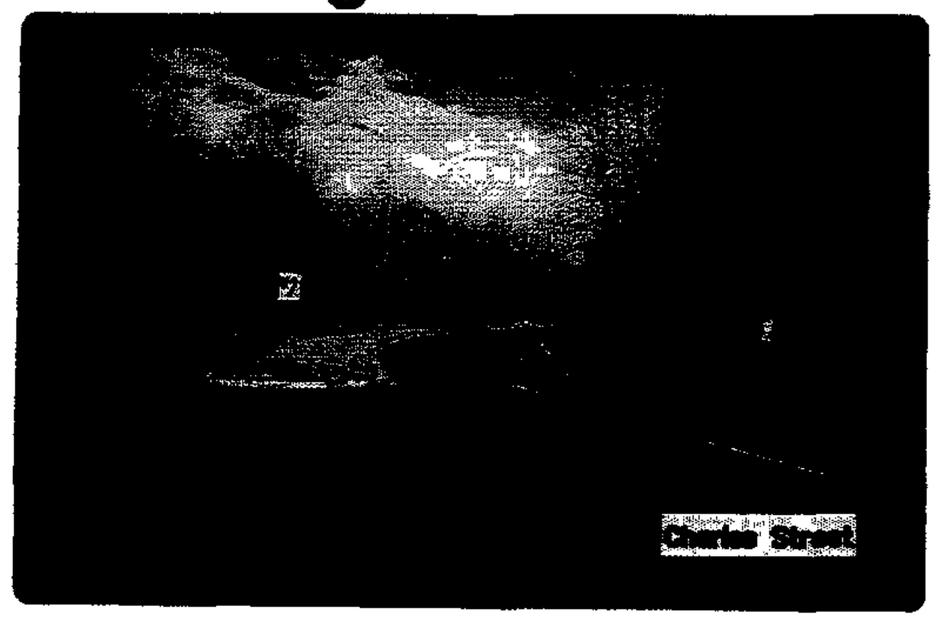
U-Turn Movements

NO.	REVISION DESCRIPTION	BY	DATE

SCALE: 1" = 40'
DRAWN BY: Frank Hoekzi
DESIGNED BY: John Dinderfer
CHECKED BY: Wes Guckert
DATE: February 5, 1998
JOB NO: 980503
SHEET NO: 1 of 1
COUNTY: Baltimore
FILE: Charles1.DGN



Looking Northbound



15 Passenger Van

2.51 11.50 5.32

VAN-15 [ft.]

Width : 6.61

Track : 5.53

Steering Angle : 31.20

Min. Turning Radius = 22.2 ft.

The Traffic Group, Inc.
Suite 100
40 W. Chesapeake Avenue
Towson, Maryland 21204
410-583-9405
1-800-583-8411
Fax 410-321-9651

Charles Street

U-Turn Movements

NO.	REVISION DESCRIPTION	BY	DATE

SCALE: 1" = 40'
DRAWN BY: Frank Haschal
DESIGNED BY: John Strederfer
CHECKED BY: Wes Guckert
DATE: February 5, 1998
JOB NO: 980653
SHEET NO: 1 of 1
COUNTY: Baltimore
FILE: Charles.DGN

The Traffic Group

Suite 600
40 W. Chesapeake Avenue
Towson, Maryland 21204
410-583-8405
Fax 410-321-8458

REASONS FOR 2ND AMENDMENT (6/23/92)

1. SHIFT RTA BUFFER, BEHIND UNITS 10, 12, 14 & 16, 15' TO THE WEST. (TO MATCH RECORD PLAT)
2. ADJUST LIMIT OF OUTSIDE STRUCTURES, 15' TO THE REAR, FOR UNITS 10, 12, 14 & 16.; AND, 10' TO THE REAR, FOR UNITS 2, 4, 6 & 8; 6434 & 36; 6438, 40 & 42; 6431 & 33; 6447 & 49; AND, TO 20' FROM CURB TO SIDE, FOR UNITS 6431 & 6449.
3. NO MATERIAL CHANGE IS PROPOSED.
4. THE PROPERTY OWNER HAS SIGNED THE PLAN:

FOR LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION
1300 N. CHARLES STREET, BALTIMORE, MD
DATE 6/23/92

5. THE 2ND AMENDMENT WAS PREPARED BY CLARK, FINEFROCK & SACKETT, 7135 MINSTREL WAY, COLUMBIA, MD 21045 (PHONE 410-381-7500) THE SEAL PERTAINS TO THE 2ND AMENDMENT ONLY.

REASONS FOR 3RD AMENDMENT (12/30/92)

1. ELIMINATE ONE PROPOSED UNIT (#16) FROM SECTION ONE (LOT 2) AND REVISE DENSITY ACCORDINGLY
2. NO MATERIAL CHANGE IS PROPOSED.
3. THE PROPERTY OWNER HAS SIGNED THIS PLAN:

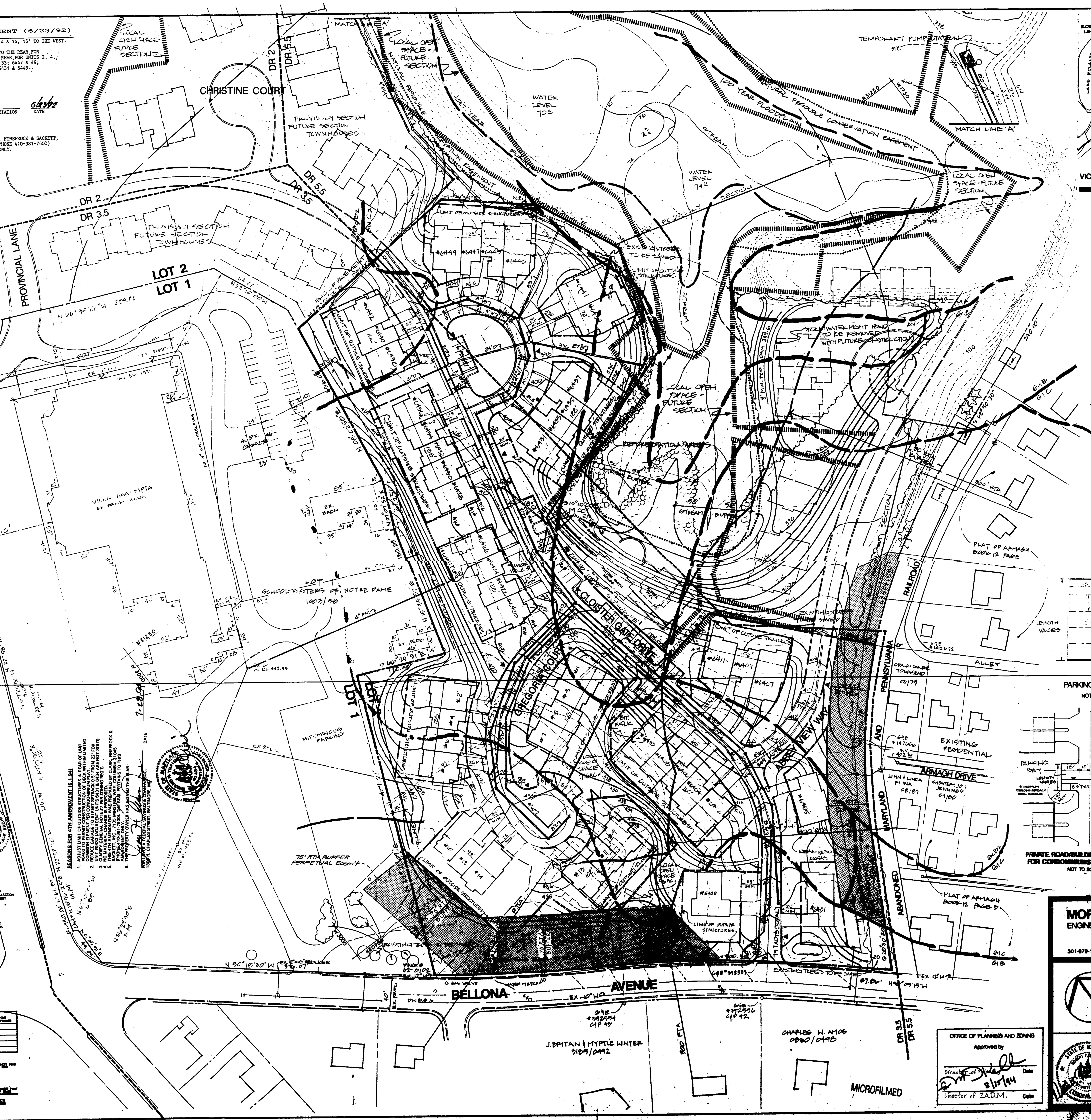
FOR LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION
1300 N. CHARLES STREET, BALTIMORE, MD
DATE 1/11/93

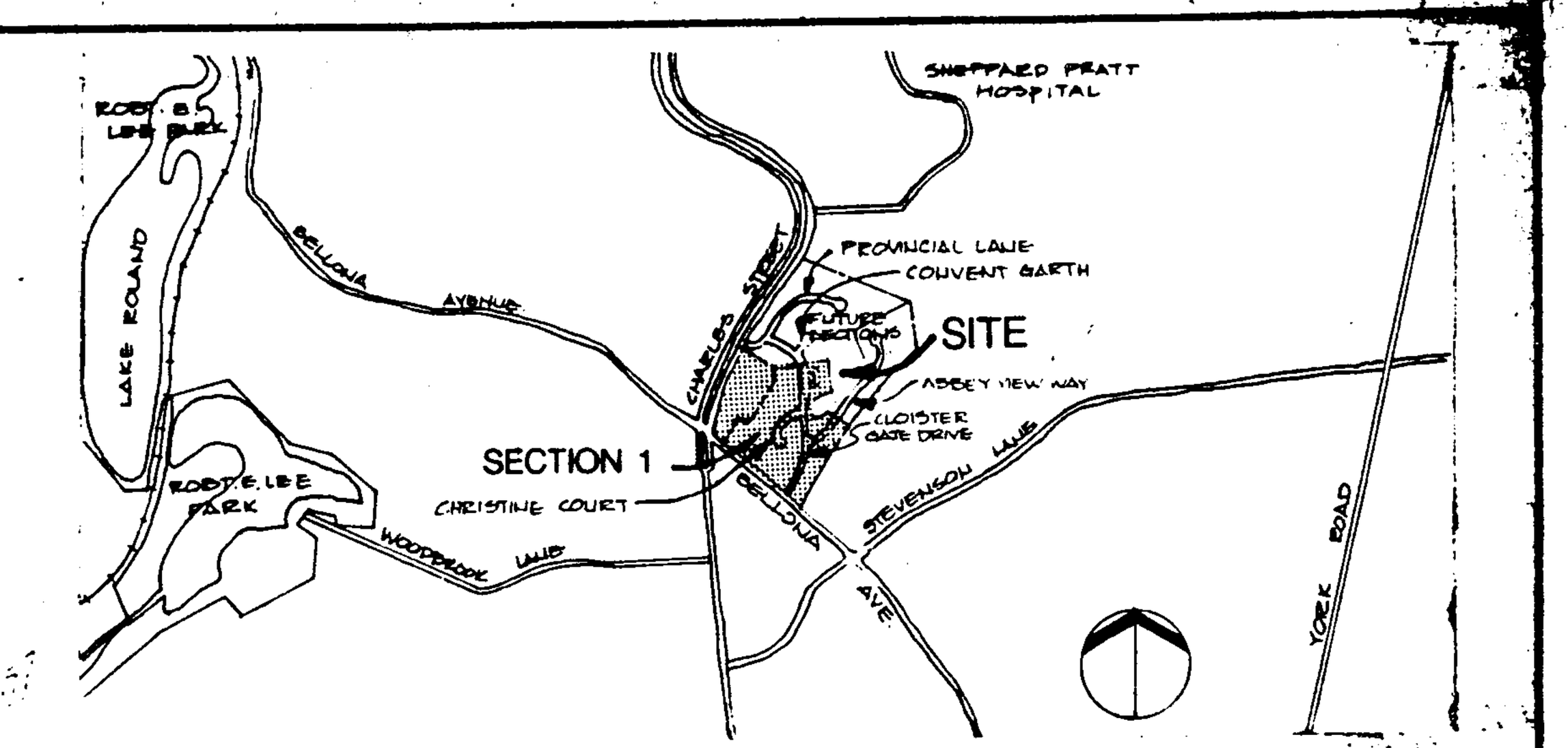
4. THE 3RD AMENDMENT WAS PREPARED BY CLARK, FINEFROCK & SACKETT, 7135 MINSTREL WAY, COLUMBIA, MD 21045 (PHONE 410-381-7500) THE SEAL PERTAINS TO THE 3RD AMENDMENT ONLY.

REASONS FOR 4TH AMENDMENT (6.1.94)

1. ADJUST LIMIT OF OUTSIDE STRUCTURES IN REAR OF UNIT #6400 TO PERMIT CONSTRUCTION OF DECK WITHIN LIMITED COMMON ELEMENT PER CONDOMINIUM PLAT.
2. REDUCE GARAGE TO STREET SETBACK 0.5' FROM 22' FOR UNIT #6433 (ADJACENT UNITS 6431 & 6434 ARE NOT SOLD)
3. CLARIFY GENERAL NOTE #7 PER ZONING REG'S.
4. NO MATERIAL CHANGE IS PROPOSED.
5. THIS 4TH AMENDMENT WAS PREPARED BY CLARK, FINEFROCK & SACKETT, INC., 7135 MINSTREL WAY, COLUMBIA, MD 21045 (PHONE 410-381-7500). THE SEAL PERTAINS TO THIS AMENDMENT ONLY.
6. THE PROPERTY OWNER HAS SIGNED THIS PLAN:

FOR LOYOLA FEDERAL SAVINGS & LOAN ASSOC.
1300 N. CHARLES STREET, BALTIMORE, MD
DATE 7-28-94





VICINITY MAP 1' = 1000'

GENERAL NOTES

1. OWNER/DEVELOPER (LOT 2): LOYOLA FEDERAL SAVINGS & LOAN ASSOCIATION, 1300 N. CHARLES ST., BALTIMORE, MD, (301)332-7000
   OWNER (LOT 1): SCHOOL SISTERS OF NOTRE DAME, 6401 NORTH CHARLES STREET, BALTIMORE, MARYLAND 21212
2. ELECTION DISTRICT 9
3. ALL OPEN SPACE AREAS SHALL BE RETAINED AND MAINTAINED BY THE CONDOMINIUM ASSOCIATION.
4. ALL UNITS WILL BE FOR SALE.
5. LANDSCAPE PLANTING: REQUIRED = 1 TREE PER UNIT x 48 UNITS = 48 TREES; PROVIDED = 48 MAJOR DECIDUOUS TREES

   ALL PLANTING INCLUDING PLANTING OF R.T.A. BUFFERS, WILL BE PERFORMED IN ACCORDANCE WITH SECTION 1X-D OF THE BALTIMORE COUNTY LANDSCAPE MANUAL. A FINAL LANDSCAPE PLAN WILL BE APPROVED BY THE OFFICE OF PLANNING PRIOR TO THE ISSUANCE OF BUILDING PERMITS.
6. THERE ARE NO HANDICAPPED SPACES REQUIRED.
7. MINIMUM SETBACKS IN PLAN MEET ZONING REQUIREMENTS AS FOLLOWS:

   * 22 FT. GARAGE OR CARPORT TO STREET RIGHT-OF-WAY
   * 25 FT. BUILDING TO EXISTING STREET RIGHT-OF-WAY
   30 FT. BUILDING TO TRACT BOUNDARY
   50 FT. BUILDING TO CENTERLINE OF EXISTING STREET

   * HOWEVER, ZONING REQUIREMENTS IMPOSE NO SETBACK FROM INTERNAL PRIVATE STREETS

   WHERE WINDOWS ARE PROVIDED, THEY WILL MEET THE FOLLOWING MINIMUM SETBACKS:

   15 FT. WINDOW TO LOT LINE
   25 FT. WINDOW TO EXISTING STREET RIGHT-OF-WAY
   35 FT. WINDOW TO TRACT BOUNDARY
   40 FT. BETWEEN OPPOSING WINDOWS
   0 FT. BUILDING TO PROPOSED R/W

   BUILDINGS SHALL CONFORM TO MEET HEIGHT AND LENGTH REQUIREMENTS AS FOLLOWS:

   0 — 20 FT. HEIGHT = 15 FT. BETWEEN BUILDINGS
   20 — 25 FT. HEIGHT = 25 FT. BETWEEN BUILDINGS
   25 — 30 FT. HEIGHT = 30 FT. BETWEEN BUILDINGS
   30 — 40 FT. HEIGHT = 40 FT. BETWEEN BUILDINGS

   MAXIMUM BUILDING LENGTH: 300 FT. MAXIMUM BUILDING HEIGHT = 35'

   RESIDENTIAL TRANSITION AREAS:

   300 FT. FROM EXISTING DWELLING (OFF-SITE)
   250 FT. FROM EXISTING LOT OF RECORD (LESS THAN 2 ACRES)
   75 FT. SIDE AND FRONT BUILDING SETBACK TO TRACT BOUNDARY WITH 50 FT. PLANTED BUFFER
   150 FT. REAR BUILDING SETBACK TO TRACT BOUNDARY WITH 75 FT. PLANTED BUFFER
   75 FT. PARKING SETBACK TO TRACT BOUNDARY WITH 75 FOOT PLANTED BUFFER
   130 FT. MAXIMUM BUILDING LENGTH
   35 FT. MAXIMUM BUILDING HEIGHT
   FOR TWO FACING BUILDINGS, MIN. SEPARATION MUST BE 1.5 TIMES HT. OF HIGHEST BLDG.
8. LIMITED COMMON ELEMENT AREA: REAR YARD AREAS OF 20' MINIMUM DEPTH HAVE BEEN INCLUDED TO ACCOMMODATE ANY PERMITTED PROJECTIONS OR ACCESSORY STRUCTURES GOVERNED BY SECTION 301.1 AND 400 (B.C.Z.R.)
9. IF DRAINAGE, UTILITY, AND WALKWAY EASEMENTS ARE FENCED, THEN AT LEAST FIVE FEET MUST REMAIN OPEN FOR PEDESTRIAN ACCESS.
10. AVERAGE DAILY TRIPS: 8.5 X 48 TOWNHOUSES = 408; 10.4 X 3 SFD HOUSES = 31.2; TOTAL ADT'S (THIS SECTION) = 439.2 ≈ 440
11. ALL PROPOSED ROADS TO BE PRIVATE, ALL 24 FT WIDE ROADS TO BE POSTED "NO PARKING".
12. ALL DRIVEWAYS AND PARKING AREAS SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE OF BITUMINOUS CONCRETE.
13. THE EXACT LOCATION OF CURB CUTS FOR DRIVEWAY OR PARKING PAD ENTRANCES IS TO BE DETERMINED BY OWNER WHEN EXACT BUILDING MODELS BECOME AVAILABLE BUT PRIOR TO INSTALLATION OF STREET CURBS.
14. TRASH AND REFUSE SHALL BE COLLECTED PRIVATELY.
15. APPROXIMATELY HALF THE SITE IS WOODED. EXISTING VEGETATION WITHIN WOODED AREAS CONSISTS PRIMARILY OF 4"-12" OAK AND TULIP TREES. VEGETATION IN OPEN LAWN AREAS CONSISTS PRIMARILY OF 25-35 FT. TALL EVERGREEN TREES.
16. THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF Z.A.D.M. 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 THE TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLING SHOWN THEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR DEVELOPED FOR ADDITIONAL DWELLING OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION SHALL HAVE OCCURRED WHEN A DWELLING IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.
17. PLAN OF CLOISTERS WAS APPROVED BY THE COUNTY REVIEW GROUP ON JANUARY 20, 1989.
18. THIS DEVELOPMENT PLAN COMPLIES WITH THE CRG PLAN AND ALL CRG COMMENTS.
19. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
20. BUILDING ENVELOPES MUST BE 20 FT. FROM 100 YEAR FLOOD PLAIN LINE.
21. PROVISORY SECTION:

   THE PROVISORY SECTION OF THIS PARTIAL DEVELOPMENT PLAN IS NOT INTENDED NOR SHOULD IT BE UTILIZED AS A FINAL DEVELOPMENT PLAN FROM WHICH BUILDING APPLICATIONS MAY BE APPROVED OR ISSUED. ITS PURPOSE IS TO PROVIDE THOSE WHO PURCHASE HOME WITHIN 300 FEET THEREOF WITH A REASONABLE UNDERSTANDING AS TO HOW THE DEVELOPER WILL IMPROVE ALL ADJOINING VACANT LAND THAT LIES WITHIN 300 FEET OF THEIR HOMES.

   THE DIMENSIONED BOUNDARIES OF THE "PROVISORY SECTION" AS INDICATED HEREON ARE NOT INTENDED TO SEPARATE IT FROM THE OVERALL APPROVAL OF THIS PARTIAL DEVELOPMENT PLAN INCLUDING THE "PROVISORY SECTION" MUST BE APPROVED IN ACCORDANCE WITH SECTION 1B01.3.A.7, BALTIMORE COUNTY ZONING REGULATIONS.

   APPROVAL OF THE "PROVISORY SECTION" IS NOT BASED ON FINAL ENGINEERED PLANS, HOWEVER, IT IS INTENDED TO ESTABLISH THE FINAL LOCATION, HEIGHT, USE AND DENSITY OF BUILDING OR ENVELOPES TO WITHIN 25 FEET OF THEIR ENGINEERED LOCATION, THE LOCATION AND TYPE OF EXISTING MAJOR VEGETATION THAT IS TO BE RETAINED, SCREENING, PARKING AREAS AND DRIVE TO THE EXTENT POSSIBLE SO AS TO COINCIDE WITH THE FINAL OR PERMANENT IMPROVEMENTS, AND OTHER PERTINENT AMENITIES.

   AT THE TIME OF BUILDING PERMIT APPLICATIONS THE "PROVISORY SECTION" OF THIS DEVELOPMENT PLAN MUST BE UPDATED TO COMPLY IN ALL RESPECTS TO THE FORM AND CONTENT REQUIRED BY SECTION 1B01.3 OF THE ZONING REGULATIONS.
23. PROPOSED LIGHT POLES ARE DESIGNED BY THIS SYMBOL: ▲
24. A SLOPE ANALYSIS HAS BEEN PERFORMED AND D.E.P.R.M. HAS CONCLUDED THAT THIS PLAN MEETS THE REQUIREMENTS OF SECTION 22-99 OF THE DEVELOPMENT REGULATIONS. THE RESOURCE CONSERVATION AREA IS AS SHOWN ON THIS PLAN.
25. THERE SHOULD BE NO CLEARING, GRADING, OR DISTURBANCE OF THE NATURAL VEGETATION WITHIN THE NATURAL RESOURCE CONSERVATION AREA WITHOUT THE WRITTEN APPROVAL OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT EXCEPT THAT NECESSARY FOR CONSTRUCTION OF STORMWATER MANAGEMENT, SANITARY SEWER, AND STORM DRAINS. ALL DISTURBED AREAS SHALL BE REVEGETATED.
26. ALL DWELLINGS AND LOTS OF RECORD LESS THAN TWO ACRES IN SIZE OFFSITE THAT CREATE AN RTA ONSITE ARE SHOWN WITH THEIR RESPECTIVE 300 AND 250 FOOT AREAS AND REQUIRED BUFFER AREAS.
27. TOWNHOUSES WILL HAVE TWO-HOUR MASONRY FIRE WALLS OR SPRINKLERS IF SET BACK GREATER THAN 80 FEET FROM FIRE ACCESS.
28. AN ENERGY/VELOCITY DISSIPATION SYSTEM FOR THE EXISTING STORM DRAIN DISCHARGE WILL BE DESIGNED AS A COMPONENT OF THE STORMWATER MANAGEMENT DRAINS.
29. THE DEVELOPER WILL COMPLY WITH PUBLIC WORKS CONDITIONS FOR MAINTENANCE OF THE TEMPORARY PRIVATE SEWAGE PUMPING STATION.
30. THE RTA BUFFER EXTENDING INTO LOT 1 IS CONSIDERED A PERPETUAL RTA BUFFER AREA EASEMENT AND IS SUBJECT TO LANDSCAPING RESPONSIBILITIES TO THE DEVELOPER AND MAINTENANCE RESPONSIBILITIES TO THE APPROPRIATE "CLOISTERS" CONDOMINIUM GROUP. (SEE APPROVAL LETTER IN CRG FILE DATED JANUARY 29, 1989)

DENSITY CALCULATIONS

OVERALL SITE DATA

1. AREA: NET ACREAGE: 51.01 AC.; GROSS ACREAGE: 53.7 AC.
2. ZONING: DR2 = 12.45 AC.; DR 3.5 = 23.01 AC.; DR 5.5 = 17.51 AC.; DR 10.5 = .77 AC.
3. DWELLING UNITS PERMITTED:

DR2 X 12.45	= 24.9
DR 3.5 X 23.01	= 80.54
DR 5.5 X 17.51	= 96.305
DR 10.5 X .7	= 8.08
TOTAL	= 209.83 = 209

4. DWELLING UNITS PROPOSED:

SECTION 1 (LOT 1)*	0
SECTION 1 (LOT 2)	47
REMAINING	96
TOTAL	143

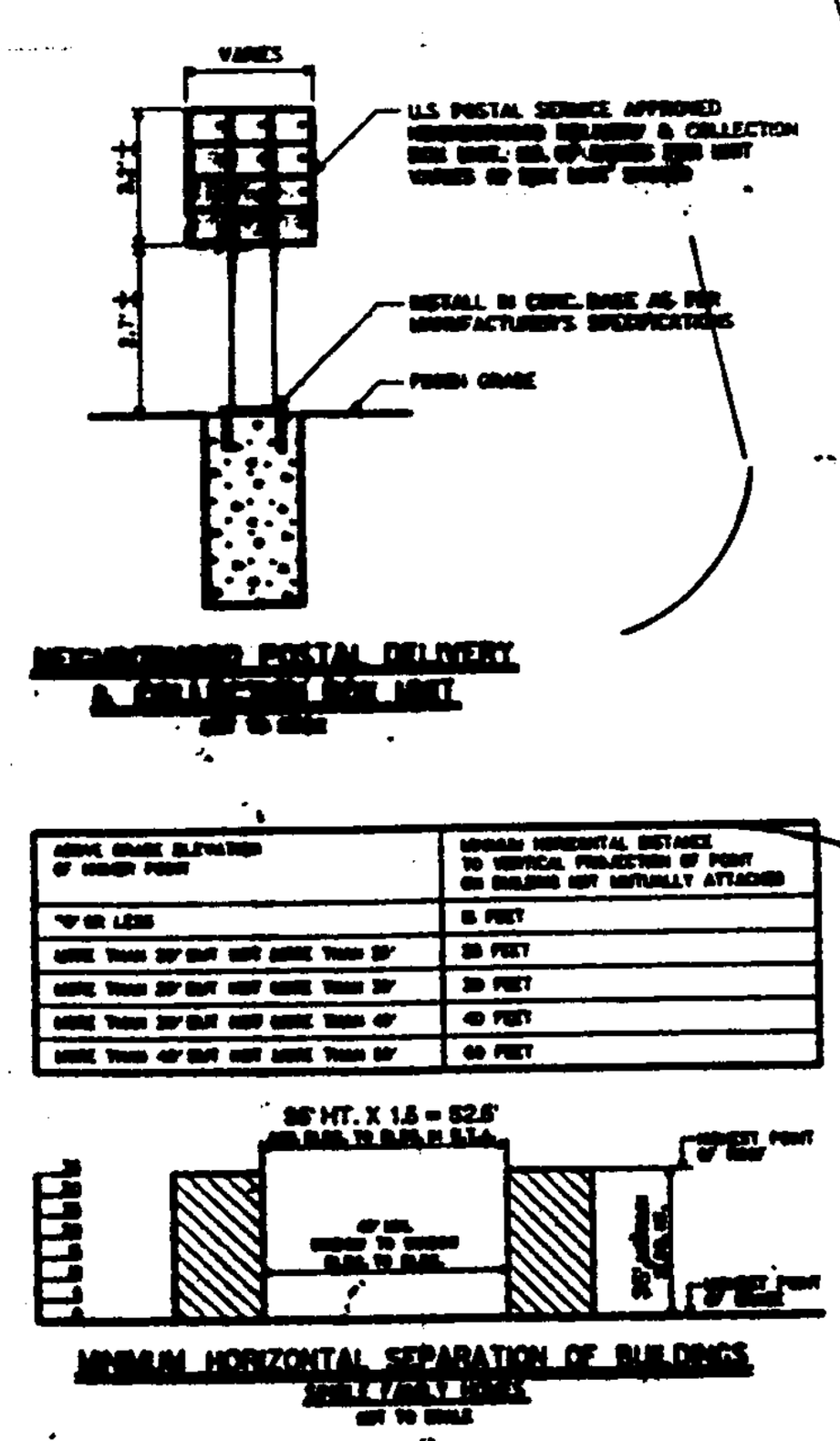
*LOT 1 IS CURRENTLY OCCUPIED BY THE SCHOOL SISTERS OF NOTRE DAME CONVENT. ALTHOUGH NO FURTHER DEVELOPMENT IS PLANNED AT THIS TIME FOR LOT 1, ALL DENSITY POTENTIALS IN EXCESS OF THOSE NECESSARY TO SUPPORT THE PROPOSED LOT 2 DEVELOPMENT SHALL BE RETAINED IN LOT 1.

PROPOSED SITE DATA	SECTION 1 LOT 1	LOT 2	REMAINING	TOTAL
5. AREA NET ACREAGE	10.092 AC.	10.264 AC.	30.66 AC.	51.02 AC.
GROSS ACREAGE	12.13 AC.	10.606 AC.	28.63 AC.	51.364 AC.
6. DWELLING UNITS EXISTING	0	0	0	0
7. DWELLING UNITS PROPOSED: CONDOMINIUM (FEE SIMPLE)	0	47	96	143
TOTAL		47	96	143
8. PARKING REQUIRED 0 UNITS X 2 (DR 3.5)		94	192	286
OVERFLOW PARKING: UNITS X.6		28	58	86
TOTAL PARKING REQUIRED		122	250	372
9. PARKING PROPOSED		132 (ALL UNITS HAVE AT LEAST 2 OFFSTREET SPACES; 14 SPACES IN PARKING BAYS)	247	381
10. LOCAL OPEN SPACE REQUIRED: UNITS X 650 S.F./UNIT		.716 AC.	1.418 AC.	2.13 AC.
11. PROPOSED CONDOMINIUM ASSOC. (C.O.A.) OPEN SPACE		1.4 AC.±	4.77 AC±	6.17 AC±
12. PROPOSED C.O.A. OPEN SPACE DESIGNATED AS LOCAL OPEN SPACE		.96 AC.+	4.77 AC±	5.73 AC±

1. FROM APPROVED CRG PLAN.
2. DENSITY TAKEN FROM OTHER AREAS OF THE SITE.
3. ACTUAL DENSITY FOR THE COVENANT ON LOT 1 SHALL BE VERIFIED WITH THE ZONING OFFICE PRIOR TO ISSUING BUILDING PERMITS.

PARKING BAY DETAIL
NOT TO SCALE

PRIVATE ROAD/BUILDING SETBACK DETAIL FOR CONDOMINIUMS WITH GARAGES
NOT TO SCALE



MINIMUM HORIZONTAL SEPARATION OF BUILDINGS

MORRIS AND RITCHIE ASSOCIATES, INC.
ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS
139 NORTH MAIN STREET SUITE 200
BEL AIR, MARYLAND 21014
301-836-7560
301-879-1690

SCALE: 1"=50'
DATE: 3/24/89
JOB NO. 9067

4TH AMENDED PARTIAL DEVELOPMENT PLAN
THE CLOISTERS
SECTION I

IX-528

REASONS FOR 1ST AMENDMENT (3/15/90)
1) TO SHOW COMPLETED BUILDING ENVELOPES FOR ALL UNITS.
2) TO CHANGE 4 UNITS IN PROVISORY SECTION II TO POOL, BATHHOUSE, AND OPEN SPACE.
3) NO UNITS IN THIS TRACT HAVE BEEN SOLD OR SETTLED.

REVISIONS:
5-26-89 REVISIONS PER ZONING OFFICE COMMENTS
5-15-92 [illegible]
1-4-93 REVISE FUTURE TOWNHOUSES TO FUTURE POOL/BATHHOUSE AND ADDITIONAL PARKING SPACES
6-23-92 2nd AMENDMENT REVISION

SHEET:

OFFICE OF PLANNING AND ZONING
Approved by
Director of [signature] Date 8/15/94
Director of Z.A.D.M. Date

MICROFILMED

...ONS: FOR 2ND AMENDMENT (6/23/92)

...CTA BUFFER, BUILDING UNITS 10, 12, 14 & 16, 15' TO THE WEST.
...ED.

...T LIMIT OF OUTSIDE STRUCTURES 15' TO THE REAR FOR ...10, 12, 14 & 16;, AND, 10' TO THE REAR FOR UNITS 2, 4, ...; 6434, & 36, 6436, 40 & 42; 6431 & 33; 6447 & 49; ...O 20' FROM CORE TO SIDE FOR UNITS 6431 & 6449

...TERIAL CHANGE IS PROPOSED.

...ROPERTY OWNER SIGNED THE PLAN.

...LOYOLA FEDERAL NATIONAL & LOAN ASSOCIATION — DATE
...N. CHARLES STREET, BALTIMORE, MD

...ND AMENDMENT WAS PREPARED BY CLARK, ENGLEPROCK & SACKETT, ...INSTREL WAY, COLUMBIA, MD 21045 (PHONE 410-381-7500) ...SAL PERTAINS TO THE 2ND AMENDMENT ONLY.

CHARLES

THE 3RD AMENDMENT WAS PREPARED BY CLARK, ENGLEPROCK & SACKETT, 1300 N. CHARLES STREET, BALTIMORE, MD 21201 (PHONE 410-381-7500) 7135 MINSTREL WAY, COLUMBIA, MD 21045 (PHONE 410-381-7500) THIS SEAL PERTAINS TO THE 3RD AMENDMENT ONLY.

DATE

U.S. POSTAL SERVICE APPROVED

INSTALL IN CONC. BASE AS PER MANUFACTURER'S SPECIFICATIONS

FINISH GRADE

POSTAL DELIVERY

	MINIMUM HORIZONTAL SEPARATION BETWEEN BUILDINGS (EXPRESSED AS A FUNCTION OF THE VERTICAL DIMENSION OF THE HIGHER BUILDING (SEE DIAGRAM) (EXPRESSED AS A RATIO)
1 STORY	6 FEET
2 STORY	21 FEET
3 STORY	36 FEET
4 STORY	51 FEET
5 STORY	66 FEET

BC HT. X 1.5 = 82.5
(BC BLDG TO BLDG 82.5')

HORIZONTAL SEPARATION OF BUILDINGS
(NOT TO SCALE)

DR 2
DR 3.5
DR 5.5
PROVINCIAL LANE
LOT 2
LOT 1
CHRISTINE COURT
MATCH LINE 'A'
LOCAL OPEN SPACE - FUTURE SECTION
100 YEAR FLOOD PLAIN
PEPCO TRANSMISSION EASEMENT
WATER LEVEL
EX. MACH.
EX. TREES
EX. MINI-VOLUME PONDING
75' RTA BUFFER FROM CENTERLINE OF TRACK
LIMIT OF OUTSIDE STRUCTURES
SCHOOL SISTERS OF NOTRE DAME
100.3/50
LOT 1
LOT 2
GREGORIAN COURT
CLOISTER GATE DRIVE
ABBEY VIEW WAY
ARMAGH DRIVE
PENNSYLVANIA RAILROAD
MARYLAND
ABANDONED
EXISTING RESIDENTIAL
PLAT OF ARMAGH BOOK 12 PAGE 3
PLAT OF ARMAGH RESUBD. PAGE
BELLONA AVENUE
N 90° 18' 30" W 875.12' AND RECORDED 875.01'
J. BRITAIN & MYRTLE WINTER 3105/0442
CHARLES W AMOS 0890/0498
MICROFILMED
OFFICE OF PLANNING AND ZONING
Approved by
for Director of P.A.D.M.
Date
2/3/93
DR 3.5
DR 5.5

VICINITY MAP
1" = 1000'
SITE
SECTION 1
NORTH LIFE PARK
PROVINCIAL LANE
MATCH LINE 'A'

PARKING BAY DETAIL
NOT TO SCALE

PRIVATE ROAD/EP SLOPING SETBACK DETAIL FOR CONDOMINIUMS WITH GARAGES
NOT TO SCALE

Settlines #2

OVERALL CALCULATIONS
OVERALL SITE DATA

EXISTING SITE DATA	SECTION 1 LOT 1	SECTION 1 LOT 2	REMAINING
1. AREA: NET ACRES; GROSS ACRES(+/-)	10.29 AC	11.284 AC 11.484 AC	1.194 AC 1.394 AC
2. ZONE LAND USES LIMITING			
3. ZONE - NO UNITS PROPOSED; DENSITY MAX PER UNIT; TOTAL	47	94	141
4. PARKING REQUIRED: 2 SPACES/UNIT; 0.5 SPACES/UNIT; TOTAL PROVIDED W/ GARAGES	94 24 118.5	188 48 236	282 72 355.5
5. PARKING PROVIDED	ALL UNITS HAVE 1 GARAGE & 1 DRIVEWAY SPACE		
6. OPEN SPACE REQUIRED (MINIMUM 40% OF NET AREA)			
7. OPEN SPACE PROVIDED (MINIMUM 40% OF NET AREA)			
8. PROPOSED ZONING MAXIMUM ALLOWED; GROSS OPEN SPACE			
9. PROPOSED GROSS OPEN SPACE (EXCLUDED AS MACH. OPEN SPACE)			

PROPOSED SITE DATA

	SECTION 1 LOT 1	SECTION 1 LOT 2	REMAINING
1. AREA: NET ACRES; GROSS ACRES	10.29 AC	11.284 AC 11.484 AC	1.194 AC 1.394 AC
2. ZONE LAND USES LIMITING			
3. ZONE - NO UNITS PROPOSED; DENSITY MAX PER UNIT; TOTAL	47	94	141
4. PARKING REQUIRED: 2 SPACES/UNIT; 0.5 SPACES/UNIT; TOTAL PROVIDED W/ GARAGES	94 24 118.5	188 48 236	282 72 355.5
5. PARKING PROVIDED	ALL UNITS HAVE 1 GARAGE & 1 DRIVEWAY SPACE		
6. OPEN SPACE REQUIRED (MINIMUM 40% OF NET AREA)			
7. OPEN SPACE PROVIDED (MINIMUM 40% OF NET AREA)			
8. PROPOSED ZONING MAXIMUM ALLOWED; GROSS OPEN SPACE			
9. PROPOSED GROSS OPEN SPACE (EXCLUDED AS MACH. OPEN SPACE)			

MORRIS AND RITCHIE ASSOCIATES, INC.
ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS
139 NORTH MAIN STREET SUITE 200
BEL AIR, MARYLAND 21014
301-879-1660 — 301-836-7560

IX-528

SCALE: 1"=50'
DATE: 3/24/89
JOB NO. 9087

3RD AMENDED
PARTIAL DEVELOPMENT PLAN
THE CLOISTERS
SECTION I

REASONS FOR 1ST AMENDMENT (3.15/90)
1) TO SHOW COMPLETED BUILDING ENVELOPES FOR ALL UNITS.
2) TO CHANGE 4 UNITS IN PROVISORY SECTION II TO POOL BATHHOUSE, AND OPEN SPACE
3) NO UNITS IN THIS TRACT HAVE BEEN SOLD OR SETTLED.

REVISIONS:
5/16/91 REVISIONS TO PER TECHNICAL COMMENTS
8-15-91 REVISED TO SHOW PROPOSED "MACH. UNDERGROUND RTA BUFFER
2-16-92 REVISE FUTURE TOWNHOUSES TO FUTURE 80% CONDOMINIUMS AND ADDITIONAL 19 PARKING SPACES
6-23-92 2nd AMENDMENT REVISION

SHEET:

PLANT LIST

sym.	qty.	plant name (scientific / common)	size	remarks
Shade Trees		**TOTAL 28 P.U.**		
AR	11	Acer rubrum / Red maple	3" - 3 1/2" cal.	specimen
GT	2	Gleditisia triacanthos var. inermis, Thornless Honey Locust	3" - 3 1/2" cal.	
PL	9	Platanus acerifolia, London Plane Tree	3" - 3 1/2" cal.	
QR	6	Quercus rubra, Red Oak	3" - 3 1/2" cal.	
Minor Trees		**TOTAL- 66 = 33 P.U.**		
AM	4	Amelanchier x grandiflora " Autumn Brilliance" / "Autumn Brilliance" Serviceberry	8' ht.	multi-stem, specimen
CC	14	Cercis canandensis, Eastern Redbud	2-2 1/2" cal	
CF	8	Cornus florida, Flowerin Dogwood	2-2 1/2" cal	
CK	11	Cornus kousa, Japanese Dogwood	2-2 1/2" cal	
MD	14	Malus "Donald Wyman" / Donald Wyman Crabapple	2-2 1/2" cal	white/pink flowers, specimen
MH	9	Malus 'Harvest Gold"/ Harvest Gold Crabapple	2-2 1/2" cal	upright with white blooms
MS	6	Magnolia x soulangiana var. Lennei Alba, Saucer Magnolia	2-2 1/2" cal	white, late blooming variety
Evergreen Trees		**TOTAL = 72 =36 P.U.**		
IX	8	Ilex x "Nellie R. Stevens" / Nellie R. Stevens Holly	6-7'	
PA	7	Picea abies, Norway Spruce	8' ht.	
PS	57	Pinus strobus / White Pine	6-7'	unsheared
Shrubs		**TOTAL 100=20 P.U.**		
HM	7	Hydrangea macrophylla "Nikko Blue" / "Nikko Blue" Hydrangea	18" - 24" ht.	
HQ	6	Hydrangea quercifolia, Oakleaf Hydrangea	18" - 24" ht.	
IM	35	Ilex x meserveae 'Blue Princess', Blue Holly	2 1/2' - 3' ht.	
MP	15	Myrica pennsylvanica, Northern Bayberry	2 1/2' - 3' ht.	
RC	5	Rhododendron catawbiense "album elegans" / Album Elegans Rhododendron	2 1/2' - 3' ht.	
RD	24	Rhododendron 'Delaware Valley White', Azalea D.V.M.	2' -2 1/2' ht.	
VT	8	Viburnum plicatum var. tomentsum, Doublefile Viburnum	2 1/2' - 3' ht.	
Groundcover & Perennials				
CV	23	Coreopsis verticillata "Moonbeam"/ Moonbeam Coreopsis	1 gal.	
LM	1209	Liriope muscari "Big Blue" / Lilyturf	4" divisions	12" OC
RG	111	Rudbeckia fulgida "Goldsturm" / Black Eye Susan	1 gal.	18" OC
SS	15	Sedum spectabole " Autumn Joy"/ Stonecrop	1 gal.	
VP	71	Veronica 'Blue Charm' / Speedwell	4" divisions	12" OC

Planting Requirements

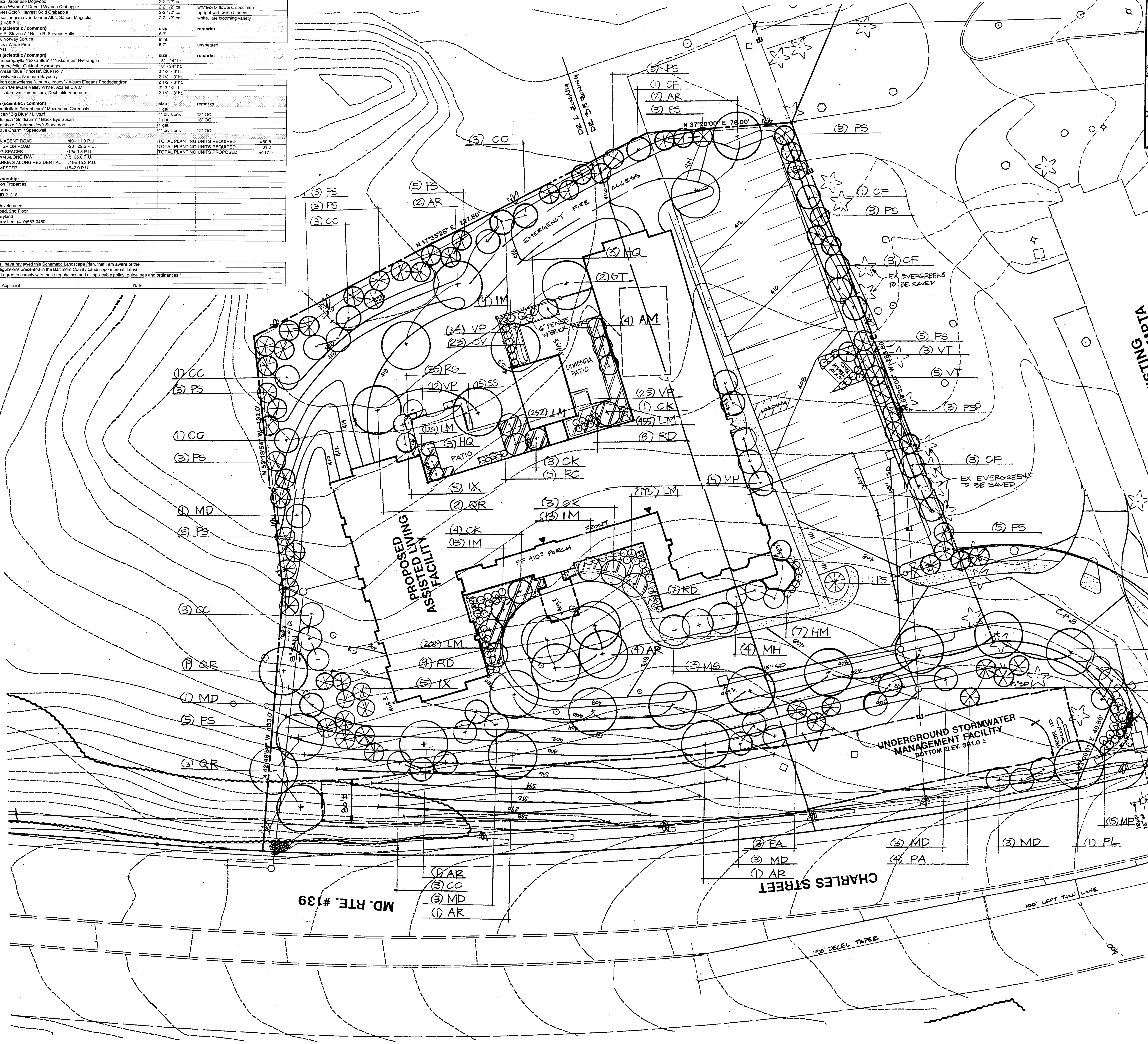
440 L.F. ADJACENT ROAD	/40= 11.0 P.U.	TOTAL PLANTING UNITS REQUIRED	=80.8
450 L.F. INTERIOR ROAD	/20= 22.5 P.U.	TOTAL PLANTING UNITS REQUIRED	=81.0
46 PARKING SPACES	/12= 3.8 P.U.	TOTAL PLANTING UNITS PROPOSED	=117.0
390 L.F. SWM ALONG R/W	/15=26.0 P.U.		
230 L.F. PARKING ALONG RESIDENTIAL	/15= 15.3 P.U.		
30 L.F. DUMPSTER	/15=2.0 P.U.		

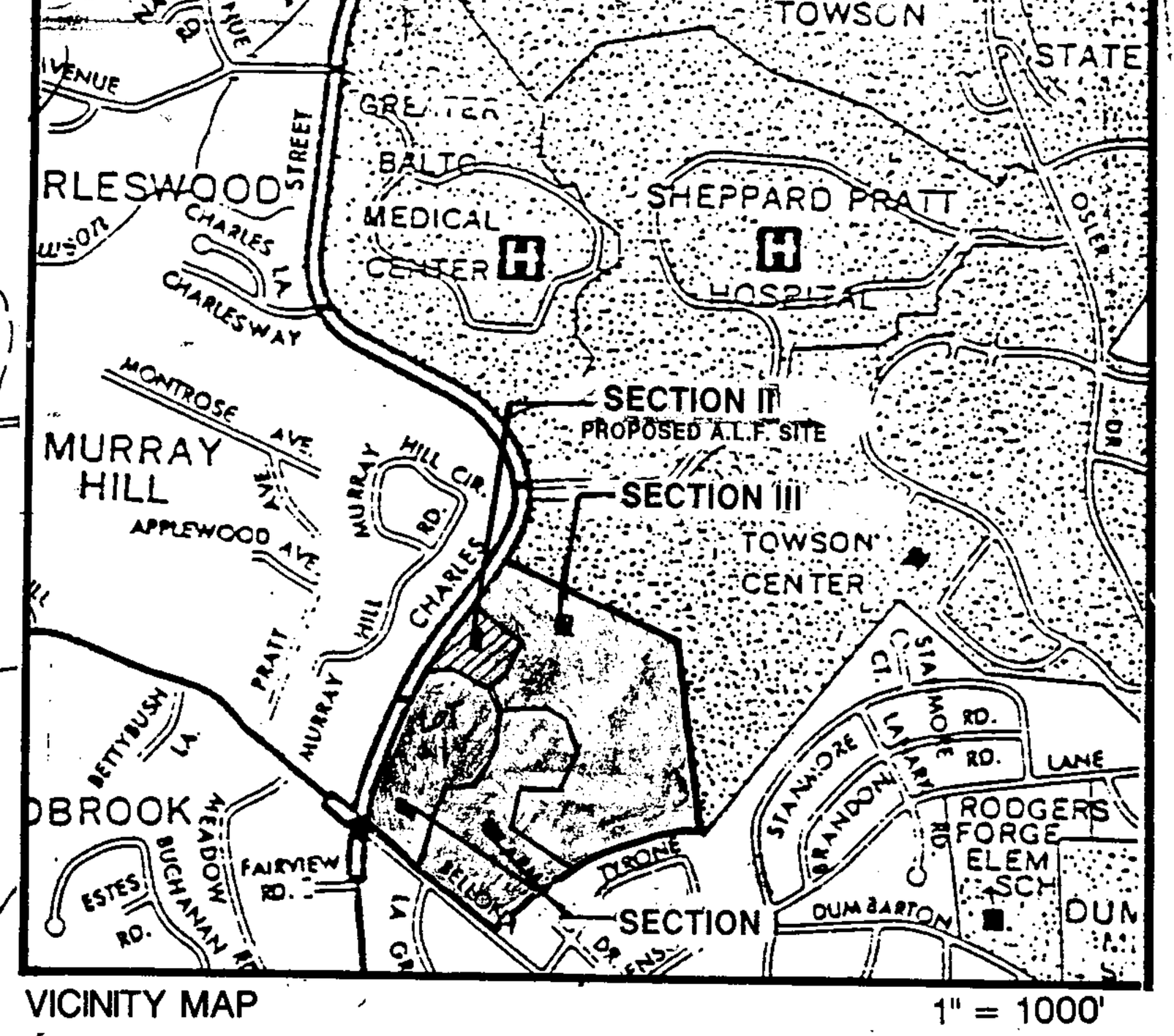
Current Ownership:
Mount Vernon Properties
3907 Greenway
Baltimore MD 21218

Applicant:
Vanguard Development
908 York Road, 2nd Floor
Towson, Maryland
Attn: Mr. Harry Lee, (410)583-0460

"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."

Signature of Applicant   Date





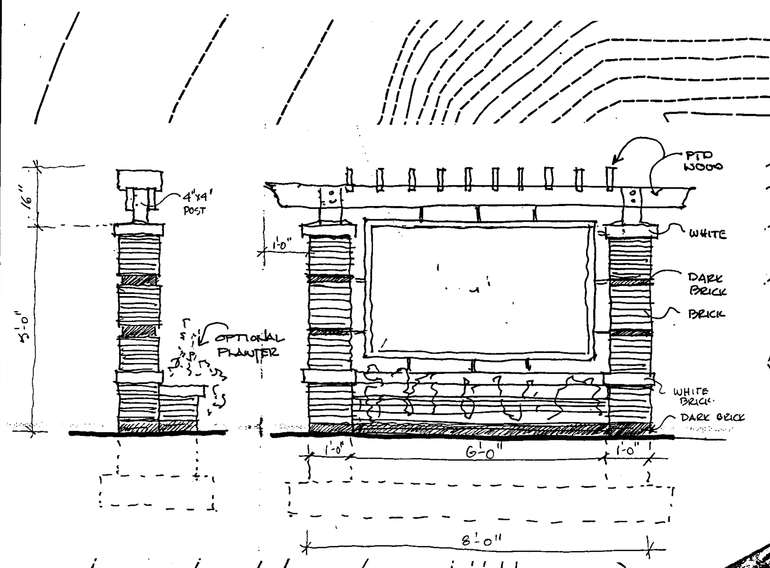
ANSHEN + ALLEN
ARCHITECTURE
PLANNING
INTERIOR DESIGN
LANDSCAPE ARCHITECTURE
250 WEST PRATT STREET
BALTIMORE
MARYLAND 21201
410 528-7700

DRAWN BY:
CHECKED:
APPROVED:
SEAL

ASSISTED LIVING FACILITY
GENESIS HEALTH VENTURE
CHARLES & BELLONA

NO.	DESCRIPTION	DATE
REVISIONS		

SHEET TITLE
SCALE:
DATE: 4/21/97
PROJECT PHASE: SCHEMATIC LANDSCAPE PLAN
PROJECT NO.: 96021.00
DRAWING NO.



IDENTIFICATION/ENTRY SIGN
N.T.S.

ASSISTED LIVING FACILITY
GENESIS HEALTH VENTURE
CHARLES AND BELLONA

ARCHITECTURE PLANNING INTERIOR DESIGN LANDSCAPE ARCHITECTURE

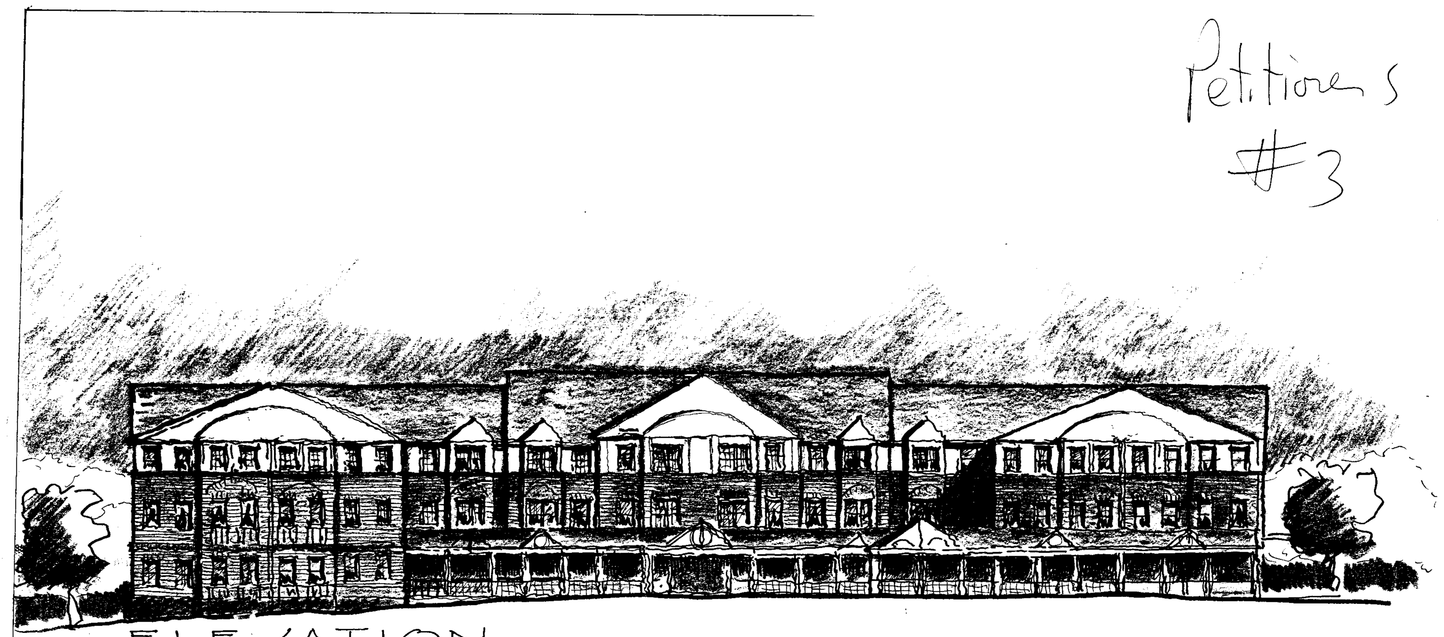
29 APRIL 1997

A+A PROJECT NO. 96021.00

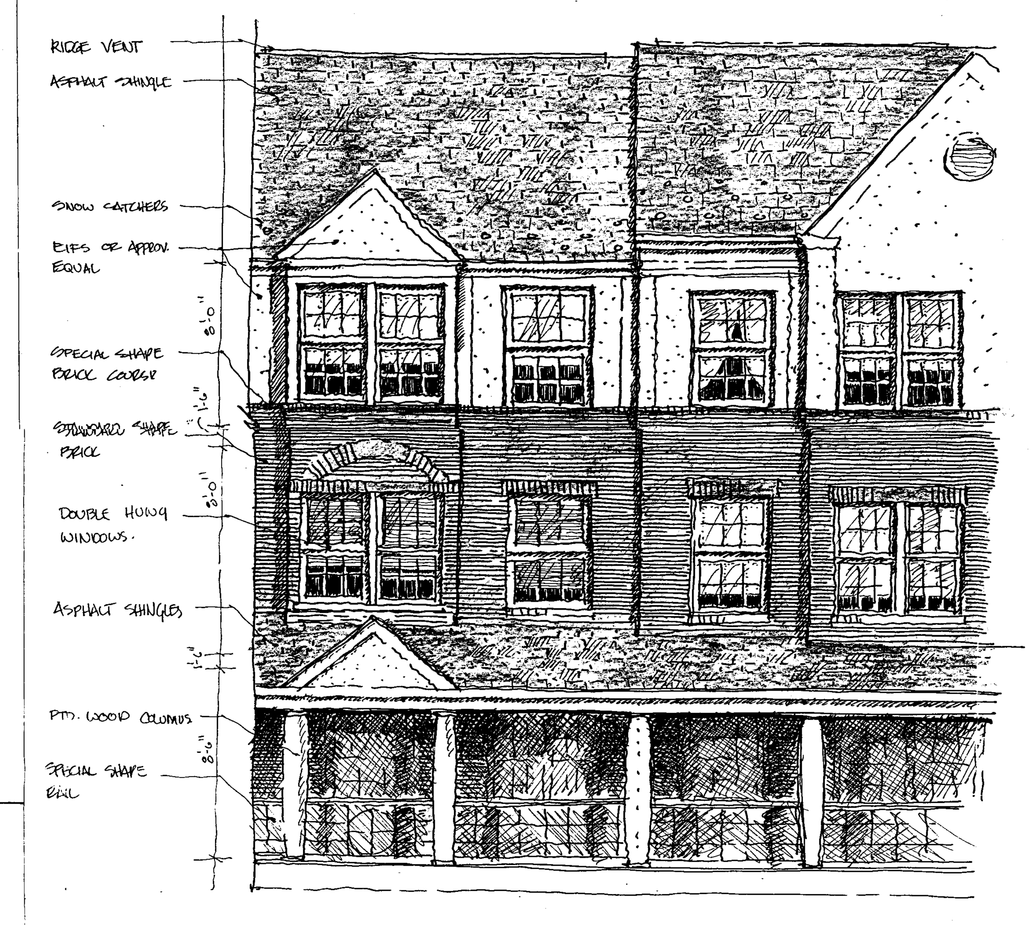
250 WEST PRATT STREET BALTIMORE MARYLAND 21201

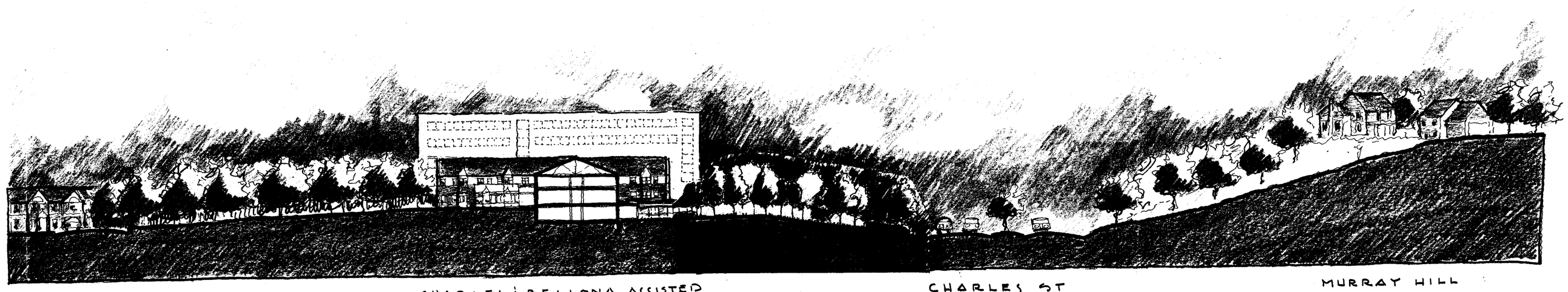
Petitioners
#3

SKETCH



ELEVATION





CLOISTERS | CHARLES & BELLONA ASSISTED LIVING | CHARLES ST | MURRAY HILL

ANSHEN + ALLEN

ASSISTED LIVING FACILITY
GENESIS HEALTH VENTURE
CHARLES AND BELLONA

ARCHITECTURE PLANNING INTERIOR DESIGN LANDSCAPE ARCHITECTURE

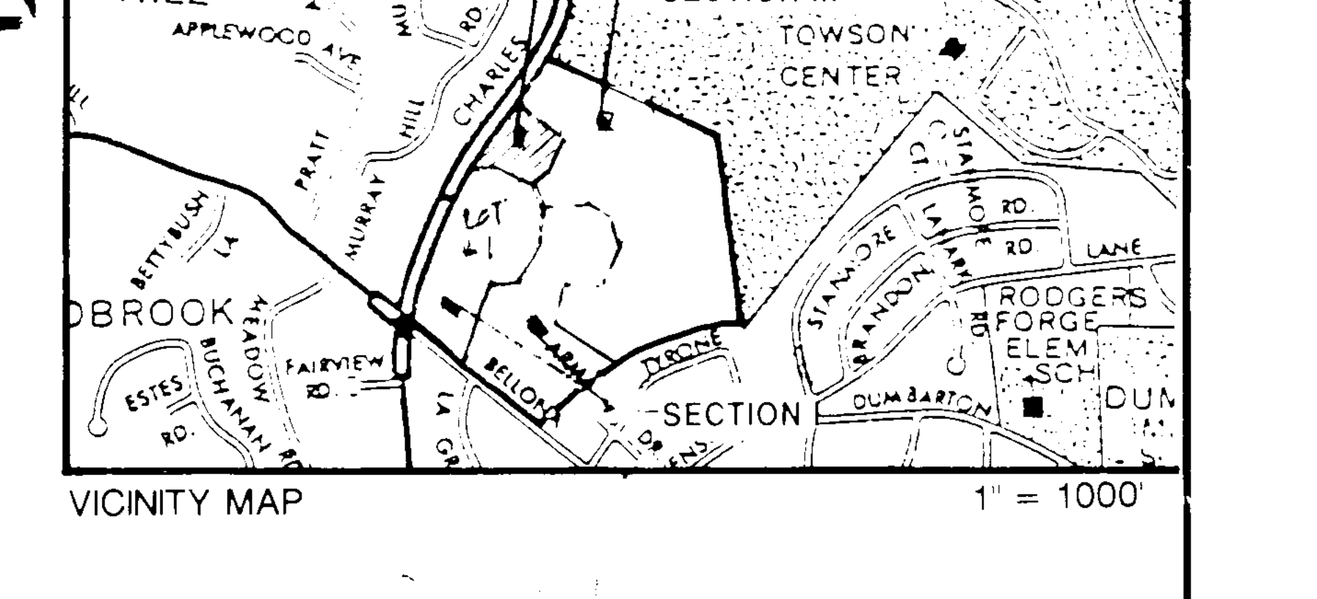
19 JUNE 1996

A+A PROJECT NO. 96021.00

250 WEST PRATT STREET BALTIMORE MARYLAND 21201

TABLE 3-4. BUILDING SETBACK STANDARDS

	DR-2	DR-3.5
Front yard	60	30
Side yard		
Interior, one	30	20
both	60	40
Corner, street side	50	35
both	80	55
Rear yard	40	30



Assisted Living Facility at the Cloisters
MRA #10305

1. Contract Purchaser / Applicant:
Vanguard Development
908 York Road, 2nd Floor
Towson, Maryland 21204
Attn: Mr. Harry Lee (410) 583-0460

2. CRG Amendment Prepared By:
Morris & Ritchie Associates, Inc.
110 West Road, Suite 105
Towson, Maryland 21204
Attn: Mr. Tim Madden, Principal (821-1690)
Ms. Kristine Tetlay, RLA

3. General Information
Election District: 9
Councilmanic District: 4
Census Tract: 4906.04
Watershed: 23
Subwatershed: 55
Existing Zoning: D.R. 2, 3.5, 5.5 & 10.5
Site Data

4. Density Calculations

A. Net Area

	Dr.2	3.5	5.5	10.5	Total
Lot #1	-	10.0 ac	-	-	10.0 ac +/-
Lot #2 (Sec. I)	-	8.5 ac	1.6 ac	-	10.1 ac +/-
(Sec. II)*	1.6 ac	1.0 ac	-	-	2.6 ac +/-
(Sec. III)	10.4 ac	1.1 ac	15.9 ac	0.8 ac	28.2 ac +/-
Total Net Area	12.0 ac	20.6 ac	17.5 ac	0.8 ac	50.9 ac +/-

B. Gross Area

	Dr.2	Dr.3.5	Dr.5	Dr.10.5	Total
Lot #1 (Sec. I)	-	12.13 ac	-	-	12.13 ac +/-
Lot #2 (Sec. I)	-	8.8 ac	1.6 ac	-	10.4 ac +/-
(Sec. II)*	1.8 ac	1.1 ac	-	-	2.9 ac +/-
(Sec. III)	10.6 ac	1.3 ac	15.9 ac	0.8 ac	28.6 ac +/-
Total Gross Area	12.4 ac	23.3 ac	17.5 ac	0.8 ac	54.0 ac +/-
Density Calculations D.U. Permitted	24 D.U.	81 D.U.	96 D.U.	8 D.U.	209 Total

C. Dwelling unit allocation

A total of 114 Dwelling Units are existing in Lot #1 and Lot #2 (Section 1). 23 Density Units are proposed for the assisted living facility, leaving 72 dwelling units available for future development on Section III.

Lot #1 (Sec. I): 66 dwellings
Lot #2 (Sec. I): 45 townhomes existing; 3 single family detached units existing
(Sec. II): 92 assisted living facility units proposed = 25 Dn.U.
(Sec. III): 72 future dwelling units proposed
Total Proposed: 209 dwelling units

D. PROPOSED & EXISTING DEVELOPMENT

a. Lot #1 Section I (Convent)
This site is currently occupied by the School Sisters of Notre Dame Convent.

b. Lot #2 (Section I) - 45 existing townhouses, 3 existing single family d...

c. "Section II - Proposed housing for the elderly - Assisted Living Facility. ("Assisted Living Facility at Charles/Cloisters")

d. Section III - Undeveloped and reserved for future residential development in accordance with the Baltimore County Zoning Regulations.

5. Parking:
A. Lot 2 (Section I)
Required: 48 x 2 = 96 P.S.
Proposed: 134 spaces (includes 2 offstreet spaces per unit and 38 spaces in parking bays)
B. Section II - Housing for the elderly*
Required: 92 Assisted Living Units x 50 = 46 spaces
Proposed: Total parking spaces proposed = 46 spaces including 2 handicap spaces

6. Local Open Space
A. Lot #2 (Section I)
Required: 45 units x 650 s.f. = 31,700s.f. (.072 AC+)
Provided: 0.96 AC+
Open space within Section I will be retained and maintained by the condominium association
B. (Section II)*
Required: 23 density units x 650s.f. = 0.34 acre
Proposed: The required open space is less than 0.5 acre. A fee in lieu of on site local open space is requested.

7. Landscape Planting
A. Lot #2 (Section I) - Final Landscaping is approved
B. Section II - Landscape Calculations:*
A final landscape plan will be prepared in accordance with the requirements of the Baltimore County Landscape Manual.

440 L.F. Adjacent Road	÷ 40	= 11.0	P.U.
450 L.F. Interior Road	÷ 20	= 22.5	P.U.
46 parking spaces	÷ 12	= 3.8	P.U.
340 L.F. SWM along R/W	÷ 15	= 22.6	P.U.
220 L.F. Parking along ex. residential	÷ 15	= 14.6	P.U.
TOTAL P.U.'S REQUIRED		= 74.5	P.U.
TOTAL P.U.'S REQUIRED		= 75.0	P.U.

8. There are no existing wells or septic areas on this site.

9. The site is approximately 1/3 wooded with existing trees and will be retained where possible. The assisted living facility site (Section II) is primarily meadow. The site is exempt from the Forest Conservation Requirements.

10. Existing streams are shown with their associated floodplains.

11. Existing buildings in Section I are shown on the plan. No buildings are on the Baltimore County landmarks list or national register.

12. Proposed buildings in a residential transition area will not exceed 130 feet in length nor 35 feet in height. The minimum distance between buildings will be 1½ times the height of the higher building. All required buffer planting will comply with Baltimore County Zoning Regulations. Existing woods may be used to meet a portion of the requirements. Street lighting will be in accordance with Baltimore County Standards.

13. Lot #1
Current Ownership: School Sisters of Notre Dame, 6401 North Charles Street, Baltimore, Maryland 21212
Parcel: 1234
Deed Reference: Liber 61, Folio 56
Tax Account No: 2200000032
Lot #2 (Section I)
Parcel: 433
Deed Reference: SM 61/56
Section II * & III
Current Ownership: Mount Vernon Properties, 3907 Greenway, Baltimore, Maryland 21218
Parcel: 1208
Deed Reference: 9175/94
Tax Account No: 2100011116

14. Estimated Average Daily Trips (ADT's)
Lot # 2 (Section I)
8.5 x 45 Townhouses Units = 382.5 A.D.T.'S
12.4 x 3 Single Family = 37 A.D.T.'S
Total = 419.5 A.D.T.'S
Section II*
Prepared from the Trip Generation, 4th Edition
92 Beds x 2.147 trips/bed = 197.6 A.D.T.'S

15. A. Stormwater for Section I and the majority of Section III will be managed by Pond #1 shown on the plan. This work will require permits from the Army Corps of Engineers and Department of Natural Resources.
B. Stormwater Management for the assisted living facility (Section II)* will be provided in an onsite facility (Pond #2) (UNDERGROUND FACILITY)

Assisted Living Facility		2 Year	10 Year	100 Year
	Existing Conditions	2 CFS	6 CFS	11 CFS
	Proposed Conditions	8 CFS	18 CFS	28 CFS

16. Wetlands have been field located and are shown. No grading, cleaning, or disturbance of wetland soils will occur except as permitted by the Baltimore County Water Quality Policy. Mitigation for stormwater management will be provided. There are no wetlands and/or forest buffer areas on Section II*.

17. There are no known critical areas, archeological sites, endangered species habitats, or hazardous materials on the site.

18. Temporary boundary markers and tree protection devices shall be installed in local open space prior to any clearing and grading. Local open space shall not be disturbed except as approximately delineated on this plan without prior approval from the Department of Recreation and Parks. Tree masses to be retained within the R.T.A. buffer adjacent to Armagh Village. Specimen trees can be identified in conjunction with Final Development Plan.

19. All dwellings and lots of record less than two acres in size off-site that create an RTA on-site are shown, to best of our knowledge with their respective 300 and 250 foot arcs and required buffer areas.

20. Townhouses will have two-hour masonry fire walls or sprinklers if set back greater than 50 feet from fire access. Parcel C - Housing for the elderly shall conform to NFPA, Life Safety Code, Chapter 21, 1985 Edition or latest approved edition.

21. All roads are private.

22. This CRG plan is a conceptual document based on 200' topography supplied by Baltimore County. Minor changes in layout or grading may occur once field located topography is available. Building envelopes will be shown on the Final Development Plan.

23. An internal paved or landscaped walkway will be provided for access from dwelling units to the local open space.

24. Limits of disturbance within the local open space is indicated by approximate edge of trees to remain.

25. Slope analysis has been performed and F.D.P.A.M. has concluded that the site meets the requirements of Section 22-99 of the Development Regulations. The plan is exempt from Section 38-38 of Article IV since building and grading permits have been issued and substantial construction has commenced prior to January 1, 1991.

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

27. An energy/velocity dissipation system for the existing storm drain discharge will be designed as a component of the storm drain management drains.

28. This site has been reviewed by Mike Pitcher of Control Services and is not in the microwave path area.

29. Zoning Hearings Requested: A hearing will be requested for a special exception to permit an Assisted Living Facility on Section II of the site (BCZR Section 432.1.A.4) (92 beds x 25 D.U. = 23 density units are proposed). A variance will also be requested to permit a project identification sign with a total of 75 s.f. of signface, in lieu of the 15 sf permitted (BCZR 413.D)

30. The provisory section on the first amended partial development plan of "The Cloisters", Section 1, approved on 3/21/90 must be amended pursuant to Section 1B01.3.A.7 (B.C.Z.R.)

31. Any proposed development on Section III shown on this alternate CRG Plan shall be considered a material amendment and subject to a CRG meeting for approval.

32. The assisted living facility will be accessed through a modified shared access easement on lot #1, along Charles Street. The remainder of Section II will possibly be accessed through existing Section I. The entrance to the Assisted Living Facility will be curb and gutter.

33. There will be no left turns permitted from Provincial Lane onto Charles Street.

34. All exterior lighting onsite shall be arranged and directed so as to reflect onto the premises and away from all adjacent residential properties and public roads.

35. There have been no known previous commercial permits approved for this site.

36. Premise address is 346 St. Charles Street according to M.D.A.T. Real Estate Property System.

37. Proposed FAR for Section II:
55,861 total building s.f. ÷ 126,324 total gross site s.f. = 0.44 FAR

38. Previous Zoning Hearings: A previous zoning case #91-431-XA was filed and, subsequently dismissed without prejudice, through an order dated October 11, 1991.

39. THE APPROVAL OF AN AMENDED FINAL DEVELOPMENT PLAN TO ADD THE ASSISTED LIVING FACILITY TO THE PROPERTY, IS HEREBY REQUESTED.

THIS PLAN SHALL BE CONSIDERED AN ALTERNATE TO THE PREVIOUSLY APPROVED C.R.G. AND SHALL NOT INVALIDATE THE EARLIER PLAN.
(SEE APPROVED CRG FILE # IX-528)
(APPROVAL DATE: JAN. 20, 1989)

THIS ALTERNATE CRG IS FOR THE PROPOSED CLASS "B" ELDERLY HOUSING FACILITY WITHIN (SECTION II) ONLY.
PLANNING CRG # IX-528
PUBLIC SERVICES CRG # 88201

LEGEND:

- = 25% SLOPES OR GREATER
- = 100 YEAR FLOODPLAIN LINE
- = LIMIT OF FIELD LOCATED HYDRIC SOILS
- = EX. STREAM WITH 50' BUFFER
- PROPOSED STREET LIGHT
- PROPOSED WET POND STORMWATER MANAGEMENT FACILITY
- ZONING LINE
- = SLOPE ANALYSIS LIMIT OF DISTURBANCE

* AMENDED CRG BY:
MRA
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
110 West Road, Suite 105
Towson, Maryland 21204
(410) 821-1690
Fax: (410) 821-1748

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

ALTERNATE CRG PLAN
(PLAT TO ACCOMPANY SPECIAL EXCEPTION/VARIANCE HEARING)
AND PLAT TO ACCOMPANY SPECIAL HEARING TO AMEND A FINAL DEVELOPMENT PLAN (FDP)
ASSISTED LIVING FACILITY
AT CHARLES / CLOISTERS

(WEST FACING)
SCHEMATIC FRONT BUILDING ELEVATION
PROPOSED ASSISTED LIVING FACILITY
(NORTH FACING)
SCHEMATIC SIDE BUILDING ELEVATION
PROPOSED ASSISTED LIVING FACILITY
VICINITY MAP
1" = 1000'
LEGEND:
25% SLOPES OR GREATER
100 YEAR FLOODPLAIN LINE
LIMIT OF FIELD LOCATED HYDRIC SOILS
EX. STREAM WITH 50' BUFFER
PROPOSED STREET LIGHT
PROPOSED WET POND STORMWATER MANAGEMENT FACILITY
ZONING LINE
LOGICAL OPEN SPACE
ANY PROPOSED DEVELOPMENT TO SECTION III SHOWN ON THIS ALTERNATE C.R.G. PLAN SHALL BE CONSIDERED A MATERIAL AMENDMENT AND SUBJECT TO A C.R.G. MEETING FOR APPROVAL.
UNDERGROUND STORMWATER MANAGEMENT FACILITY
SUBJECT OF SPECIAL EXCEPTION REQUEST
PROPOSED ASSISTED LIVING FACILITY
EX. CONVENT TO REMAIN
LOT #1
Sisters of Notre Dame
School
1003 / 58
LOT #2
SECTION I
(EXISTING TOWNHOUSES & SINGLE FAMILY HOUSES)
EXISTING RESIDENTIAL
BUILDINGS
PLAT OF MURRY HILL
BOOK 12 P. 42, 43
MD RTE. #139
CHARLES STREET
BELLONA AVENUE
BELLONA ROAD
BRIARCLIFF ROAD
BRIARCLIFF PARKWAY
SECTION I
SECTION II
SECTION III
FOREST BUFFER
DR 2 ZONING
DR 5.5 ZONING
OS ZONING
SCHEMATIC ENTRANCE FEATURE
SCALE: 1/4" = 1'-0"
ALTERNATE CRG PLAN
(PLAT TO ACCOMPANY SPECIAL EXCEPTION HEARING)
ASSISTED LIVING FACILITY
AT CHARLES / CLOISTERS
PREVIOUSLY KNOWN AS
SECTION II
THE CLOISTERS AT CHARLES
ELECTION DISTRICT 7 COOLE, DISTRICT 4
BALTIMORE COUNTY, MD
SCALE: 1" = 50'
DATE: MARCH 1, 2006
ORIGINAL CRG BY:
DAFT, McCUNE, WALKER INC.
AMENDED CRG BY:
MORRIS & RITCHIE ASSOCIATES, INC.
THIS PLAN SHALL BE CONSIDERED AN ALTERNATE TO THE PREVIOUSLY APPROVED C.R.G. AND SHALL NOT INVALIDATE THE EARLIER PLAN.
THIS ALTERNATE CRG IS FOR THE PROPOSED CLASS 'B' ELDERLY HOUSING FACILITY WITH (SECTION II) ONLY
PLANNING CRG # 91-572
PUBLIC SERVICES CRG # 86-271
Ms. Viviane Properties, Inc.
Edward J. Gallagher, Jr.
Vice President
Owner's Signature
Date
Thomas E. Schmidt
Owner's Signature
Date
Thomas E. Schmidt
Owner's Signature
Date