IN RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL EXCEPTION N/W Corner Security Boulevard and Mt. Vernon Drive, NE/S Lexington Road (5500 LEXINGTON ROAD)

1st Election District

1st Election District 4th Councilmanic District

Cardinal William M. Keeler,
Legal Owner
Associated Catholic Charities, Inc.
Contract Purchaser

* * *

BEFORE THE

ZONING COMMISSIONER

* OF

* BALTIMORE COUNTY

Cases Nos. I-518 & 05-319-X

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before the Hearing Officer/Zoning Commissioner of Baltimore County for a combined public hearing, pursuant to Section 32-4-230 of the Baltimore County Code (B.C.C.). Pursuant to the development review regulations codified in Article 32, Title 4 thereof, the Owners/Developers seek approval of a development plan prepared by B.L. Companies for the proposed development of the subject property with a 74-unit elderly housing facility. In addition, the Owners/Developers request a special exception to modify the existing maximum residential density standards for elderly housing on a property with institutional buildings from 3.5 density units per acre to 14.01 density units per acre in accordance with Section 432.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."). The subject property is located at the northwest corner of the intersection of Security Boulevard and Mount Vernon Drive in the Woodlawn area of Baltimore County. The proposed development and requested zoning relief are more particularly described on the red-lined development plan submitted and marked into evidence as Developer's Exhibits 1A-1C.

As to the history of this project through the development review process codified in Article 32 of the B.C.C., a concept plan of the proposed development was prepared and a

ORDER REGENED FOR FILING

conference held thereon on June 1, 2004. As the name suggests, the concept plan is a schematic representation of the proposed subdivision and is reviewed by and between representatives of the Developer and the reviewing County agencies at the Concept Plan Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the initial CIM was held on July 8, 2004 at the Woodlawn Community Center. Subsequently, a development plan is prepared, based upon the comments received at the CPC and CIM, and submitted for further review at a Development Plan Conference (DPC) which is again held between the Developer's consultants and reviewing County agencies. In this case, the DPC was held on February 2, 2005. Following the DPC, comments are submitted by the appropriate County reviewing agencies and a revised development plan incorporating these comments is submitted at the Hearing Officer's Hearing, which in this case was held on February 24, 2005.

At the hearing, Patricia A. Malone, Esquire appeared on behalf of the Owner/Developer. Also appearing on behalf of Developer were Dale McArdle, Director of Housing Services for Catholic Charities; Magda Westerhout, architect with Marks, Thomas and Associates; Mickey Cornelius, traffic engineer with The Traffic Group; and Robert Eitel, engineer with BL Companies, the consultants who prepared the Development Plan. Numerous representatives of the various Baltimore County agencies who reviewed the Development Plan attended the hearing, including the following individuals: Christine Rorke (Development Management); Mark Cunningham (Office of Planning); Joseph Merrey (Zoning Review); Lt. Franklin Cook (Fire Department); Bruce Seeley (DEPRM); Robert Bowling (Development Plans Review); Ronald Goodwin (Land Acquisition). Jan Cook of the Department of Recreation and Parks and Steven Foster of the Maryland State Highway Administration submitted written comments. One interested person attended the hearing, Patrick Ennis,

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property manager for the neighboring Hamlet West Apartments. Mr. Ennis was supportive of the project, but had a question about the proposed landscaping. No one appeared in opposition.

From the evidence presented, the subject property is 3.962 acres and is zoned D.R. 3.5. This property is part of an approximately 10.3 acre tract owned by the Roman Catholic Archbishop of Baltimore and is currently used for the Holy Korean Martyrs Church. See Developer's Exhibit 1B. As is indicated on Petitioner's Exhibit 1B, the southernmost portion of the 10 acre tract is not improved with any buildings and is largely wooded and/or has steep slopes. It is in this area that Developer plans to subdivide off the 3.962-acre parcel and to develop a building containing 74 one-bedroom senior apartments for low-income seniors above age 62. Specifically, Developer proposes a four-story, L-shaped building and related parking.

Because of the steep slopes and existing wooded areas outside of the building envelope, Developer has proposed only necessary improvements such as parking and storm water management. Evidence was presented that the 50 parking spaces to be provided will be sufficient for the facility and that traffic to be generated by the facility will be minimal. The remainder of the 10 acre tract would continue to be used by the existing church. The entrance to the senior housing facility would be from Lexington Road. The Church's main entrance would continue to be from Colonial Drive, which is a signalized intersection at Security Boulevard.

At the Hearing Officer's Hearing, I am required to determine what, if any, issues or comments remain unresolved as of the time of the hearing before me. The Developer identified no outstanding issues. Having reviewed the red-lined modifications made to the Development Plan (Developer's Exhibits 1A-1C), the representatives of the reviewing County agencies identified no outstanding or unresolved issues other than a few minor housekeeping matters that Developer agreed to address on the plan to be submitted for signature. Revised comments were submitted at the hearing as County Exhibits 1, 2, and 3 by DEPRM's Storm Water Management Section and Environmental Impact Review and from the Department of Recreation and Parks, all of which recommended plan approval. The Developer had requested a waiver of local open

space under B.C.C. Section 32-6-108, which is available for elderly housing facilities, and Recreation and Parks' comment indicates that its Director approved Developer's request for a waiver of local open space.

The Developer has requested a waiver of certain public works requirements relating to the extension of public water and sewer and to improvements to Mount Vernon Drive and Lexington Road, as specified on the Development Plan. The Director of the Department of Public Works has recommended partial waivers as outlined in the comments from the Bureau of Development Plans Review. Having reviewed the waiver requests, I find that the recommended waivers are appropriate and should be granted. The level of traffic on Mount Vernon Drive and Lexington Road is very low and will continue to be so even after development of the Catholic Charities project. I find the roads to be adequate in their current condition. The partial waiver as recommended by the Director of Public Works and outlined in the January 29, 2005, comment are justified in light of the circumstances involved in this case, that the waivers are within the scope, purpose, and intent of Title 4 of the B.C.C., and I find that all other county laws and regulations have been met. Therefore, in accordance with B.C.C. Section 32-4-107, I will grant the recommended waivers.

Mr. Ennis raised questions regarding landscaping along Mount Vernon Drive which were answered by Mr. Eitel, and identified no other issues. Mr. Eitel has agreed to provide Mr. Ennis with a copy of the landscaping plan prior to its approval, and the Hearing Officer informed Mr. Ennis that he has the opportunity to meet with Avery Harden, Baltimore County's landscape architect, to discuss the landscaping plan if he so desires. Therefore, having identified no unresolved or outstanding issues, the Development Plan shall be approved.

In addition to development plan approval, the Developer also requested zoning relief pursuant to the Petition for Special Exception. Because the tract contains an institutional use, the Developer may and has requested a special exception under B.C.Z.R. Section 432.3 to modify the existing maximum residential density standards from 3.5 density units per acre to 14.01 density units per acre. The Baltimore County Council provided this incentive to

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encourage the development of such facilities on institutional properties, such as this one. At this point, I note that the Concept Plan for this project was filed in advance of the effective date of Bill 19-03 and, therefore, according to the terms of the legislation, is subject to Section 432 prior to its repeal.

According to Section 432.3.A.1, the Zoning Commissioner may grant an increase in density in circumstances where an existing institutional use will be continued when the increase "takes into account the density and use by the existing institution." My review of the plan indicates that the proposed senior housing project has, in fact, been designed to take into account the existing institutional use. The senior housing facility will be independent of the existing church use and will not utilize area necessary for the church to meet its own requirements, such as density, parking, or setbacks. Therefore, I find that the requirements of Section 432.3.A.1 have been satisfied.

Section 432.3.C further requires the Zoning Commissioner to determine the following: (1) that the property is suitable for the type of development proposed; (2) that the balance of the tract outside of the building envelope will be used only for such open space and recreational uses as are permitted by right or by special exception in D.R. zones; (3) that the development will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood; and (4) that the density increase will satisfy all other criteria stated in B.C.Z.R. Section 502.1. From the evidence presented at the hearing, I find that each of these requirements have been met in this case.

First, I find that the property is suitable for the proposed facility. In fact, the location is ideal for this facility. The property fronts three public roads: Security Boulevard, Mount Vernon Drive, and Lexington Road. The remaining side of the property adjoins church-owned property. Across Mount Vernon Drive, there is an existing apartment complex. I find that the proposed facility will be quite compatible with the uses on the surrounding properties.

CHANGE PROCESSION

I further find that Developer has demonstrated compliance with Section 432.3.C.2.

Due to steep slopes and existing woods, there is limited space outside of the building envelope

for anything other than necessary improvements, such as storm water management and parking facilities. A gazebo is proposed at the entrance of the parking lot. No other uses are proposed on the balance of the site.

The existing woods on the property are being retained, to the extent possible, and additional landscaping will be provided to help buffer the facility from the surrounding roadways and any neighboring properties. The Developer presented architectural renderings for the project and also provided photographs of two similar projects in Baltimore County, which I find to be attractive and well maintained. From the evidence presented, I find that the proposed development will not be detrimental to the use, peaceful enjoyment, economic value or development of the surrounding properties and the general neighborhood and, therefore, is in compliance with Section 432.3.C.3. Similarly, with this testimony in mind, I have reviewed the criteria stated in B.C.Z.R. 502.1, and I find that the proposed development satisfies each of the criteria outlined in that section.

The proposed modification of existing maximum residential density standards for elderly housing on this property from 3.5 density units per acre to 14.01 density units per acre is within the maximum gross residential density permitted in the D.R. 16 zone. Thus, this statement is made in satisfaction of the requirement contained in B.C.Z.R. Section 432.3.E.

Additionally, I find that the Developer has complied with B.C.Z.R. 432.3.F regarding establishing a system of community participation in the form of a Board of Advisors to the facility. The Developer has assembled a Board of Advisors made up of at least five representatives of the community associations in the surrounding area or other relevant organizations. Thus, I find this requirement to have been met. With all requirements for approval of a special exception under B.C.Z.R. 432.3 having been met, I find that the request for approval of a special exception to modify the existing maximum residential density standards from 3.5 density units per acre to 14.01 density units should be granted.

Pursuant to the Zoning and Development Regulations of Baltimore County as contained within the B.C.Z.R. and in Article 32, Title 4 of the Baltimore County Code, the

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Pursuant to the Zoning and Development Regulations of Baltimore County as contained within the B.C.Z.R. and in Article 32, Title 4 of the Baltimore County Code, the

advertising and posting of the property, and public hearing held thereon, the Development Plan shall be approved consistent with the comments contained herein and the Petition for Special Exception shall be granted.

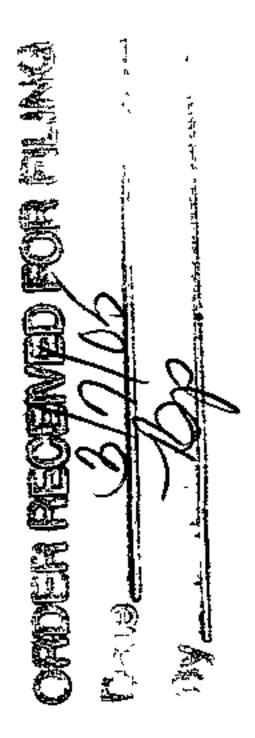
THEREFORE, IT IS ORDERED by the Hearing Officer/Zoning Commissioner of Baltimore County this day of March, 2005, that the redlined development plan for Catholic Charities, entered into evidence as Developer's Exhibit 1A-1C, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to modify the existing maximum residential density standards for elderly housing on property with institutional buildings from 3.5 density units per acre to 14.01 density units per acre in accordance with Section 432.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), in accordance with Developer's Exhibits 1A-1C, be and is hereby GRANTED.

Any appeal of this decision must be taken in accordance with Section 32-4-281 of the Baltimore County Code.

Zoning Commissioner of

Baltimore County



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J Wiseman III, Zoning Commissioner

March 7, 2005

Patricia A. Malone, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING & PETITION FOR SPECIAL EXCEPTION NW/Corner Security Boulevard and Mt. Vernon Drive, NE/S Lexington Road (5500 Lexington Road)

(5500 Lexington Road)

1st Election District — 4th Council District

Cardinal William M. Keeler, Legal Owner;

Associated Catholic Charities, Inc., Contract Purchaser/Developer

Cases Nos. I-518 & 05-319-X

Dear Ms. Malone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved and the Petition for Special Exception granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner/Hearing Officer

for Baltimore County

WJW:bjs

cc: Mr. Dale McArdle, Catholic Charities, 320 Cathedral Street, Baltimore, Md. 21201

Ms. Magda Westerhaut, 1410 Key Highway, Baltimore, Md. 21230

Mr. Andrew Mueller, 3320 Sonia Trail, #104, Ellicott City, Md. 21043

Mr. Robert Eitel, 849 International Drive, #215, Linthicum, Md. 21090

Mr. Mickey Cornelius, The Traffic Group, 9900 Franklin Sq.Dr.,#H, Baltimore,Md. 21236

Mr. James Ennis, 2613 Cabover Drive, Hanover, Md. 21076

Ms. Chris Rorke, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case file



Visit the County's Website at www.baltimorecountyonline.info



PHDER RE

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 5500 Lexington Road

which is presently zoned

DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded 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: Legal Owner(s): See Attached Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature **Attorney For Petitioner:** Address Telephone No. Patricia A. Malone Name - Type or Print City State Zip Code Representative to be Contacted: Signature Patricia A. Malone Venable, LLP Company Name 210 Allegheny Avenue, P. O. Box 5517 210 Allegheny Avenue, P.O. Box 5517 ddress Address Telephone No. Telephone No. 21285~5517 410-494-6206 Towson, Maryland 21285-5517 410-494-6206 Towson, Maryland ity State City Zip Code State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING _ Re No. 05-319-X UNAVAILABLE FOR HEARING Date 12/20/04 Reviewed By Try REV 09115198

Petition for Special Exception

Associated Catholic Charities - Woodlawn 5500 Lexington Road

Petition for Special Exception for an elderly housing facility pursuant to B.C.Z.R. Section 1B01.1.C.28 (2003) and for a modification of the existing maximum residential density standards for an elderly housing facility located on property with an existing institutional (church) use from 3.5 density units per acre to 14.01 density units per acre in accordance with B.C.Z.R. Section 432.3 (2003).

Petition for Special Exception

Associated Catholic Charities - Woodlawn 5500 Lexington Road

Legal Owner:

Cardinal William H. Keeler

Roman Catholic Archbishop of Baltimore,

a Corporation Sole

320 Cathedral Street

Baltimore, Maryland 21201

(410) 547-5437



Je souphisses

Description

3.962 Acre Parcel

West Side of Security Boulevard

North Side of Mt. Vernon Drive

Baltimore County, Maryland

Beginning for the same on the West Side of Security Boulevard (120 feet wide) as shown on Baltimore County Bureau of Rights-of-Way Drawing No. HRW 56-039, said point also being on the tenth or North 24 degrees 31 minutes 56 seconds West 1131.15 foot line of the deed dated January 30, 1958 and recorded among the Land Records of Baltimore County, Maryland in Liber 3308 Folio 297 and was conveyed by Charleston Hall, Inc. to Most Reverend Francis Patrick Keough, thence binding on West Side of Security Boulevard and running reversely with and binding on part of the tenth and all of the ninth lines of said deed the two following courses and distances viz: (1) South 24 degrees 48 minutes 26 seconds East for a distance of 322.81 feet to a point of curvature, and thence (2) Southeasterly by a line curving to the right having a radius of 2840.00 feet for a length of 197.03 feet (the arc of said curve being subtended by the chord bearing South 22 degrees 49 minutes 11 seconds East 196.99 feet) to a point of compound curvature being distant 60.00 feet measured at right angles from the centerline station 122+08.50 as shown on said drawing, said point also on the North Side of Mt. Vernon Drive, thence binding on said North Side of Mt. Vernon Drive and running reversely with and binding on the eighth and seventh lines of said deed the two following courses and distances viz: (3) Southwesterly by a line curving to the right having a radius of 50.00 feet for a length of 95.22 feet (the arc of said curve being subtended by the chord bearing South 33 degrees 43 minutes 33 seconds West 81.47 feet) to a point of compound curvature, and thence (4) Northwesterly by a line curving to the right having a radius of 1200.00 feet for a length of 247.42 feet (the arc of said curve being subtended by the chord bearing North 85 degrees 48 minutes 34 seconds West 247.42 feet) to a point of compound curvature on the Northeast side of Lexington Road, thence binding on said Northeast side of Lexington Road and running reversely with and binding on the sixth and fifth lines of said deed the two following courses and distances viz:(5) Northwesterly by a line curving to the right having a radius of 25.00 feet for a length of 32.02 feet (the arc of said curve being subtended by the chord bearing North 43 degrees 12 minutes 43 seconds West 247.42 feet) to a point of reverse curvature, and thence (6) Northwesterly by a line curving to the left having a radius of 225.00 feet for a length of 105.03 feet (the



arc of said curve being subtended by the chord bearing North 31 degrees 32 minutes 38 seconds West 190.34 feet) to a point of non tangency, thence leaving said Northeast side of Lexington Road and running reversely with and binding on part of the fourth line of said deed (7) North 09 degrees 45 minutes 43 seconds East for a distance of 19.27 feet to the division line of lots 18 and 19 Block Q as shown on the plat entitled "Colonial Park Estates" and recorded among the aforementioned Land Records in Plat Book J.W.S. 2 folio 337, thence running with and binding on the lines of Lot 18 as shown on said plat the three following courses and distances, viz: (8) North 80 degrees 14 minutes 17 seconds West for a distance of 150.00 feet, thence (9) North 09 degrees 45 minutes 43 seconds East for a distance of 150.00 feet, and thence (10) South 80 degrees 14 minutes 17 seconds East for a distance of 150.00 feet, thence leaving said Lot 18 and running through the lands of the first hereinmentioned deed for two new lines of division viz: (11) North 09 degrees 45 minutes 43 seconds East for a distance of 54.10 feet, and thence (12) North 65 degrees 11 minutes 34 seconds East for a distance of 168.99 feet to the place of beginning containing 3.962 acres of land, more or less.

Being a portion of the land described in the deed dated January 30, 1958 and recorded among the Land Records of Baltimore County, Maryland in Liber 3308 Folio 297 and was conveyed by Charleston Hall, Inc. to Most Reverend Francis Patrick Keough.

Also being a portion of the land described in the deed dated June 15, 1998 and recorded among the Land Records of Baltimore County, Maryland in Liber 12958 Folio 434 and was conveyed by Manuel Teixeira and Laurence W. Teixeira to Cardinal William H. Keeler.





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Description

3.273 Acre Parcel

West Side of Security Boulevard

North Side of Mt. Vernon Drive

Baltimore County, Maryland

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Being the same land described in the deed dated January 30, 1958 and recorded among the Land Records of Baltimore County, Maryland in Liber 3308 Folio 297 and was conveyed by Charleston Hall, Inc. to Most Reverend Francis Patrick Keough



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

Case: #05-319-X

Case #05-319-X
5500 Lexington Road
N/west corner of Security Blvd, at Mt. Vernon Drive, n/east south of Lexington Road
1st Election District 4th Councilmanic District
Legal Owner(s): Cardinal William H. Keeler
Special Exception: to allow an elderly housing facility and for a modification of the existing maximum residential density standards for an elderly housing facility located on property with an existing institutional (church) use from 3.5 density units per acre to 4.01 density units per acre
Hearing Thursday Lethnary 24, 2005 at 9.00 a in in Hearing Townshi 21214.

WILLIAM WISEMAN - Fallung Lethnary Lethnary County Coun

especial accommodations Please Contact the Zoning

Commissioner's Office at (410) 887-4386.

(2), For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

38633

CERTIFICATE OF PUBLICATION

219,20 <u>05</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 28 , 2005 .
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
Willenson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-3/9-X

<i>*</i>		Petitioner/Develop	er:CARDINAL
		WILLIAM	H. KEELER
			osing: 2/24/05
Baltimore County Department of Permits and Development Manageme County Office Building, Room 111 111 West Chesapeake Avenue Fowson, Maryland 21204	ent		
ATTN: Kristen Matthews {(410) 887	7-3394}		
Ladies and Gentlemen:	•		
This letter is to certify under the penaposted conspicuously on the property 5500		<u> </u>	
The sign(s) were posted on	2/7/2 (Month; Da	o 5 ay, Year)	`
	- Sincerely,		
		Police & Rose (Signature of Sign Po	2/9/05 ster) (Date)
	₹	SSG Robert 1	Black
	· ———	(Print Na	me)
- 1 a minorale trajecto principal principal and the propertion of the principal property and all the principal and a major principa		1508 Leslie I	Road
	· · · · ·	(Address	s) ·
		Dundalk, Maryla	and 21222
		(City, State, Z	ip Code)
		(410) 282-7	940
	•	(Telephone N	lumber)

FEB 1 0 2005

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 9, 2005 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable, LLP 210 Allegheny Avenue Towson, MD 21204

410-494-6200

NOTICE OF ZONING 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: 05-319-X

5500 Lexington Road

N/west corner of Security Blvd., at Mt. Vernon Drive, n/east south of Lexington Road 1st Election District – 4th Councilmanic District

Legal Owner: Cardinal William H. Keeler

Special Exception to allow an elderly housing facility and for a modification of the existing maximum residential density standards for an elderly housing facility located on property with an existing institutional (church) use from 3.5 density units per acre to 14.01 density units per acre.

Hearing: Thursday, February 24, 2005 at 9:00 a.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue, Towson 21204

WILLIAM WISEMAN

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T Smith, Jr, County Executive Timothy M. Kotroco, Director

January 21, 2005

NOTICE OF ZONING 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

CASE NUMBER: 05-319-X

5500 Lexington Road

N/west corner of Security Blvd., at Mt. Vernon Drive, n/east south of Lexington Road

1st Election District – 4th Councilmanic District

Legal Owner: Cardinal William H. Keeler

Special Exception to allow an elderly housing facility and for a modification of the existing maximum residential density standards for an elderly housing facility located on property with an existing institutional (church) use from 3.5 density units per acre to 14.01 density units per acre.

Hearing: Thursday, February 24, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204

Timothy Kotrocc

Director

TK:klm

C: Patricia A. Malone, Venable, LLP, 210 Allegheny Ave., P.O. Box 5517, Towson 21204 Cardinal William Keeler, Roman Catholic Archbishop, 320 Cathedral St., Baltimore 21201

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, FEBRUARY 9, 2005.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing

Zoning Review will ensure that the legal requirements for advertising are satisfied However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newscaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Ad	lvertising:				
Item Number or Cas	se Number	05-31	7-X		
Petitioner.	Et Pom.	n Catholic	Archbis	hop of E	2/timore
Address or Location					
PLEASE FORWAR	D ADVERTISIN	NG BILL TC			
Name.	Z Am	14 Dante	11		
Address	210	Alleghan	y Arm	<u></u>	
	To	250m	MD	21204	· · · · · · · · · · · · · · · · · · ·
Telephone Number) 494-6	200		

Department of Permit and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

February 15, 2005

Patricia A. Malone 210 Allegheny Avenue P.O. Box 5517 Towson, Maryland 21285-5517

Dear Ms. Malone:

RE: Case Number: 05-319-X, 5500 Lexington Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 28, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

W. Carl Richards, Jr. Supervisor, Zoning Review

Very truly yours

WCR: clb

Enclosures

c: People's Counsel Cardinal William H. Keeler 320 Cathedral Street Baltimore 21201



Visit the County's Website at www.baltimorecountyonline.info

Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500



Baltimore County

James T Smith, Jr., County Executive John J Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

January 4, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

Item No.:

(319)333

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time.

Lieutenant Franklin J. Cook Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File



Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 24, 2005

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 17, 2005

Item Nos. 319, 320, 323, 324, 325, 326,

327, 330, 331, 332, and 333

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File



TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr Joo

DEPRM

DATE:

February 3, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 10, 2005.

__X__ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:



05-325 -

05-326

05-327

05-330

05-332

05-333

Reviewers:

Sue Farinetti, Dave Lykens

Governor State High War Administration

Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Mary and Department of Transportation

Date: 1.10.05

Baltimore County

Item No. 319

RE:

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear. Ms. Matthews:

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

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

f. f. Houlh

Engineering Access Permits Division

RE: PETITION FOR SPECIAL EXCEPTION *

5500 Lexington Rd; NW corner Security

Blvd at Mt. Vernon Dr, NE S Lexington Rd *

1st Election & 4th Councilmanic Districts

Legal Owner(s): Cardinal William H.Keeler *

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-319-X

* * * * * * * * * *

ENTRY OF APPEARANCE

*

*

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of January, 2005, a copy of the foregoing Entry of Appearance was mailed Patricia A. Malone, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JAN 13 ZUS

People's Counsel for Baltimore County

PETER MAX ZIMMERMAN

§ 430

SPECIAL REGULATIONS

§ 432

- 3. Program of fee disbursements.
- 4. Manitoring system.
- 430.13 Regulations. The Office of Planning and the Department of Public Works may promulgate such rules and regulations not inconsistent herewith as are necessary to implement the provisions of this section. [Bill No. 29-1995]

Section 431 Parking of Commercial Vehicles on Residential Property [Bill No. 70-1988]

- A. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle.
- B. One commercial vehicle per dwelling unit may be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle subject to the following conditions:
 - 1. The gross vehicle weight or gross combination weight shall not exceed 10,000 pounds.
 - 2. The owner or operator of the vehicle shall reside on the lot.
 - 3. The rehicle shall be parked within a fully enclosed structure or, alternatively, if not within a fully enclosed structure:
 - a. No materials, products, freight or equipment shall be visible
 - b. The vehicle shall display no advertising other than lettering, figures or designs located on the driver's door or front seat passenger's door.
 - c. The vehicle shall be parked in a side or rear yard.

Section 432 Elderly Housing Facilities in D.R. Zones [Bill No. 36-1988]

- A. Elderly housing facilities are permitted in all D.R. Zones under the conditions set forth below. Such uses shall also comply with the requirements of the zones in which they are located and with all other applicable provisions of the zoning regulations, except as herein modified.
- B. Development of elderly housing facilities is especially encouraged on property containing existing institutional uses; to promote such facilities on these properties, maximum residential density, maximum building height standards and residential transition area restrictions may be altered, as set forth below. For the purposes of this section, institutional uses shall be convents, orphanages, schools, seminaries, officially designated historic buildings, hospital campuses and churches on sites containing at least 10 acres.

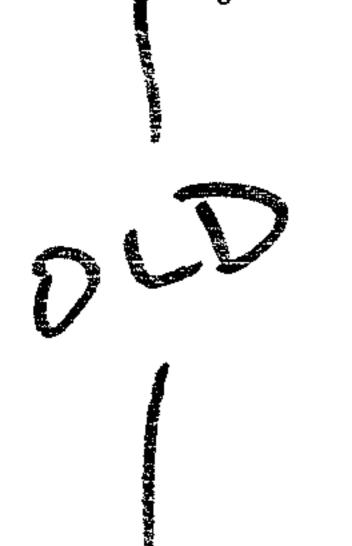


In general. The following provisions shall apply to assisted-living facilities, continuing care facilities and housing for the elderly (collectively referred to as "housing facilities") in D.R. Zones, unless otherwise indicated.

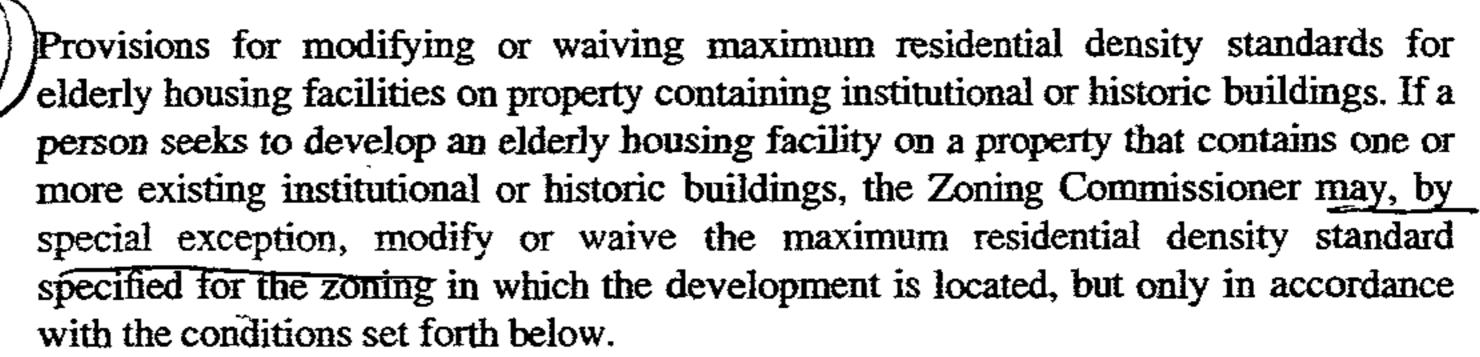
A. Permitted uses.

- 1. Housing for the elderly shall be permitted by right. [Bill No. 188-1993]
- 2. Assisted-living facilities other than Class A or Class B for three or fewer shall be permitted by right. [Bill No. 188-1993]
- 3. Subject to Section 432.5, assisted-living facilities, Class A, shall be permitted by use permit and assisted-living facilities Class B shall be permitted by special exception. [Bill No. 188-1993]
- 4. Continuing care facilities shall be permitted by special exception. Assisted-living facilities other than Class A or Class B of four or more and assisted-living facilities developed in conjunction with a nursing home shall be permitted by special exception. [Bill No. 188-1993]
- 5. Elderly housing facilities for the elderly are not permitted in any Baltimore County Historic District, except for Class A assisted-living facilities. [Bill No. 188-1993]
- 6. An applicant for a special exception to develop a housing facility may combine in the same special exception petition a request for modification or waiver of the maximum residential density standard or building height standard as set forth in Section 432.2 or a request for modification or waiver of residential transition area restrictions, or all as set forth in Sections 432.2, 432.3 and 432.4. [Bill No. 188-1993]
- B. The following uses shall be permitted as accessory uses:
 - 1. Accessory uses which are normally and customarily associated with multiple-family dwelling developments in D.R. and R.A.E. Zones.
 - 2. Common dining facilities.
 - 3. Accessory uses which are customarily associated with elderly housing facilities and assisted-living facilities of four or more (except assisted-living facilities developed in conjunction with a nursing home), such as personal and recreational services, small gift or necessities shops and a small bank branch or automated bank teller machines, provided that the accessory use is for the sole use of the elderly housing community, and provided that there is no exterior announcement or other exterior evidence of the accessory use.
 - Guest rooms for residents, family members and guests of residents and potential residents. Guest rooms may not exceed two for each 100 dwelling units provided.

432.3



- 5. Any uses not listed above which, in the judgment of the Zoning Commissioner after a public hearing, would be in accordance with the definition of accessory use or structure contained in Section 101 and would not be detrimental to the locality involved.
- C. Width of elevation of detached dwellings.
 - 1. Notwithstanding the provisions of Section 1B01.2.B.1, and for the sole purposes of determining the width of any elevation of a detached building, any buildings within the development that are connected by exterior passageways shall be considered as detached buildings. Such passageway, whether or not completely enclosed, shall not be included when determining the width of any elevation of a detached building.
 - 2. The development shall not be subject to the restriction contained in Section 1B01.1.B.1.b.(2) concerning the maximum width or length of any elevation of a detached building or group of attached buildings when located in a residential transition area.¹
- D. Notwithstanding the provisions of Section 1B01.2.C.2.b., the minimum distance between centers of facing windows of different dwelling units on the same subdivision tract shall be 20 feet for elderly housing facilities.²
- Provisions for approving an increase in residential density or building height for elderly housing facilities on hospital campuses. If an elderly housing facility is established in conjunction with a hospital and is located on a hospital campus, the Zoning Commissioner, by special exception, may approve an increase in residential density or building height above the maximum residential density or maximum building height specified for the zone in which the facility is located if:
 - A. The height of any new building does not exceed the height of the existing hospital building.
 - B. The density approved is specified and does not exceed the maximum gross residential density permitted in the R.A.E.1 Zone (40 density units per acre).



A. Before granting a density increase hereunder, the Zoning Commissioner shall determine that the proposed development falls into one of the following categories:

Editor's Note: This provision was rendered no longer applicable as a result of Bill No. 2-1992.

² Editor's Note: This provision was rendered no longer applicable as a result of Bill No. 2-1992.

D. D. Warden

The development involves an institutional site, where the existing institutional use will be continued on a portion of the site and an elderly housing facility will be developed on the remainder. If the development falls into this category, the Zoning Commissioner may grant a density increase that takes into account the density and use by the existing institution.

2. The development involves property where no existing institutional use will be continued. If the development falls into this category, adaptive reuse of existing institutional or historic buildings is encouraged. The Zoning Commissioner may grant a density increase only if existing institutional or historic buildings are incorporated in the plat accompanying the petition or unless, for any such existing buildings that are not incorporated in the plat, the petitioner establishes that the buildings are unsuitable for adaptive reuse.

In determining whether a petition has established that existing buildings are unsuitable for adaptive reuse, the Zoning Commissioner shall consider, historical, architectural, structural, functional, economic and other pertinent factors. The Zoning Commissioner shall also consider whether the existing buildings may be adapted for use, architecturally, from institutional to residential use.

- B. As a condition of granting a density increase for proposed development that falls into the category described in Section 432.3.A.2., the Zoning Commissioner shall comply with the requirements herein with respect to each existing institutional or historic building that is suitable for adaptive reuse.
 - 1. If the building is not on the final historic landmarks list of the Landmarks Preservation Commission but the Zoning Commissioner determines that the building has historic or architectural significance, the Commissioner shall find that adequate guarantees have been made for the exterior preservation or restoration of the building, or that any exterior alterations or repairs and any new exterior construction will be architecturally compatible with the original building.
 - 2. If the building is on the final historic landmarks list of the Landmarks Preservation Commission, the Zoning Commissioner shall incorporate all pertinent requirements of the Commission as conditions of the special exception.

Before granting any density increase under this Section 432.3, the Zoning Commissioner shall determine that:

- 1. The subject property is suitable for the type of development proposed.
- The balance of the tract outside of the building envelope will be used only
 for such open space and recreational uses as are permitted by right or by
 special exception in D.R. Zones.

- The development will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood.
- 4. The density increase will satisfy all other criteria stated in Section 502.1 of these regulations.
- D. Upon establishing a hearing date for any petition for a special exception hereunder, the Zoning Commission shall promptly forward a copy of the petition to the County Landmark Preservation Commission for review and comment with regard to historic preservation factors. At the hearing, the Zoning Commissioner shall consider in evidence without testimony thereto, absent objection by any party to the case, any comments from the Director of Planning or the County Landmarks Preservation Commission or any duly submitted relevant report or comments from any other county department or agency. If an objection is made by any party, the item shall be entered by testimony of a proper witness, who shall be notified by the Zoning Commissioner.
- E. In approving a density increase hereunder, the Zoning Commissioner shall specify the density approved, which may not exceed the maximum gross residential density permitted in the D.R.16 Zone.

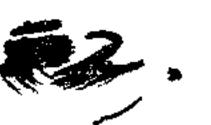
32.3 F.

The Zoning Commissioner shall require an elderly housing facility which has been developed in accordance with the provisions of this subsection to attempt to provide for a system of community participation in the following manner:

The petition for special exception shall include a statement that a board of advisors to the facility has been established composed of members selected by the board of directors of the communities surrounding the facility. If at the time of the filing of the petition for special exception, no such board exists, the developer shall seek to establish such a board by soliciting membership by means of advertisement. Such advertisement shall be placed in a weekly newspaper serving the community and shall be at least 1½ inches in width and 2 inches in length. Such advisory board shall consist of at least five members selected in the manner provided herein and shall be convened at least four times per year. The failure of the elderly housing facility to successfully establish the board of advisors shall not invalidate the granting of the special exception or prevent the granting of the special exception, if such failure results from the refusal of the community members to participate.

G. If a petitioner has been granted an increase in density for a property under the provisions of this subsection, and if a financial failure of the elderly housing facility subsequently occurs, in order to determine an appropriate reuse the owner of the property shall file a petition for special hearing, pursuant to Section 500.7. If the proposed use requires a special exception from the density allowed by the base zone designation, a petition for special exception may be filed and heard simultaneously with the petition for special hearing. The financial records of the failed facility shall accompany the petition.

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H. Neither the use of the property for an elderly housing facility nor the increased density granted under this section may be considered as evidence of "substantial change in the character of the neighborhood" for the purpose of interim rezoning classifications of other property in the neighborhood.

Provisions for modifying or waiving the residential transition area restrictions for elderly housing facility developments. The Zoning Commissioner may, by special exception, notwithstanding Section 1B01.1.B.1.e, modify or waive the residential transition area restrictions in cases where an elderly housing facility development would be severely or adversely affected by the restrictions set forth in Paragraph 1B01.1.B.1.b. if the Zoning Commissioner determines that:

- A. Compliance with all or part of the residential transition area restrictions will cause unreasonable hardship on the development.
- B. The quality of the site design and amenities provided would justify a modification or waiver of the residential transition area restrictions.
- C. The development will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood.

432.5 Assisted-living facilities, Class A and Class B. [Bill No. 188-1993]

A. Density.

1. Assisted-living facilities, Class A. The residence shall be located on a lot that will meet all of the density requirements for its size and zone, except that if there will be more than six residents, the following table shall apply:

	Minimum Lot Size (square feet)					
	R.C.5/D.R.1 Zones	D.R.2 Zone	D.R.3.5 Zone	D.R.5.5 Zone	D.R.10.5/16 Zones	
Seven residents	50,000	25,000	12,500	10,000	9,000	
Each additional resident	5,000	3,800	2,000	1,500	1,200	

2. Assisted-living facilities, Class B. The minimum lot area shall be one acre or 2,000 square feet per resident, whichever is greater.

B. Performance standards.

- 1. Standards for Class A and Class B assisted-living facilities.
 - a. Signs are permitted, subject to Section 450. [Bill No. 89-1997]
- b. Off-street parking shall be provided in accordance with Section 409 and subject to the following conditions, but no parking structure shall be permitted, except for a residential garage, as defined in Section 101.

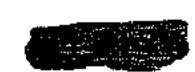
(1) Parking shall be at least 10 feet from the property line, except that, if the property line abuts an alley, no setback is required, provided that the alley does not abut the front or rear yard of a residentially used property. This requirement shall not apply to spaces existing before the effective date of Bill No. 188-1993.

(2) Parking and delivery areas shall be located in the side or rear only.

This requirement shall not apply to parking spaces existing before the effective date of Bill No. 188-1993.

c. Changes to exterior.

- (1) Assisted-living facilities, Class A, which involves change to the exterior of the building or reconstruction after the building has been destroyed, is subject to review for compatibility of the proposed changes in relation to existing structures in the immediate vicinity.
 - (a) At the time of application for a building permit, plans or drawings of the building, sufficient to determine compatibility, and photographs representative of the vicinity shall be submitted to the Department of Permits and Development Management (PDM).
 - (b) PDM shall notify the Director of the Office of Planning, who may make, within 15 days of the request, written recommendations concerning the compatibility of the proposed changes with regard to: major divisions or architectural rhythm of facades; roof design and treatment; and materials and colors and other aspects of facade texture or appearance.
 - (c) The Director of PDM may approve, disapprove or modify the building permit based on the recommendations, if any, of the Office of Planning.
- (2) Enclosure of the porch of a house or the addition of an exterior stairway to the side or rear of a building does not constitute a change to the exterior for purposes of this paragraph.
- d. Assisted-living facilities, Class B, shall be subject to a compatibility finding pursuant to Section 26-282 of the Baltimore County Code, 1988 Edition, as revised.
- e. The lot shall provide usable, contiguous and private open space of at least 500 square feet.
- f. In addition to the recordkeeping requirements of COMAR, Title 14.11.07., the owner or manager of an assisted-living facility shall maintain a complete and accurate personnel file for each employee of the facility. Personnel files shall be maintained for a period of at least five years. Any disciplinary action taken against an employee shall be



BALTIMORE COUNTY ZONING REGULATIONS

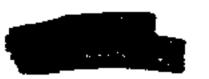
§ 432

documented in the personnel file. Personnel files shall be available for inspection by the Maryland or Baltimore County Office of Aging. Unless disclosure is required by law, the owner or manager may not disclose information contained in an employee's personnel file to any person or agency other than the employee, the employee's agent or the Maryland or Baltimore County Office of Aging and their respective agents. [Bill No. 82-1994]

- 2. Additional standards for assisted-living facilities, Class A.
 - a. Assisted-living facilities, Class A, shall be exempt from Division 2, Article V, Title 26, of the Baltimore County Code, 1988 Edition, as revised, provided that there will be no enlargement of the building in ground floor area by 25% or more within a period of five years prior to application, and the residential appearance of the structure and its setting, including accessory parking spaces, will be maintained so that the converted dwelling will be highly compatible with adjacent residential property. This determination shall be made by the Director of the Office of Planning, upon review of a plan which indicates the size of the lot, square footage of the building, proposed parking and loading spaces and proposed private open space.
 - b. The reconstruction of assisted-living facilities, Class A, which are destroyed by fire or other casualty, may not increase the size or gross floor area of the structure or alter its location without a special hearing.
- 3. Additional standards for assisted-living facilities, Class B.
 - a. The lot shall meet the minimum setback, maximum height and maximum coverage for other principal buildings for the zone where it is located.
 - b. The lot shall have frontage on a principal arterial, as defined in these regulations, except if the facility is located in a property which is designated as historic or is in a historic district, as identified on the Zoning Maps.

Section 433 (Reserved)²⁷

Editor's Note: The provisions of former Section 433, Temporary Moratorium on Infectious Waste Incinerators, originally enacted by Bill No. 87-1987, expired on January 1, 1988, and they have been removed from the Regulations.



ALL THBITS - NOTES
Contained in PDM like 1-518

