JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

October 1, 2024

Christopher Mudd, Esquire – cdmudd@venable.com
Venable, LLP
210 W. Chesapeake Avenue, Suite 500
Towson, MD 21204

RE: Petition for Special Exception
Case No. 2024-0187-X
Property: 2441 Broad Avenue

Dear Mr. Mudd:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order 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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure
c: CA- conner.alcarese@ubalt.edu
Jennifer Frankovich- jfrankovich@baltimorecountymd.gov
Joseph Z Allen- jzachallen@comcast.net
Lynn Huggins- lhuggins@hillmgt.com

IN RE: **PETITION FOR SPECIAL EXCEPTION***		BEFORE THE
(2441 Broad Avenue)		
8th Election District	*	OFFICE OF
3rd Council District		
Roosevelt at Timonium, LLC	*	ADMINISTRATIVE HEARINGS
Legal Owner		
	*	FOR BALTIMORE COUNTY
Petitioner		
	*	**Case No. 2024-0187-X**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of a Petition for Special Exception filed on behalf of Roosevelt at Timonium, LLC ("Petitioner") for the property located at 2441 Broad Avenue, Timonium, Baltimore County, Maryland (the "Property"). The Petition for Special Exception was filed pursuant to Baltimore County Zoning Regulations ("BCZR") § 432A.1.A.4 to permit an Assisted Living Facility ("ALF") [Class III] in the OR-2 zone.

A public hearing was conducted on September 25, 2024, using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Douglas Eshelman appeared on behalf of Petitioner, Roosevelt at Timonium, LLC. Christopher Mudd, Esq. and Matthew Alsip, Esq. of Venable, LLP represented the Petitioner. Also appearing in support of the Petition were Brian Childress from D.S. Thaler & Assoc., LLC who prepared and sealed the Site Plan, and Mickey Cornelius from the Traffic Group who prepared the traffic evaluation. Two individuals from the community attended the hearing but did not provide testimony. The hearing was uncontested.

Petitioner submitted the following exhibits which were admitted into the record: (1) Site Plan; (2) Brian Childress CV; (3) Aerial Photographs (A & B); (4) Site Photos/Layout; (5)

February 2020 OAH Opinion & Order; (6) January 2022 OAH Opinion & Order; (7) Pattern Book Timonium Terrace; (8) Mickey Cornelius CV; and (9) M. Cornelius (Traffic Group) 9-18-24 Letter to D. Eshelman. The following Zoning Advisory Committee ("ZAC") comments were received from County agencies: (1) Department of Planning ("DOP"); (2) Department of Plans Review ("DPR")/Department of Public Works and Transportation ("DPWT"); and (3) Department of Environmental Protection and Sustainability ("DEPS"). Agency reports do not indicate any objections to the requested relief.

FINDINGS OF FACT

The Property is approximately 2.489 acres in land area and is zoned OR-2. The Property is largely unimproved with the exception of an existing shed and lies adjacent to an unimproved and wooded lot to the north, commercial properties to the east fronting on York Road, a single-family residential community to the south across Roosevelt Street, and a commercial shopping center across Broad Avenue to the west. *See* Petitioner's Exhibit 1.

The Property is the subject of two prior zoning matters both of which relate to the subject Petition. In Case Nos. 08-0912 & 2019-0489-X, Petitioner was approved for the construction of an ALF (Class III) and granted a Special Exception for that use on February 5, 2020, in a combined Development Plan/Special Exception hearing. On January 11, 2022, in OAH Case No. 2021-0294-SPH, Petitioner was granted an extension of the Special Exception approval, expiring on February 5, 2025. While the Development Plan approval and recordation of the accompanying plat vested Petitioner's right to move forward with development, the grant of the Special Exception is subject to expiration and thus requires a renewed hearing on the requested relief. Petitioner requested that Case Nos. 08-0912, 2019-0489-X, and 2021-0294-SPH be incorporated by reference into this

record as affirmative evidence in satisfaction of the special exception factors enumerated under BCZR § 502.1, as no modifications are proposed from the original approval to the subject Petition.

Mr. Alsip proceeded by way of proffer with Mr. Childress, Mr. Eshelman, and Mr. Cornelius being present for direct examination if necessary. Mr. Alsip described the history of the property and the prior zoning matters related to the subject Petition. Mr. Alsip described the character of the surrounding community as being a transitional area of low-density residential, heavy commercial, and office-type uses in close proximity to the York Road commercial corridor, matching the proposed use as a transitional use that is both residential and commercial in character. *See* Petitioner's Exhibits 3 &4. Mr. Alsip further detailed accommodations made by the developer during the development plan review process including the removal of a proposed pedestrian sidewalk, maintaining existing fencing, and utilization of the secondary access point from Roosevelt Street as "emergency only" with a locked gate to prevent vehicular access from York Road, which resulted in a modified Site Plan and eventually into the Final Development Plan and a recorded plat. *See* Petitioner's Exhibit 1 (Site Plan); *See also* Final Development Plan, Case No. 08-0912, and OAH Case Nos. 2019-0489-X and 2021-0294-SPH. Final landscape and lighting plans were approved under the Final Development Plan (08-0912), as well as stormwater mitigation and Forest Conservation mitigation requirements.

The proposed ALF will front on Broad Avenue with one point of vehicular access also from Broad Avenue. An emergency secondary access point will be located on Roosevelt Street, but this vehicular access point will be for emergency purposes and vehicles only, in an effort to prevent traffic from York Road using Roosevelt Street as a cut-through for access to Broad Street Market. *See* Petitioner's Exhibit 1. Substantial vegetative buffers are proposed along the southern and eastern property boundaries, as well as fencing along the southern property boundary, to screen

the use from residential homes to the south and east. *Id.; See also* Petitioner's Exhibit 7, p. 5. Further landscaping is proposed along Broad Avenue and throughout the parcel. The proposed four-story ALF will be comprised of 97 beds (88 units), a lesser density than is permitted by right, and required accessory surface parking for staff and visitors on the southern and western portions of the lot. *See* Petitioner's Exhibit 1; *See also* Petitioner's Exhibit 7, pp.11-14. Lastly, the proposed use is subject to a computability finding by the Department of Planning, which was granted. *See* Final Development Plan, Case No. 08-0912

CONCLUSIONS OF LAW

Petitioner requests approval by Special Exception of a four-story ALF (Class III) with 97 beds (88 units) and accessory surface parking pursuant to BCZR § 432A.1.A.4. BCZR defines Assisted Living Facilities as:

> ASSISTED-LIVING FACILITY — A building, or section of a building, that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination thereof, to meet the needs of individuals who are unable to perform or who need assistance in performing the activities of daily living and which is licensed as an assisted-living program as defined under Title 19, Subtitle 18 of the Health-General Article, Annotated Code of Maryland. For the purposes of this definition, if a resident lives in a room or apartment providing complete kitchen facilities intended for the daily preparation of meals by or for that resident, the unit shall not be considered an assisted-living facility. Density for such facilities shall be calculated at 0.25 for each bed.

BCZR § 101.1. Assisted-Living Facility III is further defined as:

> ASSISTED-LIVING FACILITY III — An assisted-living program which: 1. Will accommodate more than 15 resident clients; and 2. Will be in a structure which was built or enlarged by more than 25 percent of ground floor area less than five years before the date of application; or 3. Will be in a structure which will be newly constructed or enlarged by more than 25 percent of ground floor area for the assisted-living program.

Id. Arguments as to *res judicata* notwithstanding, the record established in OAH Case Nos. 08-0912, 2019-0489-X, and 2021-0294-SPH, as well as the proffered testimony offered at the hearing

are sufficient to conclude that the proposed use meets this statutory definition of ALF (Class III) as defined under BCZR. Assisted-Living Facilities are permitted by Special Exception in this OR-2 zoned property.

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the Court of Appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. "A special exception is presumed to be in the interest of the general welfare, and therefore a special exception enjoys a presumption of validity." *Id.* at 285 (citing *Schultz*, 291 Md. at 11, 432 A.2d at 1325 (1981). "A special exception…is merely deemed prima facie compatible in a given zone. The special exception requires a case-by-case evaluation by an administrative zoning body or officer according to legislatively-defined standards. That case-by-case evaluation is what enables special exception uses to achieve some flexibility in an otherwise semi-rigid comprehensive legislative zoning scheme." *People's Couns. for Baltimore Cnty. v. Loyola Coll. in Maryland*, 406 Md. 54, 71–72, 956 A.2d 166, 176 (2008). In Baltimore County, Petitioners are further required to satisfy the special exception factors pursuant to BCZR § 502.1 and OAH is required to make affirmative findings in regard to these special exception factors as well as the prevailing common law.

<u>*Schultz* and the Special Exception Factors under BCZR § 502.1</u>

I find Petitioner has satisfied both the burden of production and persuasion in demonstrating a *prima facie* case for the grant of a special exception. The Petition satisfies the

Schultz standard in that there are no facts or circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use irrespective of its location within the zone. *See* Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981). The Petition further satisfies the Special Exception factors pursuant to BCZR § 502.1 in the following manner:

A. Be detrimental to the health, safety or general welfare of the locality involved;

Petitioner has an approved Final Development Plan under Case No. 08-0912 resulting in a recorded plat vesting the entitlement for future development. Further, Petitioner was approved for the same use under Case Nos. 2019-0489-X and 2021-0294-SPH, and no material changes have occurred in the community since those prior approvals. Additionally, the Petition remains unmodified from those prior approvals. For these reasons I find that there is no evidence in this record to indicate that the proposed Special Exception will be detrimental to the health, safety or general welfare of the community. *See* Final Development Plan, Case No. 08-0912.

B. Tend to create congestion in roads, streets or alleys therein;

Petitioner has an approved Final Development Plan under Case No. 08-0912 resulting in a recorded plat vesting the entitlement for future development. That Final Development Plan evaluated traffic impacts in 2020 and found no adverse impacts above and beyond those inherently associated with the use. *See* Final Development Plan, Case No. 08-0912. Further, there is no additional evidence in this record to indicate that the proposed Special Exception will create congestion in roads, streets or alleys either from the date of Final Development Plan approval to today, as Petitioner's traffic evaluation indicates minimal traffic impacts from the proposed use. *See* Petitioner's Exhibit 9.

C. Create a potential hazard from fire, panic or other danger;

Petitioner has an approved Final Development Plan under Case No. 08-0912 resulting in a recorded plat vesting the entitlement for future development. Further, Petitioner was approved for the same use under Case Nos. 2019-0489-X and 2021-0294-SPH, and no material changes have occurred in the community since those prior approvals. Additionally, the Petition remains unmodified from those prior approvals. For these reasons I find that there is no evidence in this record to indicate that the proposed Special Exception will create a potential hazard from fire, panic or other danger. *See* Final Development Plan, Case No. 08-0912.

D. Tend to overcrowd land and cause undue concentration of population;

Petitioner has an approved Final Development Plan under Case No. 08-0912 resulting in a recorded plat vesting the entitlement for future development. Further, Petitioner was approved for the same use under Case Nos. 2019-0489-X and 2021-0294-SPH, and no material changes have occurred in the community since those prior approvals. Additionally, the Petition remains unmodified from those prior approvals. For these reasons I find that there is no evidence in this record to indicate that the proposed Special Exception will tend to overcrowd the land or cause an undue concentration of population, especially considering the nature of the use and the density proposed is less than the density permitted by right under BCZR. *See* Final Development Plan, Case No. 08-0912.

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;

Petitioner has an approved Final Development Plan under Case No. 08-0912 resulting in a recorded plat vesting the entitlement for future development. Further, Petitioner was approved for the same use under Case Nos. 2019-0489-X and 2021-0294-SPH, and no material changes have occurred in the community since those prior approvals. Additionally, the Petition remains

unmodified from those prior approvals. For these reasons, having been evaluated and approved under extensive agency review, I find that there is no evidence in this record to indicate that the proposed Special Exception will interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. *See* Final Development Plan, Case No. 08-0912.

F. Interfere with adequate light and air;

Petitioner has an approved Final Development Plan under Case No. 08-0912 resulting in a recorded plat vesting the entitlement for future development. Further, Petitioner was approved for the same use under Case Nos. 2019-0489-X and 2021-0294-SPH, and no material changes have occurred in the community since those prior approvals. Additionally, the Petition remains unmodified from those prior approvals for a four-story structure that is sited toward the northwest corner of the lot, away from nearby structures on surrounding lots. For these reasons, having been evaluated and approved under extensive agency review, I find that there is no evidence in this record to indicate that the proposed Special Exception will interfere with adequate light and air. *See* Final Development Plan, Case No. 08-0912.

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

OR-2 zones provide for the development of a limited number of well-landscaped office building developments and moderate density residential developments or mixed office/residential uses with the intent that any development in an OR-2 Zone be designed, built and maintained so that it will be compatible with the character of nearby residential neighborhoods and will enhance existing amenities and property values. *See* BCZR § 206.2. OR-2 zones are intended to provide additional opportunities for development of office and mixed-use buildings to contribute to the county's assessable base and to create a significant number of job opportunities for citizens. *See*

BCZR § 206.1(E). Further, development and maintenance of office building and mixed development sites must be closely regulated to promote the establishment of amenities, to prevent traffic congestion and, in general, to protect the public interest, including the interests of citizens in nearby neighborhoods and the interests of firms and employees who will occupy the office buildings. *See* BCZR § 206.1(F). The record in this case supports the finding that the proposed Special Exception is consistent with the purposes of the property's OR-2 zoning classification and is consistent with the spirit and intent of BCZR.

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

Petitioner has an approved Final Development Plan under Case No. 08-0912, which included final landscaping and lighting plans as well as environmental compliance and stormwater mitigation. resulting in a recorded plat vesting the entitlement for future development. Further, Petitioner was approved for the same use under Case Nos. 2019-0489-X and 2021-0294-SPH, and no material changes have occurred in the community since those prior approvals. Additionally, the Petition remains unmodified from those prior approvals. Lastly, Petitioner acknowledged on the record that permitting will be subject to impermeable surface, forest conservation mitigation, landscaping, and lighting regulations as part of the development process. *See* Final Development Plan, Case No. 08-0912. For these reasons I find that the proposed use is not inconsistent with the impermeable surface and vegetative retention provisions of BCZR.

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.

Notwithstanding this property's location in an OR-2 zone, Petitioner has an approved Final Development Plan under Case No. 08-0912, which included environmental compliance and

stormwater mitigation review, resulting in a recorded plat vesting the entitlement for future development. Further, Petitioner was approved for the same use under Case Nos. 2019-0489-X and 2021-0294-SPH, and no material changes have occurred in the community since those prior approvals. Additionally, the Petition remains unmodified from those prior approvals. Lastly, Petitioner acknowledged on the record that permitting will remain subject to impermeable surface, forest conservation mitigation, and all other DEPS compliance requirements. *See* Final Development Plan, Case No. 08-0912. For these reasons I find that the proposed use will not be detrimental to the environmental and natural resources of the site and vicinity.

THEREFORE, IT IS ORDERED this **1st** day of **October, 2024,** by this Administrative Law Judge, that the Petition for Special Exception under BCZR, §432.A.1.A.4 to permit an Assisted Living Facility ("ALF") [Class III] in the OR-2 zone, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition;

2. Pursuant to BCZR, § 502.3, this Special Exception is **valid for a period of five (5) years** from the date of this Order;

3. Petitioner's Site Plan (Petitioner's Exhibit 1) is incorporated hereto and made a part hereof;

4. Petitioner must comply and maintain compliance with environmental regulations as detailed in DEPS ZAC comment, a copy of which is attached hereto and made a part hereof; and

5. Petitioner must comply and maintain compliance with the Final Development Plan approved in Case No. 08-0912 including, but not limited to, the approved site layout, parking, vehicular and pedestrian access, landscaping, screening, and lighting plans.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm

ADJACENT OWNERS (WITHIN VICINITY OF SITE)

SOILS CHART

VICINITY MAP

SCALE: 1"=1000'

BENCHMARK:
BM #421
N. 543771.960, E. 1,470,664.930
ELEV.=583.84

DEDICATION TABLE - PUBLIC AREA OF DEVELOPMENT

WEST PADONIA ROAD (MD RT. 45)

BROAD AVENUE

YORK ROAD (MD RT. 45)

PROPOSED ASSISTED LIVING FACILITY (4 STORY) 44 BED

PRIVATE DRIVE

ROOSEVELT STREET

HARDING STREET

EXHIBIT

1

SCALE: 1"=30'

NORTH
MCS

LEGEND

TIMONIUM TERRACE

PROJECT NAME:
TIMONIUM TERRACE
(2441 BROAD AVENUE)

PLAN TITLE:
PLAT TO ACCOMPANY ZONING PETITION TO REAPPROVE SPECIAL EXEMPTION PREVIOUSLY EXTENDED ON JANUARY 11, 2022

COUNCILMANIC DIST.: 5
ELECTION DIST.: 5
TAX MAP NUMBER: 08-09-2
MA FOR 2004-02008
CRM: 10.29.2008

DEVELOPER:
PLANNER AT TIMONIUM, LLC
10 S HEADDING STREAM WAY
PUTNEY, MARYLAND 21174
ATTN: MR. DOUGLAS E. FREEMAN
TEL: 410-406-0984

DSThaler & ASSOC., LLC
CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS, LANDSCAPE ARCHITECTS, LAND PLANNERS
105 WARREN ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
WWW.DSTHALER.COM

DATE: 07-29-2024
SCALE: 1"=30'
D.G.: 2
PROJECT NO.: 1819-45
SHEET 1 OF 3

GENERAL NOTES:

[illegible]

LANDSCAPE PLANTING TABULATION				
PROJECT CONDITION	REQUIREMENT	CREDIT	SUB-TOTAL	PROPOSED
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

FIRE DEPARTMENT NOTES

[illegible]

PRIVATE SPACE INSET

COMMUNITY INPUT MEETING MINUTES

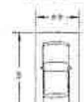
[illegible]

ZONING HISTORY:

[illegible]

SCHEMATIC DUMPSTER ENCLOSURE

N.T.S.

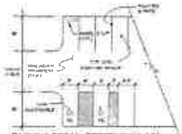


TYPICAL PARKING SPACE DETAIL

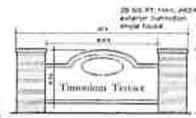
N.T.S.

FENCE DETAIL

N.T.S.



PARKING DETAIL (PERPENDICULAR)



SCHEMATIC SIGN ELEVATION 'A'

N.T.S.

NON-RESIDENTIAL PRINCIPAL BUILDING SETBACKS - DR. ZONES	
	[illegible]
[illegible]	25'
[illegible]	20'
[illegible]	30'
[illegible]	15'

CASE NO. [illegible]

[illegible]

WHEEL STOP DETAIL

AUTOMATIC SWING GATE WITH KNOX BOX

N.T.S.

TRASH RECEPTACLE

COURTYARD BENCH

ORDER CASE #08-0112 AND 2011-0464-X

[illegible]

ORDER CASE #2021-0264-SPH

[illegible]

ROOFTOP PATIO FURNITURE

SUITABLE OUTFALL EVALUATION

[illegible]

Note:

[illegible]

TIMONIUM TERRACE

PROJECT NAME:
TIMONIUM TERRACE

PLAN TITLE:
PLAT TO ACCOMPANY ZONING PETITION TO REAPPROVE SPECIAL EXCEPTION PREVIOUSLY EXTENDED ON JANUARY 11, 2022

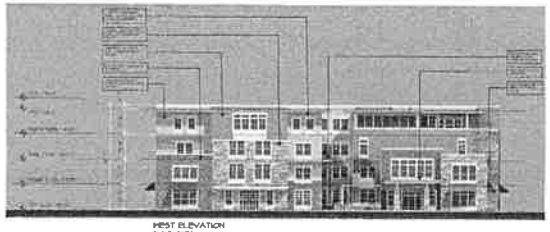
COUNCILMANIC DIST.: 3
ELECTION DIST.: 8
PAI NUMBER: 08-0112
MAJOR: 2018-00008

DEVELOPER:
[illegible]

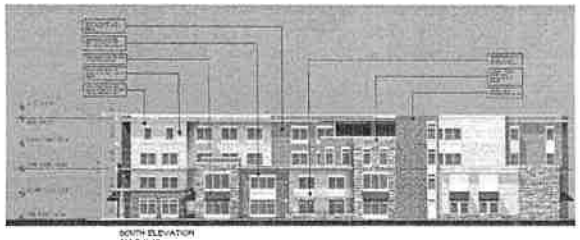
DSThaler & ASSOC., LLC

CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS, LANDSCAPE ARCHITECTS & LAND PLANNERS

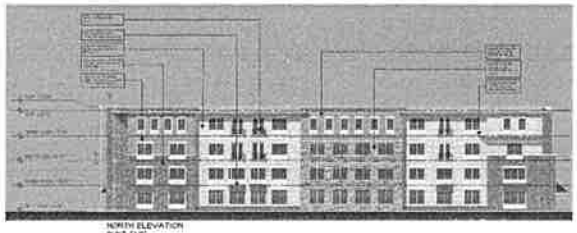
SHEET 2 OF 3



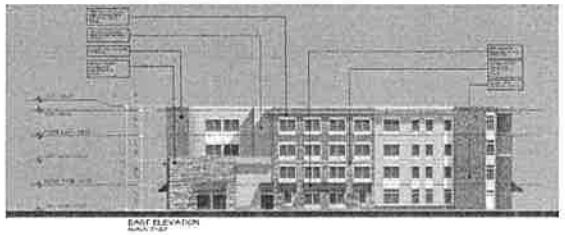
WEST ELEVATION



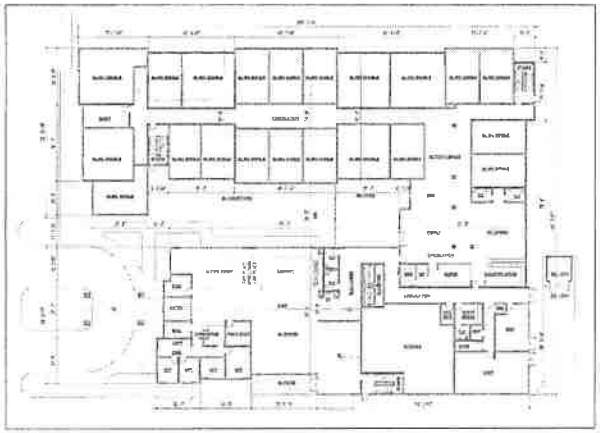
SOUTH ELEVATION



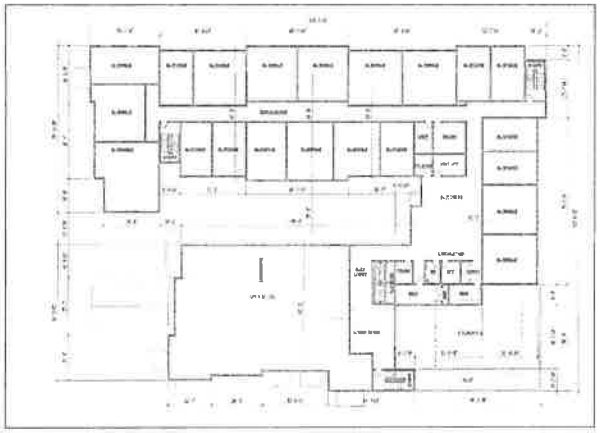
NORTH ELEVATION



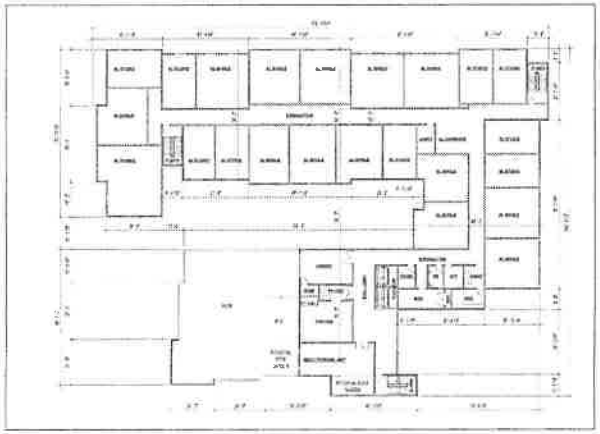
EAST ELEVATION



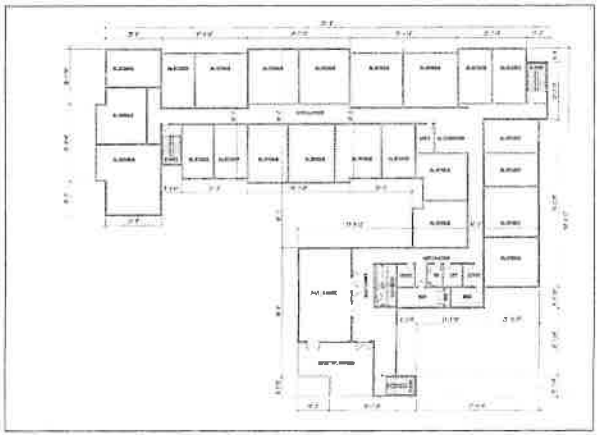
LEVEL ONE



LEVEL TWO



LEVEL THREE



LEVEL FOUR

TIMONIUM TERRACE

PROJECT NAME:
TIMONIUM TERRACE
(2441 BROAD AVENUE)

PLAN TITLE:
PLAT TO ACCOMPANY ZONING PETITION, TO REAPPROVE SPECIAL EXEMPTION PREVIOUSLY EXTENDED ON JANUARY 11, 2022

COUNCILMANIC DIST. 3
ELECTION DIST. 8
PAI NUMBER: 08-3
HALEY CORPORATION
C.N. 0-23-203

DEVELOPER:
ROOSEVELT AT TIMONIUM, LLC
523 PRESIDENTIAL DRIVE, SUITE 300
FULTON, MARYLAND 20759
ATTN: MR. DOUGLAS R. BOLLMAN
TEL: 410-740-0888

DSThaler & ASSOC., LLC
CIVIL AND ENVIRONMENTAL ENGINEERS / SURVEYORS
LANDSCAPE ARCHITECTS / LANDPLANNERS
105 WEST PENNSYLVANIA AVENUE
SUITE 400
TOWSON, MARYLAND 21204-5425
410-494-0111

DATE: 01-29-2024
SCALE: 1" = 20'
C.I.: N/A
PROJ. NO.: 0454C
SHEET 3 OF 3

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: August 21, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0187-X
Address: 2441 BROAD AVE.
Legal Owner: Roosevelt at Timonium, LLC

Zoning Advisory Committee Meeting of August 23, 2024.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

The subject property is in a public water/sewer service area. Prior to issuance of a building permit, the property must connect to public water and sewer.

Reviewer: Rochelle V. Underwood, Ground Water Management

Additional Comments:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Reviewer: Michael S. Kulis, Environmental Impact Review

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 2441 Broad Avenue **which is presently zoned** OR-2

Deed References: 44603 / 00031 10 Digit Tax Account # 0802065662

Property Owner(s) Printed Name(s) Roosevelt at Timonium, LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1.____ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2.X___ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

SEE ATTACHED SHEET

3.____ **a Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: **(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)**

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), 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.
Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

SEE ATTACHED SHEET

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHED SHEET

Name #1 – Type or Print / Name #2 – Type or Print

Signature #1 / Signature # 2

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Christopher D. Mudd, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 / 410-494-6365 / cdmudd@venable.com

Zip Code Telephone # Email Address

Representative to be contacted:

Christopher D. Mudd, Esquire

Name – Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 / 410-494-6365 / cdmudd@ @venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2024-0187-X **Filing Date** 8/5/2024 **Do Not Schedule Dates:** _____ **Reviewer** MSK

REV. 10/4/11

ATTACHMENT A

ADDRESS: 2441 BROAD AVENUE
ZONE: OR-2
PARCEL: 629
TAX MAP: 51
TAX ACCT #: 0802065662
OWNER: ROOSEVELT AT TIMONIUM, LLC

2024-0187-X

PETITION FOR SPECIAL EXCEPTION

1. To permit an Assisted Living Facility (Class III) in the OR-2 zone, pursuant to § 432A.1.A.4 of the BCZR.

2024-0187-X

SIGNATURE SHEET

2441 BROAD AVENUE

PETITION FOR SPECIAL EXCEPTION

Property Owner:

Roosevelt at Timonium, LLC
ATTN: Douglas F. Eshelman
7013 Meandering Stream Way
Fulton, Maryland 20759
410-456-0999

By: _____
Douglas F. Eshelman

Title: Managing Member

Phone No.: 410-456-0999

Email: dougeihproperties.com

63734955/1

2024-0187-X

June 28, 2024

ZONING DESCRIPTION

Timonium Terrace

Beginning at a point located 20 feet East from the intersection of Broad Avenue and Roosevelt Street at the Northeast corner of the intersection of Broad Avenue, a 50 foot right of way, and Roosevelt Street, a 30 foot right of way, thence running the following courses and distances:

1. North 18°25'26" West 267.00 feet to a point; thence,
2. North 71°34'34" East 425.00 feet to a point; thence,
3. South 18°25'26" East 141.00 feet to a point; thence,
4. South 71°34'34" West 40.00 feet to a point; thence,
5. South 18°25'26" East 126.00 feet to a point; thence,
6. South 71°34'34" West 385.00 feet to the point of beginning.

Containing 2.489 acres of land, more or less.

Located in the Third Councilmanic District and the Eighth Election District of Baltimore County, Maryland.

STATE OF MARYLAND
BERNARD F. LINSENMAYER
PROPERTY LINE SURVEYOR
REGISTERED

EXPIRES 1/28/25

r:\timonium terrace\400 cadd\410 active\exhibits_planning\se - 2024\zoning description 2024.docx

2024-0187-X

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.*

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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 newspaper.

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

For Newspaper Advertising:

Case Number: 2024-0187-X

Property Address: 2441 Broad Avenue

Legal Owners (Petitioners): Roosevelt at Timonium, LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Chris Mudd, Esquire

Address: 210 W. Pennsylvania Avenue, Ste 500
Towson, MD 21204

Telephone Number: 410-494-6365

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a $250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 233459

Date: 8/5/2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$ 50.00
						Total:		$ 50.00

Rec From: Venable, LLP

For: Special Exception Request
2441 Broad Avenue
Zoning Case No. 2024-0187-X

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

2024-0187-X

RE: Case No.: _____

Petitioner/Developer: _____

Roosevelt at Timonium, LLC

_____

September 25, 2024

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Jeff Perlow:

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:_____

2441 Broad Avenue ***SIGN 1A & 1B***

_____

September 4, 2024

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

_____ **September 4, 2024**
(Signature of Sign Poster) **(Date)**

SSG Robert Black

_____
(Print Name)

1508 Leslie Road

_____
(Address)

Dundalk, Maryland 21222

_____
(City, State, Zip Code)

(410) 282-7940

_____
(Telephone Number)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald **DATE:** 8/26/2024
Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 2024-0187-X

INFORMATION:
Property Address: 2441 Broad Avenue
Petitioner: Roosevelt at Timonium, LLC
Zoning: OR 2
Requested Action: Special Exception

The Department of Planning has reviewed the petition for the following:

Special Exception - To permit an Assisted Living Facility (Class III) in the OR-2 zone, pursuant to Section 432A.1.A.4 of the Baltimore County Zoning Regulations (BCZR).

The subject site is an approximately 2.5 acre parcel in the Timonium area. It is currently a vacant, wooded lot. The site is located along Broad Avenue, which is off of Padonia Road near the signalized intersection of Padonia Road and York Road.

Uses surrounding the subject site vary. Immediately north of the subject site is a vacant, wooded lot. Beyond the lot, across Padonia Road, are multiple office and commercial spaces, including Chase Bank, a funeral home, a restaurant, a multi-tenant office building, and a Royal Farms gas station and convenience store. East of the subject site, there are two single-family detached dwellings – which are accessed via Roosevelt Street, which is immediately south of the subject site – and a laundromat. Beyond the laundromat is York Road, which is primarily office and commercial uses. South of the subject site, the area is primarily low-density residential. The dwellings are single-family detached dwellings on similarly sized lots. West of the subject site is the Broad Street Market shopping center, which includes a restaurant pad side and tenants such as a gym, a salon, a liquor store, and a music store.

The site was previously the subject of two relevant Zoning Cases: Case 2019-0489-X and Case 2021-0294-SPH. Zoning Case 2019-0489-X was a Petition for a Special Exception to permit a Class III Assisted Living Facility (ALF) in the OR 2 zone. The hearing before the Administrative Law Judge for the Petition was a combined hearing with a Development Plan, Timonium Terrace – PAI # 08-0912. The Development Plan and Zoning Case proposed a 97-bed (88 unit) ALF. The Department of Planning had no objections to the Development Plan or the Special Exception, which were approved by the Administrative Law Judge on February 5th, 2020. The site plan submitted with the Petition for the Zoning Case at hand matches the site plan approved by the Administrative Law Judge.

Zoning Case 2021-0294-SPH was a Petition for a Special Hearing to extend the period of utilization for the Special Exception granted in Zoning Case 2019-0489-X to five years from the date of the final order.

The Opinion and Order for the Case states that the Petitioner testified that she was unable to undertake the project on the planned timeline due to the Covid-19 pandemic. The Department of Planning had no objections to the requested extension. On January 11th, 2022, the Special Exception for a Class III Assisted Living Facility in the OR 2 zone was extended until February 5th, 2025.

The subject site is within the boundary of the Hunt Valley/Timonium Master Plan, adopted October 19th, 1998. The plan provides Design Guidelines, as well as recommendations related to economic development, transportation, the natural environment, recreation and parks, development and redevelopment, design quality, and community conservation within the plan area boundary. The purpose of the plan is "to protect and enhance the Hunt Valley/Timonium area as an important employment and retail area of Baltimore County without producing adverse impacts on neighboring residential communities, and improving the area's quality of life and environment" (page 7). The Design Guidelines provide recommendations on buildings – including their architectural design, materials, height, and scale – open space, landscaping, and creating pedestrian-oriented designs. Any changes to the approved Development Plan would be subject to the Design Guidelines outlined in the plan.

Section 432A.1.D of the Baltimore County Zoning Regulations (BCZR) states that "a compatibility study is required for all assisted-living facility projects located in the D.R., R.O., R.O.A., O.R.-2, or R.A.E. Zone." Section 206.2 of the BCZR states that "it is intended that any development in an OR-2 Zone be designed, built and maintained so that it will be compatible with the character of nearby residential neighborhoods so that it will enhance rather than detract from amenities and property values in those neighborhoods." Any changes to the approved Development Plan would be subject to both of these requirements.

The Department of Planning contacted the representative for the Petition on August 21st, 2024. During an August 23rd, 2024 phone call, the representative provided the following information:

- A brief history of the project, including an overview of the 2019 and 2021 Zoning Cases and the Development Plan;
- Explained that in the time since the original approval, his client has been unable to find a buyer for the project, thus not being able to use the Special Exception;
- Explained that the Development Plan for Timonium Terrace (PAI # 08-0912) is vested and the plat has been recorded, meaning the Development Plan does not need to go through the development process again; and
- Confirmed that there are no changes to the design or layout of the development, and that the current proposal matches the approved Development Plan and recorded record plat.

The Department of Planning has no objections to the requested Special Exception request. The request is consistent with the 2019 Zoning Case, approved Development Plan, and 2021 Zoning Case, all of which the Department had no objections to.

For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP

c: Christopher D. Mudd, Esquire
David Birkenthal, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Baltimore County - My Neighborhood TIMONIUM TERRACE. ZONING

Baltimore County Government, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

2024-0167-X

MAP: 05103

Baltimore County - My Neighborhood 2024-0187-X

Real Property Data Search ( )

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District -** 08 **Account Number -** 0802065662

Owner Information

Owner Name:	ROOSEVELT AT TIMONIUM LLC	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	ATTN: DOUGLAS F ESHELMAN 7013 MEANDERING STREAM WAY FULTON MD 20759-	**Deed Reference:**	/44603/ 00031

Location & Structure Information

Premises Address:	2441 BROAD AVE TIMONIUM 21093-	**Legal Description:**	2.3507 AC 2441 BROAD AVE ES TIMONIUM TERRACE

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0051	0023	0629	20000.04	9949				2023	1 Plat Ref: 0079/ 0949

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1979	1,344 SF		2.3507 AC	06

StoriesBasementType	ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
STORAGE WAREHOUSE/	C3

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2024	As of 07/01/2025
Land:	1,586,700	1,586,700		
Improvements	38,400	38,000		
Total:	1,625,100	1,624,700	1,624,700	1,624,700
Preferential Land:	0	0		

Transfer Information

Seller: TIMONIUM HEIGHTS LLC	**Date:** 05/03/2021	**Price:** $1,635,125
Type: ARMS LENGTH MULTIPLE	**Deed1:** /44603/ 00031	**Deed2:**
Seller: BREWER WALTER L,JR/BRENT K	**Date:** 06/26/2008	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /27135/ 00636	**Deed2:**
Seller: BREWER WALTER L	**Date:** 02/06/2001	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /14962/ 00725	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

2024-0187-X

ADJACENT OWNERS (WITHIN VICINITY OF SITE)

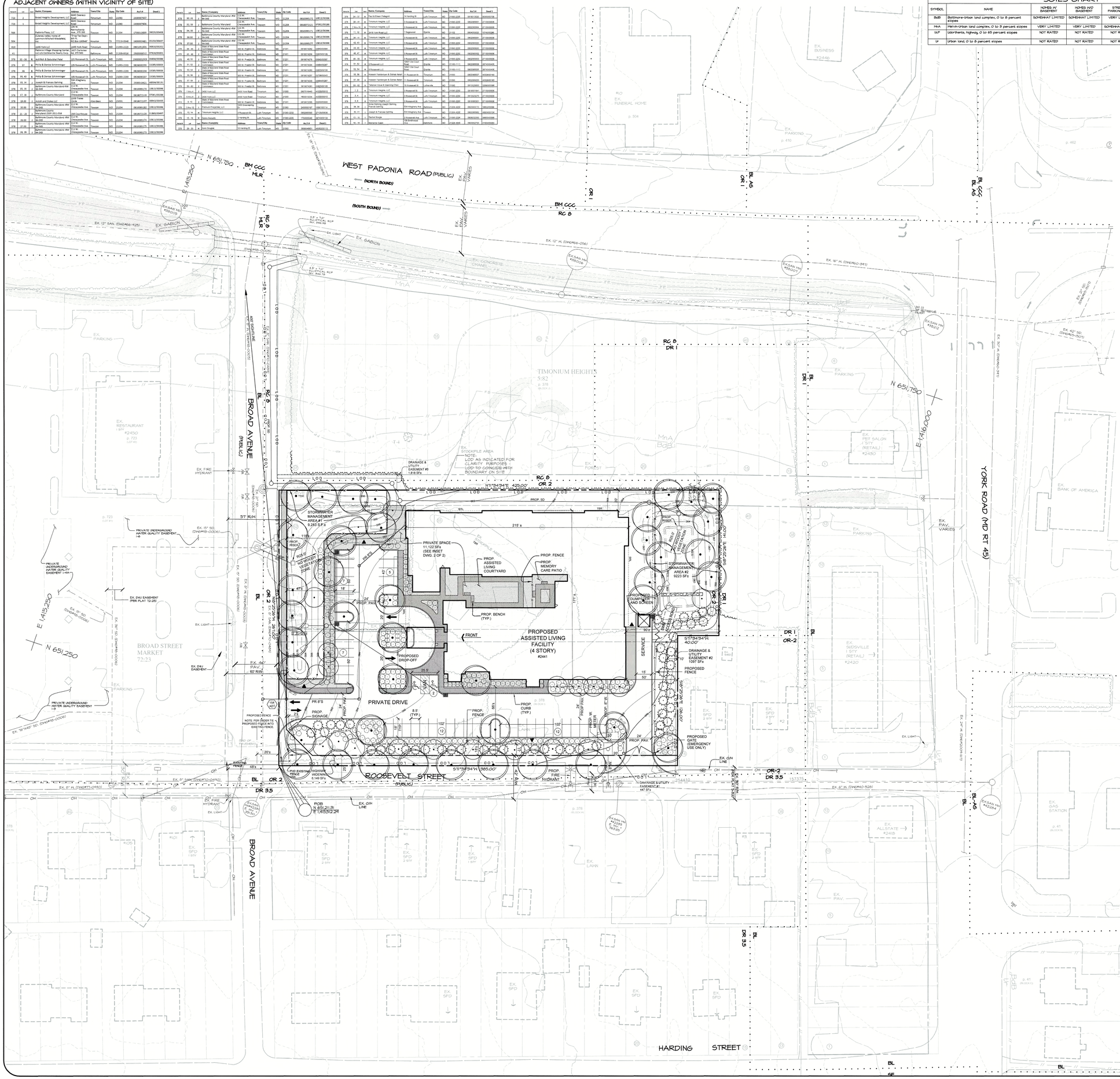
Parcel	Lot	Block	Name /Company	Address	Town/City	State	Zip Code	Acl/Ln	Deed L
723	3		Broad Heights Development, LLC	8640 Deerco Road	Towson	MD	21286	2200027507	
723	3		Broad Heights Development, LLC	8640 Deerco Road	Towson	MD	21286	2200027506	
705			Pastoria Plaza, LLC	200 W. Pennsylvania Ave., STE 305	Towson	MD	21204	2700012859	19025/00605
704			Dulaney Valley Home of Jammie-Michael Kowalski, Inc	Shop Tax Dept - Attn Pt. PO Box 1004947	Houston	TX	77219-0947	1800001681	19172/00407
400			2498 York LLC	2498 York Road	Timonium	MD	21093-2232	1801001281	19416/00202
41			Pastoria Village Shopping Center, LLC c/o Continental Realty Corp.	1427 Clarkview Rd., STE 500	Baltimore	MD	21209-0000	1900000013	17924/00001
378	31-35	A	Achilles & Sakoulas Peter	120 Roosevelt St.	Luth-Timonium	MD	21093	1900000169	19868/00088
378	37	A	Philip & Denise Schimmelpfenning	125 Roosevelt St.	Luth-Timonium	MD	21093-2128	1803000230	13385/00005
378	39	A	Philip & Denise Schimmelpfenning	129 Roosevelt St.	Luth-Timonium	MD	21093-2128	1803000230	13385/00005
378	39, 40	A	Philip & Denise Schimmelpfenning	129 Roosevelt St.	Luth-Timonium	MD	21093-2128	1803000230	13385/00005
378	18, 14	J	Gookin & Frances Sehring	2541 Allegheny Ave.	Towson	MD	21204	2500016421	14804/00121
378	15, 16	J	Baltimore County Maryland (Rd 2)	111 W. Chesapeake Ave.	Towson	MD	21204	1810001270	13813/00306
378	17, 18	J	Baltimore County Maryland	111 W. Chesapeake Ave.	Towson	MD	21204	1810001270	13741/00288
378	19-00	J	Kotlich and Dubas LLC	2498 Thaka Road	Aberdeen	MD	21001	2810001217	14845/00455
378	20-00	J	Baltimore County Maryland (Rd 2) Sec 242	111 W. Chesapeake Ave.	Towson	MD	21204	2810001282	13813/00306
378	21 - 23	J	Baltimore County Maryland 2501-2511 Rd	2541 Courtlandt	Towson	MD	21204	2810001210	13845/00487
378	24-00	J	Baltimore County Maryland (Rd 2) Sec 242	111 W. Chesapeake Ave.	Towson	MD	21204	2810001279	13813/00306
378	27-00	J	Baltimore County Maryland (Rd 2) Sec 242	111 W. Chesapeake Ave.	Towson	MD	21204	2810001279	13813/00306
378	28, 29	J	Baltimore County Maryland (Rd 2) Sec 242	111 W. Chesapeake Ave.	Towson	MD	21204	2810001279	13813/00306

Parcel	Lot	Block	Name /Company	Address	Town/City	State	Zip Code	Acl/Ln	Deed L
378	30, 31	J	Baltimore County Maryland (Rd 2) Sec 242	111 W. Chesapeake Ave.	Towson	MD	21204	2810001279	13813/00306
378	32, 33	J	Baltimore County Maryland	111 W. Chesapeake Ave.	Towson	MD	21204	0810001211	13741/00288
378	34, 35	J	Baltimore County Maryland (Rd 2) Sec 242	111 W. Chesapeake Ave.	Towson	MD	21204	0810001211	13813/00306
378	36-00	J	Baltimore County Maryland (Rd 2) Sec 242	111 W. Chesapeake Ave.	Towson	MD	21204	0810001279	13813/00306
378	37-00	J	Baltimore County Maryland (Rd 2) Sec 242	111 W. Chesapeake Ave.	Towson	MD	21204	0810001279	13813/00306
378	38 - 40	J	State of Maryland State Road Commission	300 W. Preston St.	Baltimore	MD	21201	3010011226	13845/00136
378	41 - 43	J	State of Maryland State Road Commission	300 W. Preston St.	Baltimore	MD	21201	3010011226	13845/00136
378	45-50	J	State of Maryland State Road Commission	300 W. Preston St.	Baltimore	MD	21201	3010011226	13845/00136
378	51-53	J	State of Maryland State Road Commission	300 W. Preston St.	Baltimore	MD	21201	3010011226	13845/00136
378	55, 54	J	State of Maryland State Road Commission	300 W. Preston St.	Baltimore	MD	21201	3010011226	13845/00136
378	55, 56	J	State of Maryland State Road Commission	300 W. Preston St.	Baltimore	MD	21201	3010011226	13845/00136
378	57-59	J	State of Maryland State Road Commission	300 W. Preston St.	Baltimore	MD	21201	3010011226	13845/00136
378	60 - 62	J	State of Maryland State Road Commission	300 W. Preston St.	Baltimore	MD	21201	3010011226	13845/00136
378	1 thru 4	L	2400 York LLC	2424 York Road	Timonium	MD	21093	0801010440	14103/00012
378	5 thru 8	L	2400 York LLC	2424 York Road	Timonium	MD	21093	1801011004	14103/00012
411	9, 10	L	State of Maryland State Road Commission	300 W. Preston St.	Baltimore	MD	21201	3010011226	13845/00136
378	3 thru 12	L	Premium Properties LLC	2500 Greenspring Ln.	Lutherville-Timonium	MD	21093	2400000187	10861/00114
378	13, 14	M	Timonium Heights LLC	2 Roosevelt St.	Luth-Timonium	MD	21093-2232	1802000550	19924/00124
378	15 - 18	M	Debra Renaldi	2 Hopping St.	Luth-Timonium	MD	21093-2235	1700000240	18743/00124
Parcel	Lot	Block	Name /Company	Address	Town/City	State	Zip Code	Acl/Ln	Deed L
378	20 - 26	M	Dara Douglas	14 Hopping St.	Luth-Timonium	MD	21093	1800000801	14405/00115

Parcel	Lot	Block	Name /Company	Address	Town/City	State	Zip Code	Acl/Ln	Deed L
378	28 - 31	M	Paul & Ellen Feiegert	14 Hopping St.	Luth-Timonium	MD	21093-2235	1801001202	20000100158
378	32 - 41	M	Timonium Heights, LLC	3 Roosevelt St.	Luth-Timonium	MD	21093-2233	1802000551	20100100158
378	1 thru 10	N	Timonium Heights, LLC	4 Roosevelt St.	Luth-Timonium	MD	21093-2232	1802000554	20100100158
378	11 - 16	N	2498 York Road LLC	2498 York Road	Timonium	MD	21093	0804000520	17040/00288
378	26 - 41	N	Timonium Heights, LLC	5 Roosevelt St.	Luth-Timonium	MD	21093-2229	0802000551	20100100158
378	42, 43	N	Timonium Heights, LLC	6 Roosevelt St.	Luth-Timonium	MD	21093-2232	0802000550	20100100158
378	44 - 49	N	Timonium Heights, LLC	7 Roosevelt St.	Luth-Timonium	MD	21093-2229	0802000552	20100100158
378	46, 47	N	Timonium Heights, LLC	8 Roosevelt St.	Luth-Timonium	MD	21093-2229	0802000553	20100100158
378	48 - 50	N	Timonium Heights, LLC	9 Roosevelt St.	Luth-Timonium	MD	21093-2229	0802000553	20100100158
378	51, 52	N	Timonium Heights, LLC	10 Roosevelt St.	Lutherville-Timonium	MD	21093-2229	0802000554	20100100158
378	53, 54	N	11 Roosevelt LLC	11 Roosevelt St.	Cockeysville	MD	21030-1111	0802000555	20100100158
378	55, 56	N	Western Tradesman & Global Adapt	11 Roosevelt St.	Timonium	MD	21093	0803000557	20200100160
378	57, 58	N	Western Tradesman & Global Adapt	11 Roosevelt St.	Timonium	MD	21093	0803000557	20200100160
378	59 - 62	N	Veteran Venue & Greening Chen	13 Roosevelt St.	Lutherville	MD	21093	0810000560	20900100188
378	1, 2	M	Timonium Heights, LLC	1 Roosevelt St.	Lutherville-Timonium	MD	21093-2232	0810001561	21100100188
378	3, 4	M	Timonium Heights, LLC	2 Roosevelt St.	Lutherville-Timonium	MD	21093-2232	0810000570	21100100188
378	5, 6	M	Timonium Heights, LLC	3 Roosevelt St.	Lutherville-Timonium	MD	21093-2232	0810000571	21100100188
378	38, 39	J	Anne Gehring Joseph Gehring Francis Gehring	1524 Allegheny Ave.	Baltimore	MD	21204-4202	0500000170	0800100114
378	40, 41	J	Joseph & Frances Gehring	1524 Allegheny Ave.	Towson	MD	21204-4202	0600000500	0800100114
378	11 - 15	J	Rachel Sturgis	2 Roosevelt Ave.	Lutherville-Timonium	MD	21093-2204	0600000200	0800100088
378	16 - 19	J	Stanislaw Capp	100 Bellewood Ave.	Baltimore	MD	21228-4849	0600000700	17004/00088

SOILS CHART

SYMBOL	NAME	HOMES W/ BASEMENT	HOMES W/O BASEMENT	STREET & PARKING LOTS	AGRICULTURAL CAPABILITY	(K) FACTOR	SEPTIC RESERVE AREA
BaB	Baltimore-Urban land complex, 0 to 8 percent slopes	SOMEWHAT LIMITED	SOMEWHAT LIMITED	VERY LIMITED	2e	.37	VERY LIMITED
MnA	Melvin-Urban land complex, 0 to 3 percent slopes	VERY LIMITED	VERY LIMITED	SOMEWHAT LIMITED	4w	.24	VERY LIMITED
UoF	Udorthents, highway, 0 to 65 percent slopes	NOT RATED	NOT RATED	NOT RATED	8	.24	SOMEWHAT LIMITED
UP	Urban land, 0 to 8 percent slopes	NOT RATED	NOT RATED	NOT RATED	8	.28	SOMEWHAT LIMITED


WEST PADONIA ROAD (PUBLIC)
(NORTH BOUND)
(SOUTH BOUND)
BROAD AVENUE (PUBLIC)
YORK ROAD (MD RT 45)
ROOSEVELT STREET (PUBLIC)
HARDING STREET
PROPOSED ASSISTED LIVING FACILITY (4 STORY) #2441
PRIVATE DRIVE
PRIVATE SPACE 11,122 SF± (SEE INSET DWG. 2 OF 2)
PROP. ASSISTED LIVING COURTYARD
PROP. FENCE
PROP. MEMORY CARE PATIO
PROP. BENCH (TYP.)
STORMWATER MANAGEMENT AREA #1 9,285 SF±
STORMWATER MANAGEMENT AREA #2 9223 SF±
DRAINAGE & UTILITY EASEMENT #3 1,818 SF±
DRAINAGE & UTILITY EASEMENT #2 1,097 SF±
DRAINAGE & UTILITY EASEMENT #1 447 SF±
PROPOSED DRop-OFF
PROP. SIGNAGE
PROP. CURB (TYP.)
PROPOSED GATE (EMERGENCY USE ONLY)
PROPOSED DUMPSTER AND SCREEN
SERVICE
FRONT
BROAD STREET MARKET 72:23
TIMONIUM HEIGHTS 5:82
EX. BUSINESS #2446
EX. FUNERAL HOME
EX. PET SALON #2430
EX. SUDSVILLE (RETAIL) #2420
EX. BANK OF AMERICA
EX. GAS STATION
EX. ALLSTATE #2418
EX. SFD
EX. PARKING
EX. LAWN
EX. FOREST
EX. STOCKPILE AREA
NOTE: LOD AS INDICATED FOR CLARITY PURPOSES. LOD TO CONFORM WITH BOUNDARY ON SITE
PRIVATE UNDERGROUND WATER QUALITY EASEMENT
EX. D&U EASEMENT (PER PLAT 72:23)
EX. D&U EASEMENT
EX. FIRE HYDRANT
PROP. FIRE HYDRANT
PROP. WATER METER
PROPOSED FENCE
NOTE: FOR ENDS TO PROPOSED FENCE INTO EXISTING FENCE
EXISTING FENCE
PROPOSED HIGHWAY WIDENING 8,146 SF±
EX. GAS LINE
EX. OHW LINE
EX. LIGHT
EX. SANITARY MANHOLE
POB N 651,211.91 E 1,415,522.24
N 651,750
E 1,415,250
E 1,416,000
N 651,250
BM CCC MLR
BM CCC RC 8
BL CCC BL A5
RC 8 MLR
RC 8 DR 1
RC 8 OR 2
BL OR 1
BL DR 1
OR 2 DR 3.5
DR 1 OR-2
BL-A5
S11°34'34"W 385.00'
S11°34'34"W 40.00'
215' ±
90' ±
57' R/W
44' PAV. 60' R/W
AVE SIGHTLINE PER P.C. STATION 10+00.00
EX. 12" SAN. (DWG#48-4125)
EX. 12" PL (DWG#60-056)
EX. 16" PL (DWG#40-3411)
EX. 6" PL (DWG#40-528)
EX. 30" PL (DWG#40-3411)
EX. 42" SD (DWG#40-3511)
EX. 15" SD (DWG#48-0006)
EX. 18" SD (DWG#48-0006)
EX. 36" SD (DWG#48-0006)
EX. 48" SD (DWG#48-0006)
EX. 6" SAN (DWG#40-0480)
EX. 6" PL (DWG#40-0480

GENERAL NOTES:

1. Development Name: Timonium Terrace

2. Applicant/Developer:
   Roosevelt At Timonium, LLC
   7013 Meandering Stream Way
   Fulton, Maryland 20759
   ATTN: Mr. Douglas F. Eshelman
   410.456.0999

3. Plan Prepared by:
   D.S. Thaler & Assoc., LLC
   7115 Ambassador Road
   P.O. Box 47428
   Baltimore, MD. 21244
   Attn: Stacey A. McArthur, RLA
   410-944-3647

4. PROPERTY REFERENCE:
   OWNERS:

Parcel #	Lot	Sect	Name /Company	Address	Town/City	State	Zip Code	Acc't #	Deed 1	Tax Map	Plat	Held Since	ADC Map (OLD)
629			Roosevelt at Timonium LLC	7013 Meandering Stream Way	Fulton	MD	20759	0802065662	44603/00031	0051	79:949	2021	18-J9

Boundary: D.S. Thaler & Assoc., LLC (March, 2018)

Topography: D.S. Thaler & Assoc., LLC (March, 2018) (on-site)
Baltimore County GIS Tile 051-C3 (off-site)

Zoning: Baltimore County GIS Tile 051-C3
Baltimore County (2020)

Utilities: Baltimore County Key Maps 5-NE
Baltimore County Utility Drawings as noted

Soils: U.S.D.A. Web Soil Survey (Accessed, July 2015)

Floodplain: There is no Riverine floodplain on site per FEMA: (#2400100235F)

Wetlands & Forest Buffer: Eco-Science Professionals Inc. (August 2013)
Approved by DEPS (October 25, 2013)

Forest Stand: Eco-Science Professionals Inc. and Wright Environmental

5. GENERAL DATA:

Election District:	8th	Watershed:	Loch Raven Reservoir
Census Tract:	408505	Regional Planning District:	Cockeysville/Timonium
Councilmanic District:	3rd	Land Management:	Employment Center
Growth Tier:	1		

6. SITE INFORMATION:

A. Existing Zoning and Maximum Density Permitted

Zone	Area (net)	Area (gross)	Units Allowed (per zoning)	Units (Proposed)
OR-2	2.489 AC± (108,420.8 SF±)	2.859 AC± (267' X 25'= 0.15 AC±) (385' X 25'= 0.22 AC±) (124,538 SF±)	2.859 AC± X DR-10.5: 30.01/0.25= 120 BEDS	97 BEDS

FAR: 0.91 (28388.3 SF± x 4 sty = 113553.2 SF± / 124538.0)

B. Site Development Proposal

Type		Parking Required	Parking Provided	Phase
ASSISTED LIVING (CLASS III)	70 BEDS (67 UNITS)	1 Space/3 Beds = 24 Spaces	45 Spaces	one
MEMORY CARE	27 BEDS (21 UNITS)	1 Space/3 Bed = 9 Spaces		
TOTAL	97 BEDS (88 UNITS)	33 SPACES		

PRIVATE OPEN SPACE		Average Daily Trips
Required	Proposed	
10% of Lot or 10,842 SF	11,122 SF±	1.74 ADT/UNIT or 154 ADT

C. Open Space:

"All Open Space shall be in compliance with Bill 73-16 and Bill 83-16.
Open Space Required: 88 Units x 1,000 S.F. = 88,000 SF OR 2.02 AC±
Open Space Provided: 11,122 SF ±
A waiver is requested.

7. Landscape Requirements:

Landscape requirements as specified in the Baltimore County Landscape Manual, adopted August 7, 2000, and as amended.

Note: Schematic Landscape Plan shown is preliminary in nature and is to show compliance with the Baltimore County Landscape Manual. The Schematic Landscape Plan is subject to a Final Landscape Plan. Final Landscaping Plan shall be approved prior to Building Permit Application.

1 Planting Unit (P.U.) =

1 major deciduous tree (2-2-1/2" cal.) or	500 S.F. of ground cover or
2 minor deciduous trees (1-1/12" cal.) or	10 herbaceous/perennial (1 gal.)*or
2 evergreen trees (6' ht.) or	20 herbaceous/perennial (1 quart)
5 shrubs or class A: 24- 30" ht. class B: 18" ht.	*To meet Class D screening requirements only.

The Final Landscape Plan will reflect any phasing of the development. Any such phased plans will provide a Planting Tabulation Chart reflecting both the over-all total planting requirements per the Schematic Landscape Plan, as well as the specific requirements for that particular phase.

LANDSCAPE PLANTING TABULATION

PROJECT CONDITION	REQUIREMENT	CREDIT	SUB-TOTAL	PROPOSED
CONDITION A - STREET FRONTAGE: ADJACENT ROAD @ 1 PU/40 LF INTERIOR ROAD @ 1 PU/20 LF	652 LF±/40 = 16.3 PU 180 LF±/20 = 9.0 PU	-	25.3 PU	127.6 PU
CONDITION B - PARKING LOTS: ADJACENT TO PUBLIC RIGHT-OF-WAY (CLASS B) @ 1 PU/15 LF INTERIOR LANDSCAPING @ 1 PU/12 PARKING SPACE	345 LF±/15 = 23.0 PU 45 SP/12 = 3.8 PU	-	26.8 PU	
CONDITION E - NON-RESIDENTIAL BUILDINGS ADJACENT TO RESIDENTIAL PROPERTY (CLASS A) @ 1 PU/15 LF ADJACENT PUBLIC RIGHT-OF-WAY @ 1 PU/15 LF ADJACENT TO COMMERCIAL @ 1 PU/20 LF *IN RO, SE, CB, AND BLR ZONES	339 LF±/15 = 22.6 PU 164 LF±/15 = 10.9 PU 215 LF±/20 = 10.8 PU	ADJOINING ENVIRONMENTAL AREA 215 LF±/20 LF = (10.8 PU)	33.5 PU	
CONDITION F - SERVICE LANES ADJACENT TO RESIDENTIAL (CLASS A) @ 1 PU/15 LF	123 LF±/15 = 8.2 PU	-	8.2 PU	
CONDITION G - LOADING AND STORAGE AREA ADJACENT TO RESIDENTIAL (CLASS C) @ 1 PU/10 LF	51 LF±/15 = 3.4 PU	-	3.4 PU	
CONDITION H - DUMPSTERS & GROUND MOUNTED HVC (CLASS A) @ 1 PU/15 LF	35 LF±/15 = 2.3 PU	-	2.3 PU	
CONDITION I - STORMWATER MANAGEMENT PONDS ADJOINING PROPERTY & ROADS (CLASS A) @ 1 PU/15 LF	484 LF± = 32.3 PU	ADJOINING ENVIRONMENTAL AREA 174 LF±/15 LF = (11.6 PU)	20.7 PU	
OPEN SPACE OPEN SPACE PLANTING @ 1 PU/1500 SF	11,122 SF± = 7.4 PU	-	7.4 PU	
TOTAL	150.0 PU	22.4 PU	127.6 PU	

*Credit may be applied for at time of Final Landscape Plan submittal.
The Final Landscape Plan will be approved prior to grading permit applicant.

8. UTILITIES: Public water and sewer will be provided. On-site utilities will be private as noted. Per Lisa Eicholtz, PE Baltimore County Department of Public Works stated on 1-8-2020: "At this time adequate capacity exists in the sewers serving the Timonium Terrace site to accommodate the proposed assisted living facility." Master Water Designation W-1 and Master Sewer Designation S-1.

9. USE: The existing use within the area of development is a storage building. Commercial Permit not available, constructed in 1979 per SDAT.

10. AVERAGE DAILY TRIPS (ADTS): Average daily trips as calculated from the Baltimore County Comprehensive Manual of Development Policy See Note #6B.

11. STORMWATER MANAGEMENT:
   a. Stormwater management will conform to Baltimore County Standards and the 2000 Maryland Stormwater Management Design Manual.
   b. Stormwater management areas noted on the plan as easements will be privately owned and maintained by the Property Owner. Conceptual stormwater management report submitted prior to filing of Development Plans.
   c. The Hydrology Report verifies that the outfalls are suitable based on criteria provided by the Baltimore County Department of Public Works and Department of Environmental Protection and Sustainability. (See suitable outfall evaluation)
   d. Owner of stormwater management easements or drainage and utility easements shall grant to authorized Baltimore County personnel a right of entry for the purpose of inspection and/or monitoring site visits. Said inspection and/or monitoring visits shall only be conducted during normal Baltimore County working hours (8:00 am to 4:00 PM Monday through Friday). Authorized Baltimore County personnel shall also have a right of entry through both proposed and existing roads.

12. GRADING: Grading shown is schematic only.

13. VEGETATION: Existing vegetation within proposed area of development consists of trees and scrub.

14. SIGHT LINES: Sight lines are shown on the plan for proposed roads which have access to an existing public road. The area between the sight line and the curb line must be cleared, graded and kept free of any obstructions.

15. STORAGE TANKS: There are no underground tanks on site.

WELL&SEPTIC: There are no existing well(s) or septic systems on site.

16. LIGHTING: Proposed lighting is shown as ▲. All proposed street lights shall be LED. Lighting is schematic and subject to change. Lighting associated with the development shall use full cut off fixtures and shall be arranged to direct the light away from adjacent residential properties and public streets.

17. ENVIRONMENTAL: There are no known archaeological sites,* endangered species, or hazardous materials** on the site.

*As known to the applicant.
**As known to the applicant; location and description of hazardous materials as defined by Section 7-101 of the Environmental Article of the annotated Code of Maryland, as from time to time amended.

A Hydrogeological Report and an Environmental Effects Report has been filed concurrently with this Development Plan.

This site is not within the limits of the Chesapeake Bay Critical Area. No additional information will be provided to the Department of Environmental Protection and Sustainability to determine compliance with the Critical Area Local Protection Program pursuant to Section 33-2-202(a).

"There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement except as permitted by Baltimore County Department of Environmental Protection and Sustainability."

"Any Forest Buffer Easement 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."

A Special variance was granted on May 31, 2019 to Baltimore County's Forest Conservation Law to allow critical impact to one specimen tree. Conditions were placed on this variance, including offsite reforestation and onsite protection of remaining forest resources.

An alternatives analysis was granted on May 15, 2019 by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the protection of water Quality, Streams, Wetlands and Floodplains. The Forest Buffer easement shown hereon is reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including restoration of remaining Forest Buffer Easement and offsite mitigation.

"An alternative analysis was granted on May 27, 2020, by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. The Forest Buffer shown hereon is reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including offsite mitigation and posting of protective signage along the remaining Forest Buffer onsite."

18. This property has been held intact since (see Note #4, according to deeds). "The developer's engineer has confirmed that no known part of the gross area of the proposed development area of this tract as shown on the plan has ever been utilized, recorded, known, or represented as density or area to support any off-site dwellings or properties".

19. Soil and Slope Mitigation Measures: The developer shall do the following in those areas where severe or moderate soil limitations are indicated and/or steep slopes occur:
   a. Insure that grading plans consider protection of these areas from increase in run-off. This may include draining roof down spouts and drives into storm drains.
   b. Stabilization of disturbed areas in accordance with approved sediment control practices.
   c. Consider geotechnical assistance with on-site inspectors as appropriate.

20. According to the Maryland Transit Administration Regional Transportation System map (www.mtamaryland.com), the nearest MTA service to this site is Local Link 93.

21. There are no known limitations established by the Courts, County Board of Appeals, Planning Board or Zoning Commissioner which would limit proposed development on site. There is Zoning History pertaining to the property per My Neighborhood Map. (Case No. 78-90-SPH)

22. There are no buildings, properties or sites within the proposed development included on the Baltimore County Preliminary or Final Landmarks List, the National Register of Historic Places, or any Baltimore County Historic District or National Register Historic District, per My Neighborhood Web site. The owner is not aware of any building, property, or site within or contiguous to the proposed development that is included in the Maryland Archeological Survey.

23. "There are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated" per Lori A. Byrne, Environmental Review Coordinator, Wildlife Heritage Service, Maryland Department of Natural Resources, April 9, 2018.

24. Unless noted otherwise, all drainage and utility easements shall be 20 ft. wide. (Easement to be 10 ft. wide for bordering property lines.)

25. Proposed roads are Private. All parking aisles and maneuvering areas will be paved with macadam and permanently striped.

26. Public easements indicated for dedication to Baltimore County will be offered for dedication at no cost to the County.

27. The Bureau of Traffic Engineering and Transportation Planning has confirmed that the subject site is not within a traffic deficient area (per Mr. Kris Nebre, 6.10.24).

28. Refuse collection will be provided by Baltimore County.

29. United States Postal Service will provide mail delivery.

30. "No obstructions of any kind may be placed in any Baltimore County right-of-way except by express written permission by an authorized signatory for Baltimore County."

31. Building envelopes and/or footprints are for illustrative purposes and may not represent the final location for any particular structure. Final building location will be subject to the various standards and limitations illustrated by the details and charts included on this plan.

32. Future signs shall conform with BCZR Section 450 and all zoning policies.

33. Envelopes shown hereon are for the location of principal buildings only. Accessory structures and projections into yards may be constructed outside the envelope, but must comply with Sections 301 and 400 of the Baltimore County Zoning Regulations.

34. Maximum building height allowed in underlying DR 10.5 zone is 50 feet.

35. The CIM was held on 10.23.2018. The minutes which identify all comments can be found in PAI File No. 08-0912, on file in Room 123 of the Baltimore County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204.

36. The "Recommended Areas of Critical State Concern" map included on this sheet indicates that this property is located within a Critical State of Concern Area. (Lime Stone Valley)

37. Per the Baltimore County 2023 Basic Service Maps (per Bill 19-23, adopted: 5.25.23):
   -The site is not located within an 'Area of Special Concern' per the Sewerage Area Map.
   -The site is not with in a 'Deficient Zone' per the Water Supply Area Map.
   -The site is not located in a 'Deficient Level of Service' per the Transportation Map.

38. The area of development is located within the Urban Rural Demarcation Line (URDL).

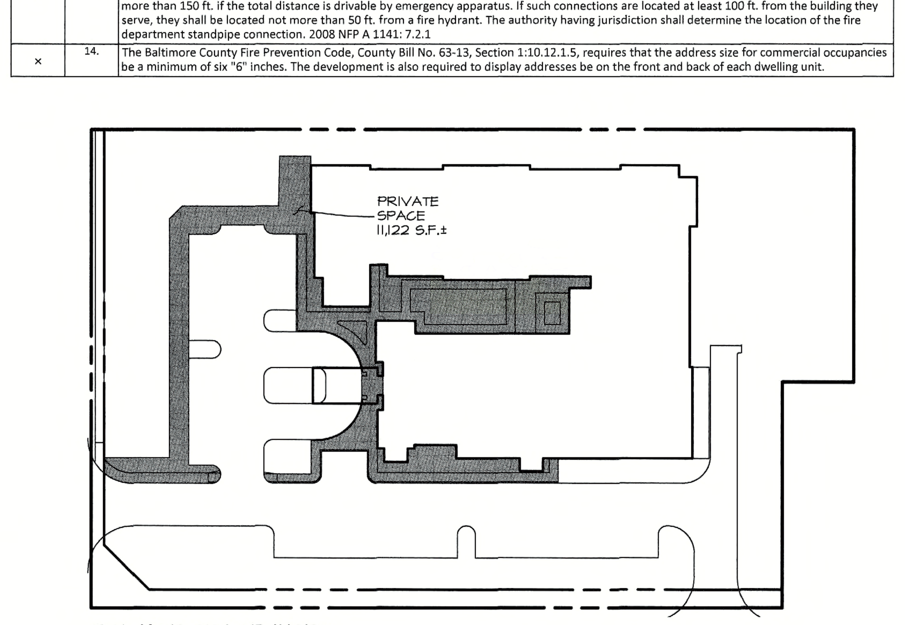
39. The development as proposed will include protective measures adequate to prevent erosion or sloughing of any steep slopes as defined by Section 32-4-101 of the Baltimore County Code and promote the preservation of the natural topographic features of the steep slope. This will be achieved by providing Erosion and Sediment Control measures in accordance with the requirements of the Baltimore County Soil Conservation District and the current State of Maryland Specifications for Soil Erosion and Sediment Control.

40. Handicap/ADA sidewalk ramps will be provided at all street intersections.

41. No Parking signs shall be posted prohibiting parallel parking on Roosevelt Street.

FIRE DEPARTMENT NOTES

"Residential Board & Care"		
×	1.	Where fire protection water supplies are required to be provided shall be installed and made available for use not later than the time when construction of any individual dwelling unit is under roof. A crusher run roadway for access to dwellings and fire hydrants shall be available for and usable by emergency fire apparatus and capable of handling emergency apparatus weighing 70,000 lbs. when construction of any dwelling is under roof, in accordance with the Baltimore County Fire Prevention Code, Baltimore County Bill No. 63-13, Section 1: 16.4.3.1.3
×	2.	The proposed roadways throughout the development shall not be obstructed in any manner for emergency apparatus, including the parking of vehicles. Also any trees planted shall not be the type that would interfere with emergency apparatus access when they mature. 2012 NFPA 1 Fire Code Section 18.2.4.1
×	3.	The Baltimore County Fire Marshal's Office has requested that street signs be installed when the first house is under roof.
×	4.	All fire hydrants spacing shall be in accordance with the Baltimore County Standard Design Manual, County Bill No. 63-10 Section 5.
×	5.	The fire hydrants shall be painted "Orange" for public hydrants and "Osha RED" for private hydrants in accordance with the Baltimore County Fire Prevention Code, County Bill No. 63-13 Section 1:18.5.7.5.
×	6.	The proposed buildings shall be designed and constructed as to meet the applicable provisions of the Baltimore County Prevention Fire Code, County Bill No. 63-13.
×	7.	All the on-site fire hydrant must be a minimum distance of 40 feet away from any building.
×	8.	A fire hydrant is required to be within 100 feet of a fire department connection (FDC). A fire hydrant with a distance of 150 feet is permissible, if the total distance is drivable by the emergency apparatus.
×	9.	A separate building permit is required for the installation of any underground fire line and shall be reviewed by the Plans Review Section of Baltimore County prior to the installation.
×	10.	A separate building permit is required for the installation of any automatic sprinkler systems.
×	11.	The installation of any fire alarm system and the maintenance on any fire alarm system shall be in compliance with the requirements of the Baltimore County Fire Prevention Code, County Bill No: 63-13 and the Baltimore County Building Code, County Bill No: 40-12 and shall be installed and maintained in accordance with these regulations by an Underwriter's Laboratory, Inc. (UL) listed fire alarm contractor or Factory Mutual (FM Global) approved fire alarm contractor, listed by UL or FM for installation and maintenance of "protective signaling systems" or other national recognized testing laboratory.
×	12.	The fire alarm company shall provide a copy of the UL certification or FM placard to the Baltimore County Fire Marshal's Office for all newly installed fire alarm systems that are required by the Baltimore County Fire Prevention Code, County Bill No: 63-13.
×	13.	New buildings more than three stories in height or over 50 ft. in height above grade and containing intermediate stories or balconies, more than one story below grade and more than 20 ft. below grade shall be equipped with a Class 1 Standpipe System installed in accordance with the provisions of the 2012 NFPA 1: Section 13.2 and NFPA 14, Standard for the Installation of Standpipe and Hose System. If mounted on the side of the building they serve, fire department connections for standpipe systems shall be located not more than 100 ft. from the a fire hydrant or not more than 150 ft. if the total distance is drivable by emergency apparatus. If such connections are located at least 100 ft. from the building they serve, they shall be located not more than 50 ft. from a fire hydrant. The authority having jurisdiction shall determine the location of the fire department standpipe connection. 2008 NFP A 1141: 7.2.1
×	14.	The Baltimore County Fire Prevention Code, County Bill No. 63-13, Section 1:10.12.1.5, requires that the address size for commercial occupancies be a minimum of six "6" inches. The development is also required to display addresses be on the front and back of each dwelling unit.



PRIVATE SPACE INSET
SCALE: 1"=60'

111 West Chesapeake Ave, Rm 123
Towson, Md. 21204

410-887-3321
410-887-2877 (fax)

COMMUNITY INPUT MEETING MINUTES

Project Name: Timonium Terrace
Date: October 23, 2018
PAI No.: 08-0912
District: 8c3

Location: Timonium Methodist Church
Engineer: D.S. Thaler & Associates, Inc.
Attendees: 27 Citizens from the community
Mr. Chris Mudd, Esq., Venable
Mr. Brian Childress, D.S. Thaler & Associates, Inc.
Mr. Patrick Williams, Project Manager Baltimore County, PAI

Mr. Williams opened the meeting at 7:00 pm and introduced himself. He asked the attendees to fill out a county attendance sheet. He stated that the purpose of the meeting was for the community to see a presentation of the concept plan that has been submitted to Baltimore County by the developer and D.S. Thaler and Associates, Inc. He explained that the presentation would be made by the developer's attorney and engineer who would be introduced after discussing a few more items. Mr. Williams let the attendees know that he would be taking minutes, and that copies of those minutes would be distributed to everyone who signed in.

Mr. Williams explained to the citizens about the county's development process, in particular how this project fits into that process and what lies ahead. Mr. Williams stated that the County's process begins with a submittal of a concept plan to the county by the developer. The concept plan is reviewed by various county agencies, and then a Concept Plan Conference (CPC) is held to discuss the reviews and comments made by the various county agencies. The next step in the process is a Community Input Meeting (CIM). Mr. Williams indicated that this meeting is an opportunity to see what is being proposed to their community, to talk with the developer and ask questions, and a chance to voice concerns. He further stated that, after tonight's CIM, the developer had one year to submit a development plan. When that plan is submitted, a Development Plan Conference (DPC) is held to review and discuss agency comments. After the DPC, a Hearing Officer's Hearing (HOH) is held to make a decision of approval or denial of project. Mr. Williams stated the HOH is a quasi-judicial hearing in which the developer and his attorney will present the final development plan for approval. Mr. Williams stated that the HOH is the most important part of the process. He further stated it is the responsibility of the community to make themselves available for this part of the process, should they have issues and/or concerns. In addition, Mr. Williams shared with the community that proper notification would be given for each step of the process, and that the community was entitled to any information regarding the potential project. Mr. Williams then turned over the presentation to Mr. Chris Mudd.

Mr. Mudd introduced himself and explained that he was an attorney representing the developer for this particular project. He introduced Mr. Brian Childress as the project engineer of record who would be giving a brief presentation of the project and would be able to answer any technical questions. He stated the purpose of tonight's meeting was to discuss the concept plan and to receive feedback from those present. He said that he would be discussing a few key points and then would open the floor to discussions. He also indicated that the plan was in the early stages of the process and that it may potentially be modified or changed. He then turned the meeting over to Mr. Brian Childress.

Mr. Childress introduced himself as an engineer with D.S. Thaler and Associates and wanted to discuss the proposed concept plan. He stated that a copy of the plan was mailed to neighbors who are immediately adjoining to the property proposed for development. He discussed the existing features including the location of the parcel which is East of Broad Avenue and South of West Padonia and York Road. Most of the site is wooded with some grass areas located on Roosevelt Avenue. The access is located on Broad with two existing buildings with a driveway positioned along Broad Avenue. The zoning for this project is RO & RO2 which are both residential office zones with the "2" referring to the density calculation.

The delineation of the proposed buildings on this concept plan show both buildings located in the middle and all ingress/egress be taken from Broad to Padonia so that residential traffic is not impacted. The proposal is for an assisted living facility at approximately 25,000 square feet at three to four stories, however, an architect has not been solicited as of yet and the plan before you is based on another footprint to use as a base. The road systems will be private with public utilities connecting on Broad Avenue. The site will have a couple of storm water management facilities along with a small area for open space. There will be landscaping essentially to screen from Roosevelt Avenue.

Citizen: Does this property go to Padonia Road?
Mr. Childress: No.
Citizen: Will you have fences along your property?
Mrs. Childress: It is not proposed but it may be something that can be discussed.
Citizen: Why can't you go on York Road?
Mr. Childress: We do not own any property on York Road.

Citizen: How many stories will the building be?
Mr. Childress: We have not commissioned an architect yet, but we anticipate three to four stories.
Citizen: Is there a reason you can't take the road that goes out to York Road?
Mr. Childress: I'm not sure that we have rights to that right-of-way, which would be something that I would have to verify.
Citizen: What is your construction timeline? Are you planning to develop and expand in phases?
Mr. Childress: No phased expansions planned, we have a year as Patrick said to submit a Development Plan for approval. Then we would do engineering, so I would approximate 18 months before engineering is complete, so roughly a year to two years.
Citizen: Is the expansion of Roosevelt Street the County's responsibility?
Mrs. Childress: The plan that we submitted does not include improvements to Roosevelt. The County has asked us to dedicate a 50 foot right-of-way, (it is currently 30) on our plan as well as widening Roosevelt on our side which is also not reflected on this Concept Plan.
Citizen: I'm concerned with how the community will be impacted by parking outside of the lot because of the limited amount of parking on the lot. Also I see no reason for widening the road. That would only encourage more parking.
Mr. Mudd: We will be sure to have signage that speaks to no parking.
Citizen: This project does not look like an adequate amount of parking for a 125 bed facility.
Mr. Childress: The average age of our residents is 84 and a low percentage of those residents have vehicles. The parking will mostly consist of caregivers and visitors.
Mr. Mudd: The plan meets the County's standard which is 1 spot per 4 beds.
Citizen: How many parking spots are you proposing?
Mr. Childress: We are proposing 42 spots.
Citizen: My concern is for emergency vehicles going in and out of the facility.
Mr. Childress: In anticipation of that, we have proposed an emergency access in the rear of the property.
Citizen: How much lighting will be on the lot facing Roosevelt?
Mrs. Childress: We will have to design lights so that they do not cast light towards the residences which would be included in a lighting plan that we are required to submit to the County.
Citizen: You can direct the light from the lighting elements but it will reflect off of the buildings and illuminate the surrounding buildings.
Mr. Mudd: The County has a Landscape Architect who reviews lighting plans as well as landscape plans to ensure that we are adhering to County standards.
Citizen: I have a concern in regards to storm water.
Mr. Mudd: We will be addressing all storm water and existing storm water that drains to our site. I imagine that it will be an improvement to existing conditions.
Citizen: A building that high I believe will be inappropriate in comparison to existing dwellings not to mention the lighting involved with it.
Mr. Childress: The County requires a compatibility study which studies the existing buildings for things such as height and materials. In this zone which is an office zone, the County can give recommendation for non-approval if we are not compatible with the existing neighborhood and structures.
Citizen: I believe that this building is not compatible. And it is in a flood zone.
Mr. Childress: The flood zone is not located on our property.
Citizen: Does this plan take into account deliveries and dumpsters?
Mr. Childress: We have not evolved to that level of detail yet.
Mr. Mudd: Those kinds of issues can be resolved also at the Development Plan Hearing, in which the Administrative Law Judge can make conditions based on community feedback.
Citizen: When the shopping center was constructed, promises of appropriate lighting were made and then disregarded. The lighting of the facility and the height of the building are major concerns for this community.
Mr. Mudd: We hear your concerns and we will be reviewing ways to mitigate those concerns.
Citizen: Will you have greenspace? And if so could you make it on the Roosevelt side closer to the existing residences?
Mr. Childress: Unfortunately, that location is where we our proposing our storm water management facility. Due to the grade of the lot, the pond is located there to collect as much storm water as possible.
Citizen: Will there be any future land acquisitions?
Mr. Childress: Not that I am aware of.
Citizen: I am concerned that our property value will be affected by this project. I do not see any benefit for the existing community.
Mr. Mudd: The proposal is consistent with the zoning in this area.

At this point, Mr. Williams closed the meeting and reminded everyone who signed the attendance sheet, including the county reviewing agencies, that they will receive a copy of the CIM minutes by mail. He further stated if anyone had any questions regarding the process, to contact him by phone at 410-887-3321 or via email at pbwilliams@baltimorecountymd.gov .

Respectfully submitted,

Patrick Williams, Project Manager
Development Management
410-887-3321
pbwilliams@baltimorecountymd.gov

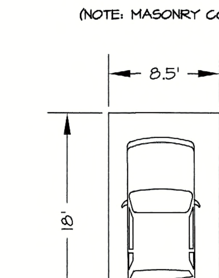
ZONING HISTORY:
CASE# 78-90-SPH (ITEM NO. 37)

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of April, 1978, that a Special Hearing to approve a nonconforming use for the storage of plumbing supplies, on that portion of the property indicated as Lot Nos. 57 through 62 on the attached plat, which hereto has been made a part hereof, and shown as Zoning Commissioner's Exhibit No. 2, should be and the same is GRANTED, from and after the date of this Order, subject to incorporation of the conditions set forth in the attached letter of November 4, 1977, and shown as Zoning Commissioner's Exhibit No. 1, it being intended that these conditions be incorporated herein and made a part hereof as restrictions and conditions of the granting of this Special Hearing.

It is further ORDERED that the rest and residue of the subject property does not enjoy a nonconforming use for the storage of plumbing supplies and that that portion of the property can be used only in accordance with the zoning classification it may enjoy.

Zoning Commissioner of Baltimore County

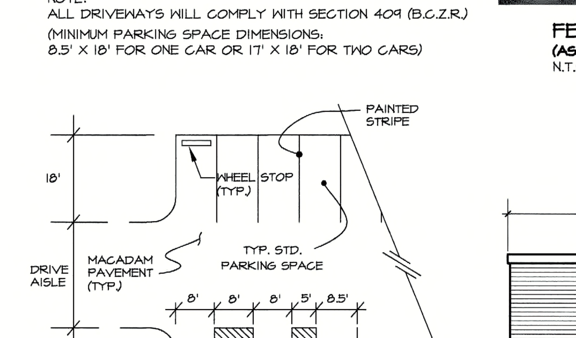
SCHEMATIC DUMPSTER ENCLOSURE
N.T.S.
(NOTE: MASONRY COMPONENT TO MATCH BUILDING)



DRIVEWAY NOTE:
ALL PARKING AND MANEUVERING AREAS (MACADAM OR CONCRETE) WILL BE PAVED BY THE BUILDER AT THE TIME OF HOUSE CONSTRUCTION AND WILL BE MAINTAINED BY THE ULTIMATE HOMEOWNER.

TYPICAL PARKING SPACE DETAIL
N.T.S.

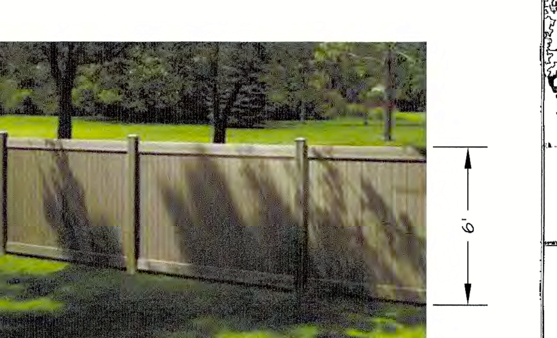
NOTE:
ALL DRIVEWAYS WILL COMPLY WITH SECTION 409 (B.C.Z.R.)
(MINIMUM PARKING SPACE DIMENSIONS:
8.5' X 18' FOR ONE CAR OR 17' X 18' FOR TWO CARS)



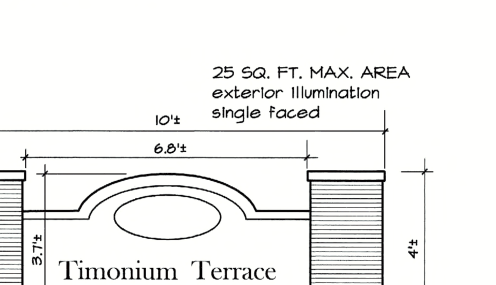
PARKING DETAIL (PERPENDICULAR)
N.T.S.

NON-RESIDENTIAL PRINCIPAL BUILDING SETBACKS - D.R. ZONES

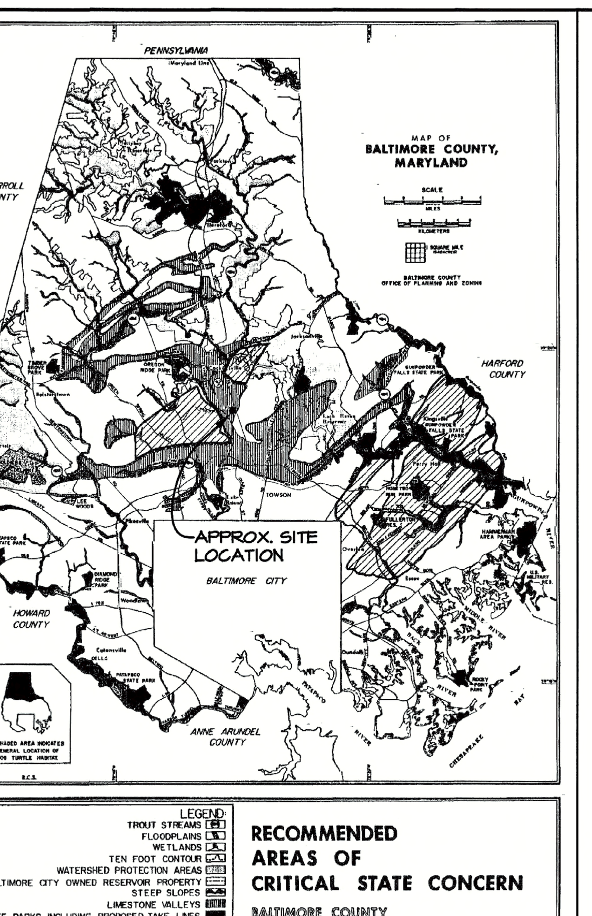
	DR-10.5
Front Yard	25'
Side Yard - Interior	20'
Rear Yard	50'
Corner - Street Side	35'



FENCE DETAIL
(AS SHOWN OR SIMILAR)
N.T.S.



SCHEMATIC SIGN ELEVATION 'A'
N.T.S.
(NOTE: MASONRY COMPONENT TO MATCH BUILDING)



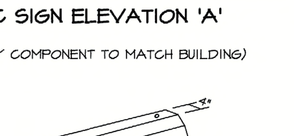
CASE NO. RC-2019-001

THEREFORE, IT IS ORDERED by this Administrative Law Judge for Baltimore County, as designee of the County Administrative Officer for Baltimore County, this 19th day of December, 2019, that the Petition for Road Closing filed pursuant to § 18-3-302 of the Baltimore County Code ("BCC"), to close a portion of an unnamed alley shown in Block 'I' and a portion of a paper road known as "Estella Street", which are situated in between Broad Avenue and York Road ("Road Closure Area") located in the Lutherville – Timonium area of Baltimore County, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the areas shown on County Exhibit 2 / Petitioner's Exhibit 1 and outlined in the Petition are hereby CLOSED.

Any appeal of this Order shall be taken in accordance with Baltimore County Code, § 18-3-302 (d) (2).

LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County



WHEEL STOP DETAIL
N.T.S.

AUTOMATIC SWING GATE WITH KNOX BOX
N.T.S.
NOTE: MATERIAL TO MATCH FENCING.
(OR SIMILAR)

TRASH RECEPTACLE
N.T.S.

STYLE: WELLSPRING BENCH OR APPROVED EQUAL
SIZE: 48" LENGTH WITH 19" SEAT HT. (FOR EASIER TRANSFER FROM WHEELCHAIRS)
MATERIAL: TEAK WOOD
BY: LANDSCAPEFORMS
QUANTITY: 4 FOR ASSISTED LIVING COURTYARD SHT. L-1.0,
AND 5 FOR MEMORY COURTYARD, SHT. L-1.1 (QTY. TO BE APPROVED BY OWNER)

NOTE:
WELLSPRING COLLECTION IS DESIGNED FOR STABILITY AND COMFORT WITH ERGONOMIC SUPPORT TO ADDRESS THE SPECIAL NEEDS OF THE RETIRED AND ASSISTED.

LANDSCAPEFORMS
1-800-521-2546
431 LAWNDALE AVE
KALAMAZOO, MI 49048

COURTYARD BENCH
NO SCALE (or similar)

ORDER CASE #08-0912 AND 2019-0489-X

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 5th day of February, 2020, that the "TIMONIUM TERRACE" Plan marked and accepted into evidence as Developer's Exhibit 1A-C, be and hereby is APPROVED.

IT IS FURTHER ORDERED that the Petition for Special Exception seeking relief from § 432A.1.A.4 of the Baltimore County Zoning Regulations ("BCZR") to allow an Assisted Living Facility ("ALF") III in the OR-2 zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Variance granted on May 31, 2019 to Baltimore County's Forest Conservation Law to allow critical impact to one specimen tree, and conditions were placed on this variance, including offsite reforestation and onsite protection of remaining forest resources, be and is hereby AFFIRMED.

The relief above is granted herein shall be subject to the following:

1. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (§§ 33-3-101 and 33-3-120 of the BCC).
2. Development of this property must comply with the Forest Conservation Regulations (§§ 33-6-101 through 33-6-122 of the BCC).
3. The sidewalk depicted along Roosevelt Avenue shall be deleted from the Redlined Plan and the perimeter fencing shall be tied into the existing fence at the end of Broad Avenue.

Any appeal of this Order shall be taken in accordance with Baltimore County Code, § 32-4-281.

PAUL M. MAYHEW
Administrative Law Judge
for Baltimore County

ORDER CASE #2021-0294-SPH

Good cause having been shown it is, THEREFORE, ORDERED this 11th day of January, 2022 by this Administrative Law Judge that the Petition for Special Hearing pursuant to the BCZR § 502.3 to extend the period of utilization of the special exception granted in Case Nos. 08-912 and 2019-0489-X until February 5, 2025 is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

ROOFTOP PATIO FURNITURE
(OR SIMILAR)

SUITABLE OUTFALL EVALUATION

Runoff generated by this project would ultimately reach Goodwin Run a tributary of Beaver Dam Run, within the Loch Raven Reservoir watershed system. Stormwater management will be provided through micro-scale ESD practices applied to the maximum extent practicable. All flows will be ultimately directed to Goodwin Run via the existing public drainage system (POI 1), or via the existing public concrete lined channel (LOI 1). At all proposed outfalls, a combination of riprap with either a plunge pool or a level spreader will be constructed to recreate the existing sheetflow conditions. It is then our opinion that no significant adverse effect would be generated by the runoff from this site as it enters the Goodwin Run. Therefore, we conclude that the outfalls are "suitable" based on criteria provided by the Baltimore County Department of Public Works and the Department of Environmental Protection and Sustainability.

Note

The plan satisfies the special use requirements of an assisted living facility per Section 432A (BCZR).

DESIGN AND DRAWINGS ARE BASED ON MARYLAND COORDINATE SYSTEM (M.C.S.) DATUM.

HORIZ. - NAD - 83/91
VERT. - NAVD. 88

TIMONIUM TERRACE

PROJECT NAME:
TIMONIUM TERRACE
(2441 BROAD AVENUE)

PLAN TITLE:
PLAT TO ACCOMPANY ZONING PETITION: TO REAPPROVE SPECIAL EXEMPTION PREVIOUSLY EXTENDED ON JANUARY 11, 2022

COUNCILMANIC DIST.: 3
ELECTION DIST.: 8
PAI NUMBER: 08-0912
MAJOR-2018-00008
CIM: 10.23.2018

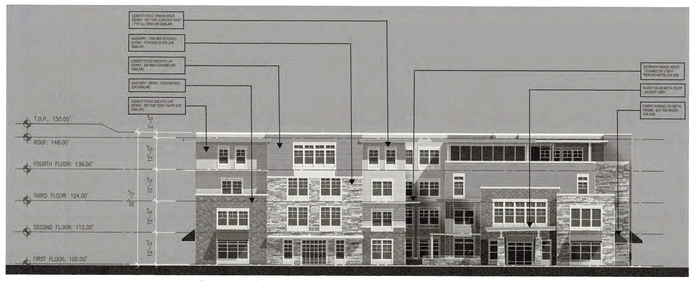
DEVELOPER:
ROOSEVELT AT TIMONIUM, LLC
7013 MEANDERING STREAM WAY
FULTON, MARYLAND 20759
ATTN: MR. DOUGLAS F. ESHELMAN
TEL: 410-456-0999

DSThaler & ASSOC., LLC
CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS, LANDSCAPE ARCHITECTS & LAND PLANNERS
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
410-944-3647
www.dsthaler.com

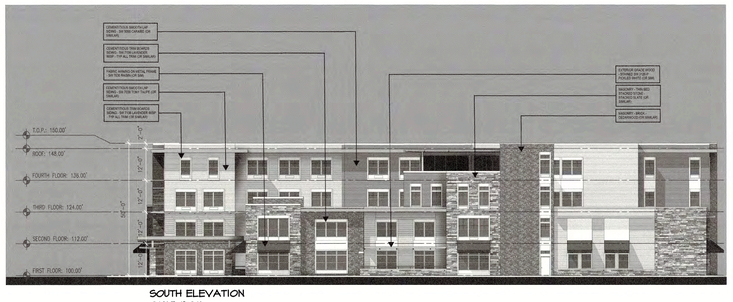
STATE OF MARYLAND STACEY A. McARTHUR No. 761 REGISTERED LANDSCAPE ARCHITECT 7.25.24

DATE: 07-25-2024
SCALE: N/A
C.I.: N/A
PROJ. NO.: 04314C
SHEET 2 OF 3

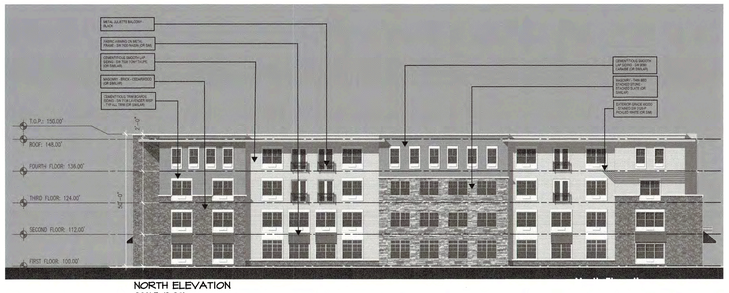
File name: R:\Timonium Terrace\400 CADD\410 Active\Exhibits_Planning\SE – 2024\Dev Plan-Sht02.dwg Layout:Layout1 Jul 25, 2024–2:44pm mjb



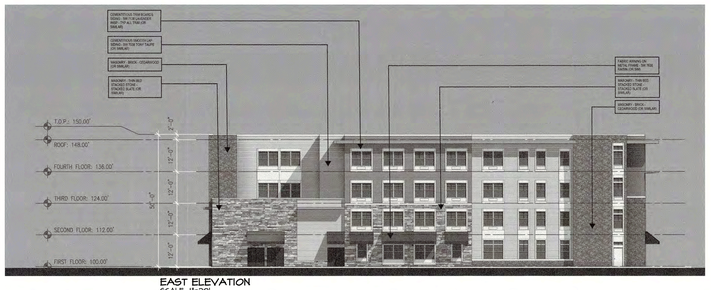
WEST ELEVATION
SCALE: 1"=20'



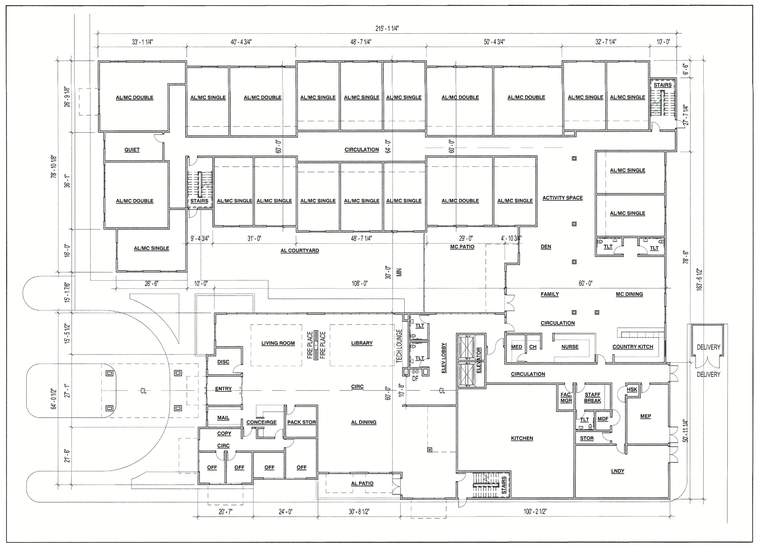
SOUTH ELEVATION
SCALE: 1"=20'



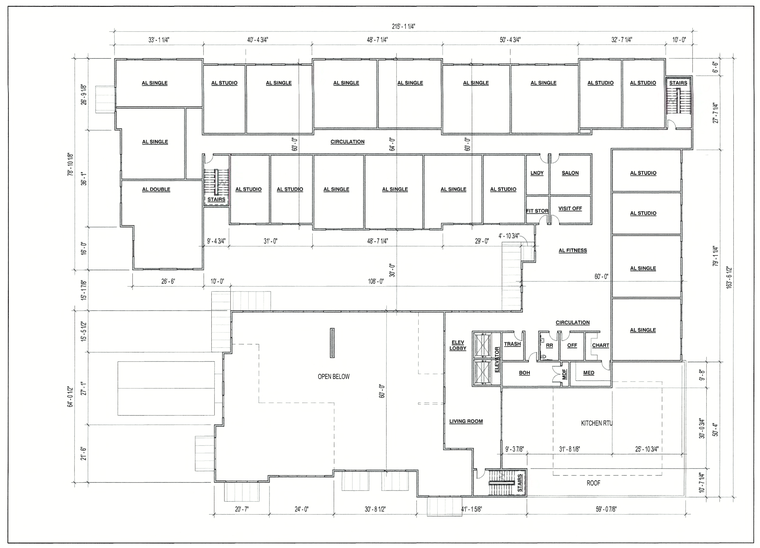
NORTH ELEVATION
SCALE: 1"=20'



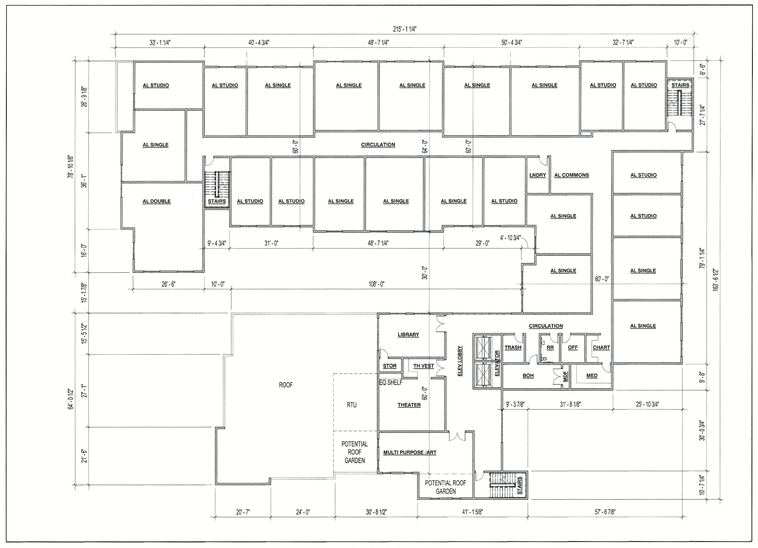
EAST ELEVATION
SCALE: 1"=20'



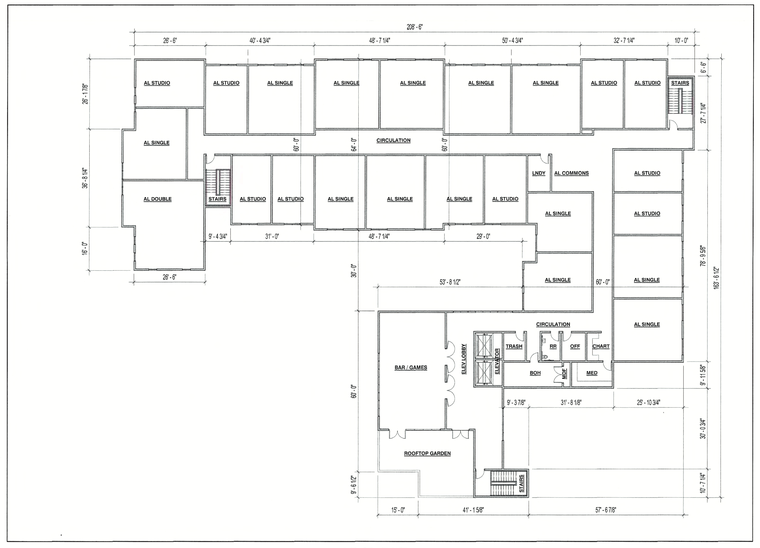
LEVEL ONE
SCALE: 1"=20'



LEVEL TWO
SCALE: 1"=20'



LEVEL THREE
SCALE: 1"=20'



LEVEL FOUR
SCALE: 1"=20'

TIMONIUM TERRACE

PROJECT NAME:
TIMONIUM TERRACE
(2441 BROAD AVENUE)

PLAN TITLE:
PLAT TO ACCOMPANY ZONING PETITION: TO REAPPROVE SPECIAL EXEMPTION PREVIOUSLY EXTENDED ON JANUARY 11, 2022

COUNCILMANIC DIST.: 3
ELECTION DIST.: 8
PAI NUMBER: 08-0412
MAJOR-2018-00008
CIM: 10.23.2018

DEVELOPER:
ROOSEVELT AT TIMONIUM, LLC
7013 MEANDERING STREAM WAY
FULTON, MARYLAND 20759
ATTN: MR. DOUGLAS F. ESHELMAN
TEL: 410-456-0999

DS Thaler & ASSOC., LLC
CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS, LANDSCAPE ARCHITECTS & LAND PLANNERS
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
410-944-3641
www.dsthaler.com

STATE OF MARYLAND
STACEY A. MCALLISTER
NO. 781
REGISTERED LANDSCAPE ARCHITECT
07-25-24

DATE: 07-25-2024
SCALE: 1" = 20'
G.I.: NA/A
PROJ. NO.: 043146
SHEET 3 OF 3

File name: G:\Timonium Terrace\ACAD\V18 Active\Exhibits_Zoning\SE - 2024\Dev Plan-SP103.dwg Layout:Layout1 Jul 25, 2024-2:36pm m.b.