

IN RE: PLANNED UNIT DEVELOPMENT	*	BEFORE THE
E/S Old Court Road,	*	DEPUTY ZONING
N of Liberty Road	*	COMMISSIONER FOR
(Randallstown III Non-Profit Housing PUD)	*	BALTIMORE COUNTY
2nd Election District		
4th Council District		
CSI Support and Development Services	*	Case No. II-615
<i>Applicant/Developer</i>		

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HEARING OFFICER’S REVIEW AND APPROVAL ORDER

This matter comes before the Hearing Officer/Deputy Zoning Commissioner, pursuant to Section 32-4-246 of the Baltimore County Code (B.C.C.), for review of the Baltimore County Planning Board’s decision to approve an Affordable Senior Housing Planned Unit Development (PUD), known as Randallstown III Non-Profit Housing PUD (“R-III”). The approved PUD Concept Plan (“R-III Affordable Senior Housing PUD Concept Plan”) was prepared by the civil engineering and land planning firm of Colbert Matz & Rosenfelt and has been marked as Developer’s Exhibit 1. This plan reflects Applicant/Developer CSI Support and Development Services’ proposal to develop a 51 unit single building for affordable senior housing, funded by HUD Program 202 funding. The subject property is located on the east side of Old Court Road, north of Liberty Road, in the Randallstown area of Baltimore County, and consists of 3.26 gross acres, more or less, zoned D.R.5.5.

This project is being reviewed under the Planned Unit Development (PUD) process as permitted by Baltimore County Code (B.C.C.) Section 32-4-241, *et seq.*

Pursuant to B.C.C. Section 32-4-242, on June 1, 2009, the Baltimore County Council, by adoption of Resolution No. 43-09, authorized review of the R-III Affordable Senior Housing PUD Concept Plan. Thereafter, the R-III Affordable Senior Housing PUD Concept Plan and related

materials including a Pattern Book were submitted to Baltimore County for review in accordance with the B.C.C. Section 32-4-243. A Pre-Concept Plan Conference was held on March 10, 2009, a Concept Plan Conference (CPC) was held on August 10, 2009, and a Community Input Meeting (CIM) was held on September 9, 2009. Following the CPC and the CIM, the R-III Affordable Senior Housing PUD was further subject to County Planning staff introduction, with all related materials, public hearing and deliberations at the Planning Board meetings held on November 5, 2009, November 19, 2009, January 7, 2010 and January 21, 2010. The underlying D.R.5.5 zoning on the property with the density bonus allowed by B.C.Z.R. Section 430.4.D provides sufficient density to accommodate the proposed 51 units, and Applicant is not requesting any further increase or modification of density for this project.

Pursuant to B.C.C. Section 32-4-245(c)(3), the Planning Board has the authority to amend or modify the zoning and development requirements that would otherwise be applicable to the development of the property. As the case record makes clear, Modifications of Standards were necessary to allow for the creation of this well-designed, attractive affordable senior housing community. The PUD Concept Plan proposed certain Modifications of Standards, as reflected on the plan itself and in the Pattern Book and in the Planning Board Planned Unit Development Approval document, including modifications of requirements for side setbacks, residential transition area (RTA) setbacks (storm water management), RTA buffer, RTA building height, and building length. Strict adherence to the requirements of the underlying zoning classification would not allow for this affordable elderly housing at this location, which as described in the Planning Board PUD Approval memorandum, is in conformance with the goals, objectives and recommendations of the Baltimore County Master Plan 2010.

Having received the R-III Affordable Senior Housing PUD Concept Plan and Pattern Book, in accordance with B.C.C. Section 32-4-244, the Office of Planning prepared a lengthy report to the Planning Board, dated November 5, 2009, outlining the history of the project, discussing the review of the plan by the County agencies and the State Highway Administration, and addressing the statutory standards by which the project would be assessed. Based on its extensive review of the project, the Office of Planning recommended approval of the R-III Affordable Senior Housing PUD Concept Plan and the requested Modifications of Standards. This report was then provided to the Planning Board, and the R-III project was scheduled for consideration by the Planning Board. The Office of Planning presented its report to the Planning Board at its meeting on November 5, 2009.

At the Planning Board hearing on November 19, 2009, the Applicant's representatives made a presentation to the Board on the PUD Concept Plan. Jeffrey H. Scherr, Esquire, attorney for the Applicant, made a brief introduction of the project. Scooter Monroe, the Applicant's representative, described the multiple public benefits provided by the Project; Ed Hord, AIA, the project architect, presented the PUD Concept Plan, Pattern Book, and other materials; and Mr. Scherr described how all of these materials demonstrate to the Board that the project met each of the requirements for a PUD under the Baltimore County Code and the Baltimore County Zoning Regulations.

Next, two residents of the Randallstown I ("R-I") and Randallstown II ("R-II") senior housing facilities, located on the senior housing campus which will be the location of R-III, presented the benefits to residents and the surrounding community of the existing affordable senior housing as provided by R-I and R-II. Deliberation on the proposal was conducted by the Planning Board at the next scheduled meeting on January 7, 2010.

At the next scheduled meeting on January 19, 2010, having reviewed a draft Baltimore County Planning Board Planned Unit Development Approval document on the project, the Planning Board voted unanimously to approve the R-III Affordable Senior Housing PUD Concept Plan and each of the requested Modifications of Standards as addressed in the attached Approval document. The Chairman of the Planning Board signed the Approval document on January 26, 2010, evidencing the Board's approval of the PUD Concept Plan. On January 26, 2010, the Secretary to the Baltimore County Planning Board, Arnold F. "Pat" Keller, thereafter forwarded the file to the Zoning Commissioner's Office for my review as Hearing Officer pursuant to B.C.C. Section 32-4-246.

Review of Planning Board's Approval

According to B.C.C. Section 32-4-246, the Hearing Officer's role in the review and approval of a PUD Concept Plan is to review the plan as approved by the Planning Board and, absent a finding that the decision of the Planning Board under B.C.C. Section 32-4-245 constitutes an abuse of the Planning Board's discretion or is unsupported by the documentation and evidence presented to the Board, approve the plan.

Pursuant to B.C.C. Section 32-4-245, the Planning Board may approve a Planned Unit Development Concept Plan if it makes the following findings:

1. The proposed development meets the intent, purpose, conditions, and standards of B.C.C. Section 32-4-245, and any modifications of standards that are necessary and are in the public interest;
2. The proposed development will conform with B.C.Z.R. Section 502.1.A, B, C, D, E, and F and will constitute good design, use and layout of the proposed site;

3. There is a reasonable expectation that the proposed development will be developed to the full extent of the Concept Plan;

4. The development is in compliance with B.C.Z.R. Section 430; and,

5. The Concept Plan is in conformance with the goals, objectives, and recommendations of the Master Plan or area plans.

In reviewing the Planning Board's decision to approve the R-III Affordable Senior Housing PUD Concept Plan, I have before me Mr. Keller's referral letter, which included the Baltimore County Planning Board's January 26, 2010 Planned Unit Development Approval document, and the Department of Permits and Development Management File No. II-615. The file includes the usual County documentation involved in processing a PUD Concept Plan, such as the R-III Affordable Senior Housing PUD Concept Plan, considered and approved by the Planning Board, comments from each of the reviewing County agencies and the State Highway Administration, and the Pattern Book. The R-III Affordable Senior Housing PUD Concept Plan and the Pattern Book provide a description of the existing condition of the property; the project vision for the development of the property; design standards and materials choices for the single building; an explanation of the requested modifications of standards; several illustrative exhibits including architectural elevations, streetscape details, and details of lighting, landscaping, and other site features and amenities; statements regarding compatibility, conformance with the Master Plan 2010, and the anticipated impacts of the development on the surrounding neighborhood and other items. Also included are support letters from Delegate Adrienne A. Jones, Speaker Pro Term of the Maryland House of Delegates, Delegate Shirley Nathan-Pulliam, County Executive James T. Smith, Jr., Councilman Kenneth N. Oliver, Arnold J. Eppel, Director of the Baltimore County Department of Aging, and numerous residents of the elderly affordable housing projects

R-I and R-II adjacent to the site of this project. Attached to Mr. Keller's referral letter is a Document List, which references all items included in the file and available for consideration by the Planning Board.

Pursuant to the authority granted by B.C.C. Section 32-4-246, after a thorough review of this matter and upon consideration of the report of the Planning Board evidencing its approval of the R-III Affordable Elderly Housing PUD Concept Plan, I find that the Planning Board clearly understood the standard upon which its decision was to be based. The statutory requirements for approval were stated clearly by the Office of Planning in its report, by the Applicant in its presentation and submittals and, most importantly, by the Planning Board in its Approval document. The Board has clearly demonstrated that it understands its role and authority under the relevant Code provisions to approve a PUD.

Having considered the record provided to me, including, most importantly, the Planning Board's Baltimore County Planned Unit Development Approval document, I find that the Planning Board's decision in approving this PUD Concept Plan is supported by the documentation and evidence presented to the Board and does not constitute an abuse of discretion. The proposed development meets all of the intent, purposes, and standards contained in Baltimore County Zoning Regulations and B.C.C. Section 32-4-241, *et seq.* Therefore, I shall approve the R-III Affordable Elderly Housing PUD Concept Plan.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner/Hearing Officer for Baltimore County this 3rd day of February, 2010, that the R-III Affordable Elderly Housing PUD Concept Plan, marked as Developer's Exhibit 1, be and is hereby **APPROVED**, pursuant to Baltimore County Code (B.C.C.) Section 32-4-246, subject to the Applicant's compliance with

any conditions imposed by the Planning Board as set forth in the Planning Board's Baltimore County Planned Unit Development Approval document, signed January 26, 2010.

IT IS FURTHER ORDERED that any proposed changes to the Concept Plan that do not materially alter the Concept Plan shall be approved by the Director of Planning, if appropriate.

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

_____SIGNED_____
THOMAS H. BOSTWICK
Deputy Zoning Commissioner/
Hearing Officer for Baltimore County

THB:pz