



# TECHNICAL STAFF REPORT

*Planning Board Meeting of June 16, 2022*

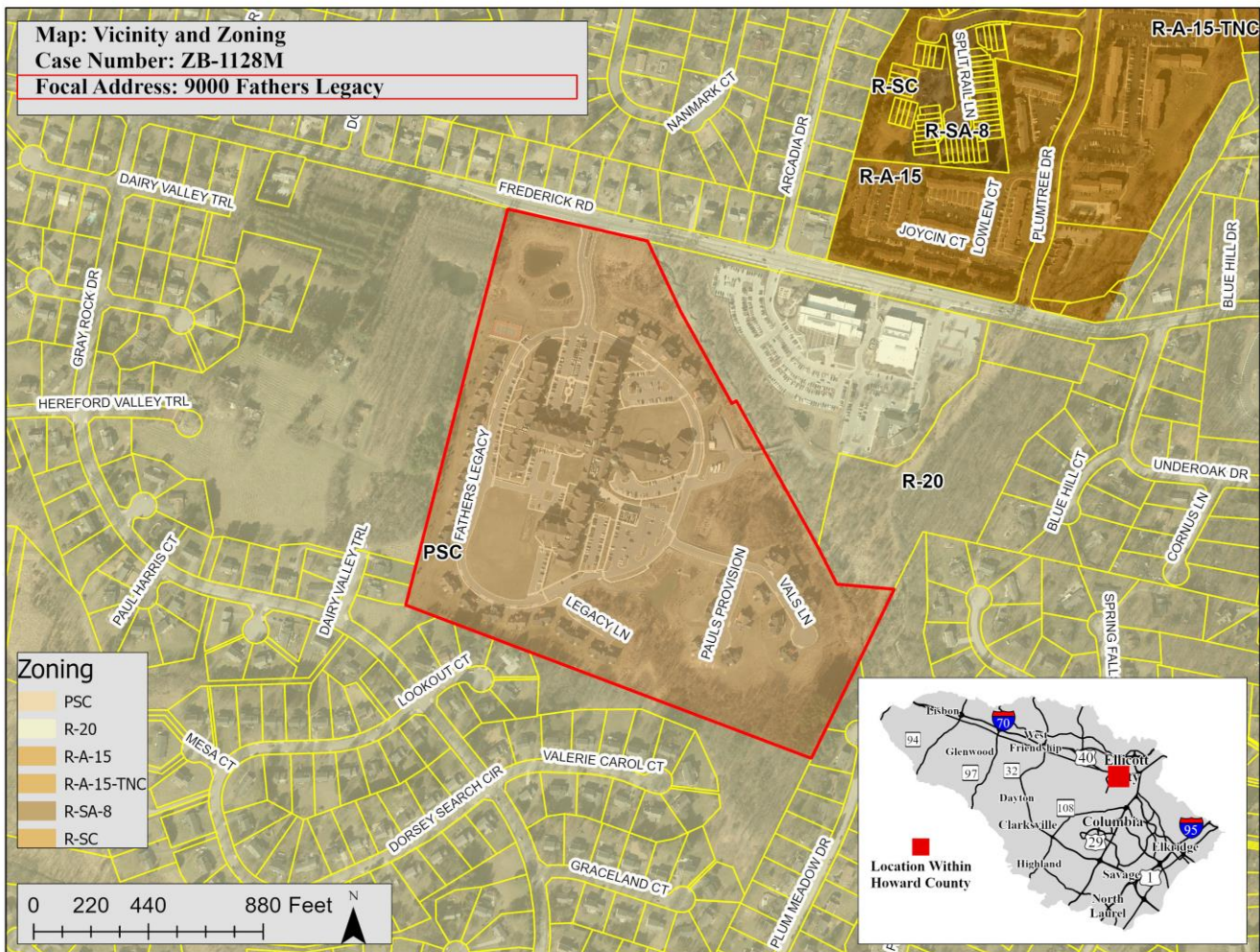
**Case No./Petitioner:** ZB-1128M – Lutheran Village at Miller’s Grant

**Request:** To amend the Lutheran Village at Miller’s Grant Preliminary Development Plan (PDP).

**Location:** 9000 Fathers Legacy;  
Tax Map 24, Parcel 1001 (“the Property”)

**Area of Site:** 49.677 acres

**Zoning:** PSC (Planned Senior Community)



**I. DESCRIPTION OF PROPOSAL**

The Lutheran Village at Miller's Grant PDP, approved through ZB-1056M, authorizes the following:

Single-Family Detached/Semi-Detached:	36
Independent Living Apartments:	248
Assisted Care Beds:	60*
Total Dwelling Units	299

\*One bed is equivalent to 0.25 dwelling unit for density calculations.

The Petitioner is proposing to amend the PDP as follows:

Increase the number of apartments from 248 to 260.

Increase the number of assisted care beds from 60 to 80. Dwelling unit increase equivalency is five (5) (20 \* 0.25).

Increase the density from 6.51 units per net acre to 6.88.

Add a health center that will provide activities of daily living, diet, medication management, and general care for residents of residents of the development.

Add a performing arts center/chapel as an amenity for residents of the development.

**II. ZONING HISTORY**

**A.** The Property was zoned R-20 in the 1961 Comprehensive Zoning Plan and was rezoned to PSC through ZB-1056M in 2006.

**B. Subject Site – Case History**

1. Case No. BA-84-39E  
Petitioner: Grey Rock Community, Inc.  
Request: A Special Exception case for a shelter care facility.  
Action: Granted, December 1, 1987. However, the facility was never constructed so the Special Exception became void.
2. Case No. ZB-1056M  
Petitioner: Lutheran Village at Miller's Grant  
Request: Preliminary Development Plan to rezone the 50-acre subject parcel from the R-20 to the PSC Zoning District.  
Action: Granted, July 31, 2006
3. Case No. PB-398  
Petitioner: Lutheran Village at Miller's Grant  
Request: Site Development Plan for a Planned Senior Community consisting of 36 residential units, 248 apartments and a 60-bed care facility.  
Action: Granted, March 7, 2013

### III. BACKGROUND INFORMATION

#### A. Site Description

The Property consists of the Phase I components of Lutheran Village at Miller's Grant Planning Senior Community including 24 single-family detached dwellings, 12 semi-detached dwellings, 205 apartments, and 32 assisted living beds. The Property is relatively flat with an average elevation of 380 feet, however, there is a decrease in elevation to 354 feet along the northeastern boundary line. A stream and floodplain are located along the northeast property line and wetland areas are in the southeast and northwest portions of the Property.

#### B. Vicinal Properties

Direction	Zoning	Land Use
North	R-20	Single-Family Residential / Frederick Road
South	R-20	Single-Family Residential
East	R-20	Public Library / Senior Center
West	R-20	Single-Family Residential

#### C. Roads

Frederick Road consists of two lanes within a variable width right-of-way and the speed limit is 35 mph. The Property is served by private roads, including Fathers Legacy, which is a two-lane road with a speed limit of 25 mph.

The Annual Average Daily Traffic (AADT) for this portion of Frederick Road is not available.

#### D. Water and Sewer Service

The Property is in the Planned Service Area for water and sewer.

The Property is served by public water and private sewer.

#### E. General Plan

The Property is designated Established Community on the Designated Place Types Map of PlanHoward 2030.

Frederick Road is a Minor Arterial.

#### IV. EVALUATIONS AND CONCLUSIONS

##### A. Evaluation of the Petition Concerning Section 127.1.F, Bulk Regulations

###### 1. *Maximum Density*

- a. *Developments providing at least 10% of the dwelling units as Moderate Income Housing Units .....8 dwelling units per net acre.*

The development provides 30 MIHU, which is 10% of the 296 total dwelling units. The proposed density is 6.88 dwelling units per net acre.

###### 2. *Minimum structure and use setbacks:*

- a. *From arterial or collector public street right-of-way .....50 feet*
- b. *From other public street right-of-way .....40 feet*
- c. *From residential lots in RC, RR, R-ED, R-20, R-12 or R-SC Districts .....50 ft  
Except structures containing apartments, assisted living facilities or nursing facilities .....75 feet*
- d. *From open space and other uses in RC, RR, R-ED, R-20, R-12 or R-SC Districts  
.....30 feet*
- e. *From zoning districts other than RC, RR, R-ED, R-20, R-12 or R-SC .....30 feet*
- f. *If a PSC District is separated from another zoning district by a public street, only the setbacks from a public street right-of-way shall apply.*

The apartment building, performing arts/chapel, and health center area will be internal to the site and are over 150 feet from the closest property line.

###### 3. *Maximum height shall not exceed:*

- a. *Apartments .....60 feet*
- b. *Other principal structures .....34 feet*
- c. *Accessory structures .....15 feet*

The apartment building is 59 feet – 10 inches, the performing arts/chapel building is 25 feet – 4 inches, and the Health Center is 31 feet – 9 inches.

##### B. Evaluation of the Petition Concerning Section 127.1.H, Criteria for Approval of Preliminary Development Plan

The Zoning Board may grant a petition for a PSC District based upon findings that:

1. *The proposed district will accomplish the purposes of the PSC District.*

The prior approval of ZB-1056M affirmed that the existing development accomplishes the purposes of the PSC District. The addition of apartment units, memory care units, a health center and a performing arts center/chapel to the

development will provide additional housing opportunities and amenities for the growing senior population; therefore, the amendment accomplishes the purpose of the PSC District.

2. *The site meets the requirements of Section 127.1.B.*

*The Planned Senior Community District may be established at a particular location if the following requirements are met:*

1. *At the preliminary development plan stage and subsequent stages of plan processing and development, the site shall be served by both public water and public sewer.*

The Property is within the Planned Service Area for water and sewer.

2. *The site has direct access to a collector or arterial road designated in the General Plan.*

The Property has direct access to Frederick Road, which is a Minor Arterial.

3. *The development shall contain at least 50 dwelling units.*

A total of 241 dwelling units have been constructed and this amendment proposes to increase the total number to 296 dwelling units.

4. *The development shall contain at least two of the following types of housing: single-family detached dwellings, single-family attached dwellings, apartments, assisted living facilities, and nursing homes. At least one of the housing types shall be independent single-family or multi-family dwellings.*

The development contains the following types of independent units: single-family detached, single-family attached, single-family semi-detached, and apartments. The development also includes a nursing home/assisted living facility.

5. *Open space shall constitute at least 35% of the gross acreage of the planned senior community.*

There will be 19.12 acres of open space, which equates to 38.3% of 49.877-acre property.

6. *The community shall include recreation and common areas for residents, including at least pathways and seating areas.*

The community includes social areas within residential buildings, outdoor courtyards, walking paths and a pool area.

A performing arts center/chapel facility is proposed through this PDP amendment as a new amenity for the residents.

7. *At least 10% of the dwelling units shall be Moderate Income Housing Units.*

The development will contain 296 dwelling units, which requires 30 MIHU and 30 are provided.

8. *At least one on-site community building or interior community space shall be provided that contains a minimum of:*
- a. *20 square feet of floor area per dwelling unit, for the first 99 dwelling units with a minimum area of 500 square feet, and*
  - b. *10 square feet of floor area per dwelling unit for each additional dwelling unit above 99.*

A total of 3,985 square feet of community building space is required for the 296 dwelling units and the PDP indicates that 43,300 square feet of indoor community space will be provided.

9. *The proposed PSC does not comprise parcels which were added to the Planned Service Area to achieve Bay Restoration goals articulated in Plan Howard 2030.*

The Property does not comprise parcels which were added to the Planned Service Area to achieve Bay Restoration goals articulated in *PlanHoward 2030*.

3. *Safe public road access is available to and from the site. This includes a determination that roads serving the proposed development have the capacity to handle the increased use which is likely to result from the volume and density of the proposed development as well as development on surrounding properties. The width, curvature, sight distance, and general conditions of surrounding roads shall be considered in making this finding.*

The proposed addition of the 17 units and the performing arts center/chapel will not impact the previously approved public road access to the site, which met design manual requirements for safety.

4. *Proposed buildings and site design are compatible with residential development in the vicinity. To achieve this:*
- a. *Grading and landscaping shall retain and enhance elements that allow the site to blend with the existing neighborhood.*
  - b. *The project shall be designed to be compatible with residential development in the vicinity by providing:*
    - (1) *An architectural transition, with buildings near the perimeter that are similar in scale, architectural style, material and details to neighboring dwellings as demonstrated by architectural elevations or renderings submitted with the petitioner, or*
    - (2) *Additional buffering along the perimeter of the site, through retention of existing forest or landscaping, enhanced landscaping, berms or increased setbacks.*

The existing 50-foot wide perimeter vegetative landscape buffer will not be impacted by the proposed amendment, as the buildings will be interior to the site.

An architectural transition currently exists as the buildings along the perimeter consist of single-family dwellings that are similar in scale and architecture to neighboring dwellings on adjacent properties.

5. *Sufficient area is set aside as open space to provide green area and recreational amenities for the residents and transition areas and buffering for adjacent neighborhoods.*

The open space requirement is 35% of the total acreage and there will be 19.12 acres of open space, which equates to 38.3% of the 49.877-acre property.

The existing 50-foot wide perimeter vegetative landscape buffer approved on the original PDP will not be impacted by the proposed amendment, as the buildings will be interior to the site.

6. *Suitable common areas and amenities are provided for residents, including pathways, seating areas, and an adequately sized community building or interior space.*

This was evaluated in Sec 127.1.H.

7. *Business uses which are permitted as accessory uses will be sized for use solely by residents of the PSC District. Such uses are integrated with the dwelling units and oriented towards the interior of the project. No signs or other evidence of business facilities will be visible from the periphery of the Zoning District.*

There are no existing or proposed accessory business uses on the Property.

8. *For a development that will be built in phases, open space areas will be provided in each phase to meet the needs of the residents unless otherwise provided in an earlier phase.*

Phase I has been constructed and contains 41.18% open space. After Phase II is constructed, open space will decrease to 38.3%. As described in prior criterion, this exceeds the open space requirement and there will be sufficient area to meet the recreational needs of the residents.

9. *The development incorporates universal design features from the Department of Planning and Zoning guidelines that identify the required, recommended and optional features. The petition shall include descriptions of the design features of proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to person with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.*

The universal design features approved through ZB-1056M will be incorporated into the proposed independent living unit apartments. Descriptions of the proposed universal design features for the memory care units are included with the petition.

10. *The development will be subject to covenants or other legal restrictions enforcing the*

*age restrictions required for this zoning district. The legal entity that will implement and maintain the age restrictions, as well the open space and common facilities, is clearly identified. The legal entity shall be able to provide effective enforcement to supplement County enforcement of Zoning Regulations.*

The covenants approved through ZB-1056M to enforce the age restrictions and ensure the ongoing maintenance of open space, recreation facilities and common areas will apply to the proposed uses authorized by this PDP amendment.

*11. The location of the proposed site is in conformity with the General Plan.*

This criterion applies to the initial establishment of the P-SC zoning. The approval of ZB-1056M affirmed that the Property conformed to the General Plan in effect in 2006.

DocuSigned by:  
*Amy Gowan*  
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6/2/2022

Amy Gowan, Director

Date