

**FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: Brightview Senior Living Dev. LLC

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2025-0230-V & 0231-S

COUNCILMANIC DISTRICT: 3rd

HEARING DATE: January 22, 2026

PREPARED BY: Donnie Dyott Jr.
Planner 

REQUEST

The applicant is requesting a special exception to allow an assisted living facility in an R5 - Residential District and variances to allow an assisted living facility with less lot area and open area than required on property located at 600 Deering Road in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 4.848 acres and is identified as Lot A of Parcel 656 in Block 21 on Tax Map 17 as shown on the Amended Plat Reserved Parcel "Deerfield" plat. The property is zoned R5 - Residential District and is located outside of the Chesapeake Bay Critical Area. The site is currently unimproved and forested.

APPLICANT'S PROPOSAL

The site was the subject of a previous special exception and variance approval under cases 2021-0094-S, 2021-0095-S and 2021-0096-V. Under the previous approval the site was removed from the "Deerfield" PUD (planned unit development) and granted special exception approval to allow an assisted living facility in the R5 District along with a variance to allow the facility on a lot of less than five acres. The applicant is seeking to modify this prior approval to accommodate a change in the building layout, parking and to increase the approved number of assisted care units from 140 to 175 units. The proposed assisted living facility consists of a five story multi-family structure (height of 60 feet) with parking around the perimeter of the building.

SPECIAL EXCEPTION STANDARDS

§18-11-104 of the Anne Arundel County Zoning Ordinance sets forth the specific special exception requirements for assisted living facilities. Additionally, all special exceptions are subject to the general standards contained in §18-16-304 of the Zoning Ordinance.

REQUESTED VARIANCES

§ 18-11-104 (1) of the Anne Arundel County Zoning Code stipulates that an assisted living facility in an R5 District shall be located on a lot of at least five acres. The proposed assisted living facility is located on a lot of 4.848 acres, necessitating a variance of 0.152 acres.

§ 18-11-104 (11) of the Anne Arundel County Zoning Code requires 60% open area in an R5 District. The proposal includes open area totaling 51.9% of the site, necessitating a variance of 9%.

The applicant has also requested a variance to § 18-16-405 (a) to allow an additional 18 months to the 18 month time period to obtain a building permit before the approval expires. § 18-16-405 (b) allows for the Administrative Hearing Officer (AHO) to extend the time periods in § 18-16-405 (a) for a special exception and any variance granted in connection to it when the application includes a phasing plan or sets forth facts that demonstrate other good cause why the time periods cannot reasonably be met. It is the opinion of this Office that the applicant can present an argument to the AHO on why an approval granted should receive an additional 18 months to obtain a building permit, therefore a variance is not required.

AGENCY COMMENTS

The **Health Department** commented that the property is served by public water and sewer facilities and has no objection to the request.

The **Development Division (Residential Team)** did not take a position on the request but provided the following comments:

1. Per Article 17, Title 4, a Preliminary Plan (PP) and Site Development Plan (SDP) application must be submitted and approved.
2. As per Section 17-6-301, the subject parcel is greater than 40,000 square feet therefore Forest Conservation regulations will be applicable.
3. As per Section 17-6-302, a forest stand delineation plan prepared by a licensed forester, licensed landscape architect, or other qualified professional who meets the requirements of COMAR, Title 08.
4. All environmentally sensitive areas on the subject parcel need to be clearly shown on the Preliminary Plan, SDP, and submitted Plans. The impact on these areas and features shall be removed or minimized and mitigated. Any disturbance to the areas noted in Article 17 Title 6 will require modification requests to be made.
5. The proposed development will be subject to the grading and building permit review and approval processes.
6. Landscaping Buffer Yards for the front, side, and rear yards will be required per the Anne Arundel County Landscape Manual.
7. Please note, that there is an existing Forest Conservation Easement (FCE) located along the eastern property line and the Route 177 road frontage. Additionally, no development is permitted within the FCE.

The **Long Range Planning Division** commented that the proposal is generally consistent with the overall goals and policies of Plan2040, including Goal BE11: Provide for a variety of housing types and designs to allow all residents housing choices at different stages of life and at all income levels. They further commented that the proposal is consistent with the Region 4 Plan and the 2022 Water and Sewer Master Plan.

The **Office of Inspections and Permits (Engineering Division)** did not take a position on the request but provided several comments regarding the site plan which are attached in full as part of the County Exhibits.

SPECIAL EXCEPTION REVIEW

With regard to the specific special exception requirements, this Office submits the following findings:

1. *In RLD districts, the facility shall be located on a lot of at least 10 acres. In R1 and R2 districts, the facility shall be located on a lot of at least 10 acres, except that a facility that abuts a collector or higher classification road may be located on a lot of at least five acres. In other districts, the facility shall be located on a lot of at least five acres. In all districts, if the facility abuts a nursing home or adult independent dwelling units, whether or not owned by the same entity, the minimum lot size may be reduced by 50%.*

The site is located in the R5 District and consists of 4.848 acres. A variance request is being sought to this requirement.

2. *For an assisted living facility in an RLD district:*
 - (i) *the property in the RLD district shall abut property that is zoned C2 or C3 and that will be part of the assisted living facility; and*
 - (ii) *the C2 or C3 property comprising part of the facility shall be served by public water and sewer.*

The property is zoned R5, therefore this requirement is not applicable.

3. *For an assisted living facility that consists of land located outside the critical area in more than one zoning district:*
 - (i) *provisions concerning the number of adult independent dwelling units allowed in a given area of land shall be applied in the aggregate rather than separately to the individual zoning districts, lots or sites;*
 - (ii) *provisions concerning public improvements, such as public sewer and water connections, roads, and sidewalks, shall be applied to the assisted living facility in its entirety; and*
 - (iii) *open area requirements shall be calculated for the entire area of the assisted living facility*

The property is located outside of the critical area but is entirely zoned R5, therefore this requirement is not applicable.

4. *The developer shall demonstrate unified control of the entire assisted living facility and the capability to provide for completion and continuous operation and maintenance of the facility.*

Brightview is the contract purchaser of the property and proposes to own and operate the assisted living facility. Additionally, Brightview currently owns and operates 4 assisted living facilities in Anne Arundel County. It is the opinion of this Office that the proposal meets this requirement.

5. *An assisted living facility may be operated in conjunction with a nursing home or with adult independent dwelling units or both, whether or not owned by the same entity. The nursing home or adult independent dwelling units may be located on the same lot as the assisted living facility or on one or more abutting lots. If located on one or more abutting lots, the provisions of subsection (11) relating to setbacks do not apply to the lot lines that are shared by such abutting lots.*

The proposal does not include a nursing home or adult independent dwelling units, therefore this requirement is not applicable.

6. *Assisted care units shall be provided in a multifamily structure and may be provided in duplex dwelling units, stacked townhouse dwelling units, and townhouse dwelling units, whether or not allowed in the zoning district in which the facility is located. All assisted care units shall be located on the same lot. A multifamily structure shall contain a centrally located group dining facility.*

The proposal consists of a multifamily structure with one or more centrally located group dining facilities included in the building. All of the units are located on the same lot. The proposal meets this requirement.

7. *Comprehensive care units may be provided.*

No comprehensive care units are proposed.

8. *No more than two dwelling units for every 100 dwelling units may be devoted to temporary use for guests or family members of residents.*

No such units are proposed, therefore this requirement is not applicable.

9. *The permitted uses in a C1 district are allowed in the facility if:*

(i) the uses are centrally located for the use and benefit of the residents and their guests in structures that are architecturally compatible with the residential portion of the assisted living facility; and

(ii) the floor area of the uses does not exceed 10% of the floor area of the units.

The applicant has indicated that the facility will provide amenities such as a beauty salon but did not provide details on these uses such as the size and location. The proposal consists of a single structure so provided they are located within, the proposed C1 uses will meet the locational and compatibility requirement. The applicant will need to limit the floor area of any C1 use on the site to 10% of the floor area of the units.

10. *A pedestrian circulation system interconnecting all parts of the facility shall be provided.*

The proposed facility includes a pedestrian walkway encircling the building and interior connection point. The proposal meets this requirement.

11. *The bulk regulations contained in the following chart shall be met and are the only bulk regulations applicable to an assisted living facility:*

<i>Minimum setbacks from all lot lines</i>	<i>50 feet</i>
<i>Maximum height limitations for principal structures on lots less than 20 acres</i>	<i>The height allowed in the zoning district in which the facility is located, except that (1) the facility may exceed that height by 10 feet if all setbacks are increased by two feet for each foot of excess height, and (2) duplex, stacked townhouse, and townhouse dwellings are limited to one story</i>
<i>Maximum height limitations for principal structures on lots of at least 20 acres</i>	<i>Ten additional feet above the height allowed in the zoning district in which the facility is located; and semi-detached and townhouse dwellings are limited to one story</i>
<i>Open area</i>	<i>60% in RLD, R1, R2, and R5 districts and 50% in R10, R15, and R22 districts, with all front yards being open area and with at least 10% of the open area devoted to recreational area</i>
<i>Maximum density for adult independent dwelling units</i>	<i>One unit per acre in an RLD district; 3 units per acre in an R1 district; 6 units per acre in an R2 district; 8 units per acre in an R5 district; and in all other districts in accordance with the density allowed in the district in which the facility is located</i>
<i>Maximum density for all dwelling units other than multifamily dwellings and adult independent dwelling units</i>	<i>No increase in the density allowed in the RLD district; 6 units per acre in the R1 and R2 districts; 8 units per acre in an R5 district; and in all other districts in accordance with the density allowed in the district in which the facility is located</i>
<i>Maximum square footage for duplex, stacked townhouse, and townhouse dwellings</i>	<i>1,250 square feet</i>
<i>Public sewer</i>	<i>Required</i>

The proposed facility meets all of the applicable bulk regulations in the above chart with the exception of the required 60% open area to which a variance is being sought. The setbacks have been increased to 70 feet to account for the proposed building height of 60 feet. The property is served by public sewer and as all of the dwelling units proposed are assisted care units in a multifamily structure, the density provisions do not apply.

With regard to the general special exception standards of § 18-16-304, this Office submits the following findings:

It is the opinion of this Office that the proposed use will not be detrimental to the public health, safety, or welfare; and, the facility will be compatible with the appropriate and orderly development of the R5 - Residential District. The proposed use would be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed in the R5 District. The use at the location proposed will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district. There is no evidence to indicate that the proposed use will conflict with an existing or programmed public facility, public service, school, or road. The proposed use is generally consistent with the goals, policies, and strategies of the County General Development Plan.

The applicant has indicated that evidence will be shown at the hearing regarding public need for the use and also described the increasing number of senior citizens due to the aging Baby Boomer generation with Brightview anticipating a rapid rise in demand for senior housing in the next few years. As such, the proposed use can be considered expedient, reasonably convenient, and useful to the public.

The applicant contends that the site plan shows there is sufficient area to provide landscaping in accordance with the Landscape Manual. A full review of those requirements will come during development review.

VARIANCE REVIEW

As previously noted, the subject site received prior approval for an assisted living facility and a variance to be located on a lot of 4.89 acres. The County supported the previous application and with regard to the variance found that exceptional circumstances existed which created a practical difficulty for the applicant. The site was originally platted at 5 acres which would meet the lot size requirement. The lot size was reduced to 4.892 acres in 2002 due to a State roadway widening project on Edwin Raynor Boulevard. Since that time an additional 0.044 acres has been dedicated along Edwin Raynor Boulevard, reducing the total site area to 4.848 acres. While the variance request is slightly larger than the previous approval, the circumstances remain the same and relief is warranted to allow the applicant to avoid practical difficulties. The County previously found that the variance was the minimum necessary to afford relief and the slight increase in area due to the subsequent road dedication does not alter this opinion. As such, the proposed variance to allow an assisted living facility on a lot of 4.848 acres is considered the minimum necessary to afford relief.

With regard to the open area variance request, the applicant describes that the proposed building size has been increased from the prior approval in order to provide the necessary amenities and services that Brightview has to offer. This increased size results in having to lessen the open area provided. The site provides a wide forest conservation easement to the east along the residentially zoned adjoining property and the Deerfield PUD has open space parcels along the south and east of the site. Given that the open area reduction is only 9% and the fact that the site has three road frontages with forest conservation and open space parcels adjacent to the south and east, the variance is considered to be the minimum necessary to afford relief.

There is no evidence that the proposed variances will alter the essential character of the

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neighborhood, be detrimental to the public welfare, impair the use or development of adjacent property or reduce forest cover in the LDA or RCA.

RECOMMENDATION

Based upon the standards set forth under § 18-16-304, § 18-11-104 and § 18-16-305 of the Code under which a special exception and variance may be granted, this Office recommends conditional approval of a special exception to allow the proposed assisted living facility use in a R5 - Residential District as shown on the site plan and approval of variances to the required lot size and open area as shown on the site plan. The special exception approval recommendation is conditioned on the applicant being able to comply with the landscape manual during plan review and that any C1 uses on the site not exceeding 10% of the floor area of the units.

This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.



Kinley R. Bray ♦ 443-569-5974 ♦ kbray@yvslaw.com

November 13, 2025

Ms. Sterling Seay
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

Re: Modification of Special Exception and Variance Application for Assisted Living Facility, Mountain Road and Edwin Raynor Boulevard, Pasadena, Maryland, Tax Map 17, Block 21, Reserved Parcel 656 (the "Property")
Tax ID: 03-226-90047351 / Letter of Explanation

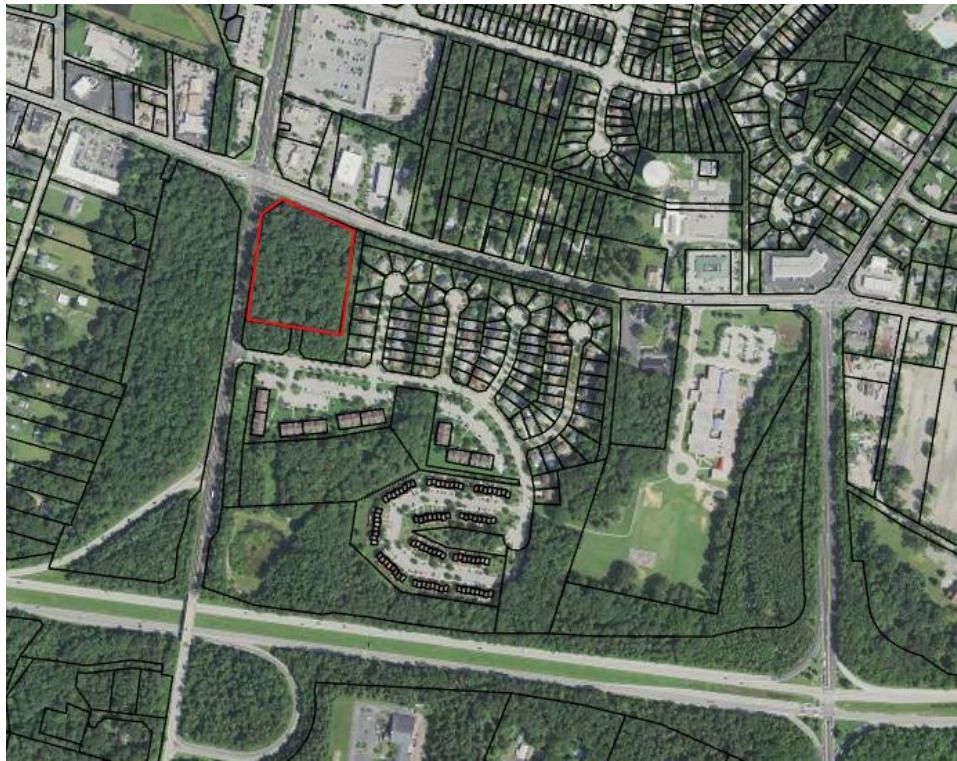
Dear Ms. Seay:

We represent Brightview Senior Living (the "Applicant" or "Brightview") regarding the enclosed special exception and variance application. The Applicant proposes to modify an existing special exception approval on the Property, and requests a variance to provide less open space/area than required.

Description of the Property

The Applicant is the contract purchaser of the Property, which comprises approximately 4.84 acres fronting the south side of Mountain Road in Pasadena, Maryland. The Property is currently owned by Monarch Development Company JV, LLC ("Current Owner"). The Property is zoned R5 - Residential District and was previously included in the Deerfield Planned Unit Development ("PUD") (Case No. 1985-0394-S). Pursuant to the Administrative Hearing Officer's ("AHO") decision in Case Nos. 2021-0094-S, 2021-0095-S, and 2021-0096-V dated November 9, 2021, the Property was removed from the previously approved PUD, and the AHO granted special exception approval pursuant to §18-11-104 for an assisted living facility, as well as a variance from the five acre minimum lot area requirement under that section (a reduction of 0.11 acres). A copy of the AHO's 2021 decision is attached hereto as **Exhibit A** ("2021 Decision").

The Property is currently unimproved. An aerial photograph showing existing conditions of the Property is attached as **Exhibit B** and shown below. The Property is surrounded by roads on three sides: Edwin Raynor Boulevard to the west, Deering Road on the south, and Mountain Road to the north. The Property is accessed via an ingress/egress driveway on the south side of the lot along Deering Road, a local road. The Property does not have vehicular access along Mountain Road or Edwin Raynor Boulevard. The east side of the Property is the only side not abutting a public road; like the north side of the Property, it is encumbered by permanent forest conservation easement.



As shown on the Zoning Map attached as Exhibit C and depicted below, the Property is classified in the R5 – Residential District. Pursuant to § 18-4-106 of the Anne Arundel County Code, assisted living facilities are permitted as a special exception use in the R5 District. The Property is not located within the Chesapeake Bay Critical Area or a bog protection area.



The surrounding neighborhood is characterized by commercial office, retail, and residential uses. There is a small commercial office building on the northern side of Mountain Road, as well as a Walgreens, Taco Bell, and an automobile gasoline station. The surrounding neighborhood is classified with a mixture of C3, C4, R2, and R5 zoning. To the east of the Property, the neighborhood is residential in character and comprised of single family dwellings. Across Deering Road to the south, there is a small multifamily development.

Development Proposal

The Applicant seeks a modification of the prior approval to accommodate a change in the building layout, parking, and number of Assisted Care Units within the facility. The modified plan proposes an increase from 140 units to 175 units, which allows a full continuum of care in a monthly rental model and will support the amenities necessary to provide the level of service Brightview is known for. Brightview operates on a monthly/rental model, as opposed to a “buy-in” or Continuing Care Retirement Community Model. Full continuum of care communities give residents the security and peace of mind they are looking for when they move to assisted living. All units are classified as Assisted Care Units, with housekeeping, dining, emergency assistance, transportation, and access to all amenities within the facility included within the monthly rental structure. Brightview provides customized assisted living services and a secured memory care unit as well.

Brightview’s facilities are designed with multiple venues for dining, various program offerings and fitness classes along with a beauty salon, stocked library, movie theater, pub, and outdoor gardens and courtyards. The integrated memory care unit includes its own dining room and additional common spaces for those residents.

Altogether, Brightview’s typical continuum of care communities require approximately 175 units. This size provides the minimum necessary number of residents to deliver the variety of programming and opportunities to continue to live vibrantly. Although Brightview used to develop standalone communities consisting of only Assisted Living and Memory Care neighborhoods, it shifted to exclusively developing continuum of care communities around 2018 because it found that it was able to better serve the senior community with this model. Representative photographs of various Brightview facilities are shown in **Exhibit D**, attached.

Request for Approval of Modification of Special Exception Approval for an Assisted Living Facility

Pursuant to § 18-16-304 of the Code, an applicant must demonstrate that an application for special exception meets all of the general criteria for special exception uses contained therein. The Applicant posits that the proposed special exception meets the criteria in the following manner:

- (1) *The use will not be detrimental to the public health, safety, or welfare;*

The proposed modification to the previously approved special exception application for an assisted living facility will pose no threat to the public health, safety, or welfare. The facility is of similar size, will serve the same population, and provide services that will benefit the community. The facility will be a benefit to the public health, safety, and welfare by providing quality assisted care for the Pasadena community.

- (2) The location, nature, and height of each building, wall, and fence, the nature and extent of landscaping on the site, and the location, size, nature, and intensity of each phase of the use and its access roads will be compatible with the appropriate and orderly development of the district in which it is located;*

The proposed development meets the bulk regulations applicable to the R5 District, with the exception of open area, as described in the variance request below. There is no significant change to the proposed use under the existing special exception approval.

- (3) Operations related to the use will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed under this article;*

The Applicant does not believe there will be any more objectionable impacts from operations on the Property than other uses allowed in the R5 Zone. The prior special exception approval found as such; this requested modification will not create any additional objectionable noise, fumes, vibration, or light.

- (4) The use at the location proposed will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district;*

The facility will not have any significant, non-inherent adverse effects. Non-inherent adverse effects are adverse effects that are not typical of the proposed use in any location in Anne Arundel County. No adverse impacts are expected at all, however, any such impacts would be no greater than those created by the same use located elsewhere.

- (5) The proposed use will not conflict with an existing or programmed public facility, public service, school, or road;*

The Applicant is not aware of any existing or programmed public facility, public service, school, or road impacts that would be created by the proposed use. Jacobsville Elementary School is located just to the east of the Property, but is accessed from Mountain Road.

- (6) The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning;*

The Applicant anticipates that this application will receive a favorable written recommendation from both the Health department and the Office of Planning and Zoning.

(7) The proposed use is consistent with the County General Development Plan;

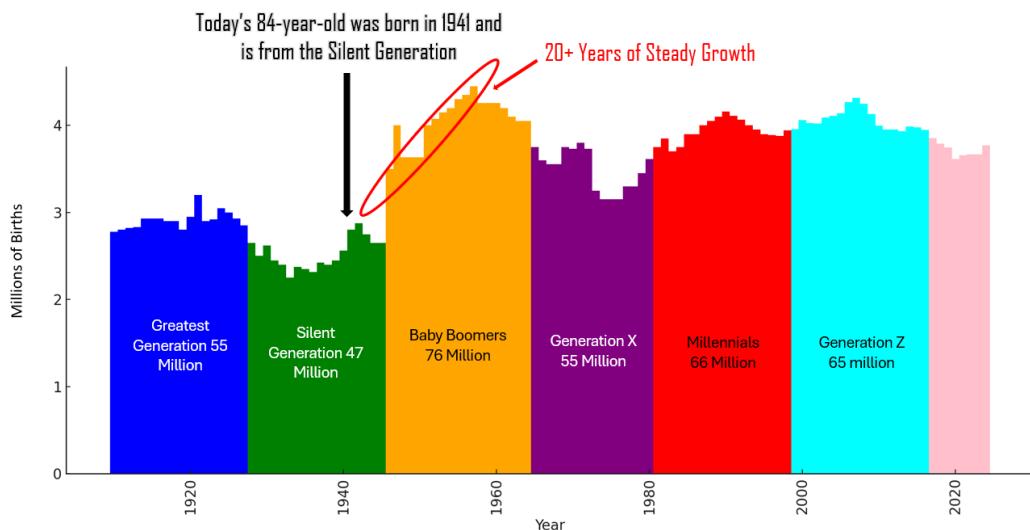
The Planned Land Use Map of the General Development Plan classifies the Property as low-medium residential density. This is consistent with the existing R5 Zoning. An assisted living facility is permitted as a special exception use in the R5 Zone because the County Council has legislatively pre-determined that this use is compatible with the R5 Zone, so long as there are no non-inherent adverse impacts created in locating the proposed use on the Property. *People's Counsel for Balt. Cty. v. Loyola College in MD*, 406 Md. 54 (Md. 2008). The Property is also located within a Priority Funding Area. The proposed assisted living facility is consistent with Plan2040 goals and policies.

The Property is adjacent to an intersection and is suitably placed between the commercial uses and the residential uses to the east. The assisted living facility provides a gradual transition between the more intensive commercial uses and the residential neighborhoods leading to Jacobsville Elementary School. The assisted living facility will be well separated and buffered by the existing 65-foot-wide permanent forest conservation easement. The Property's access drive off Deering Road will also be adequately buffered by the Deerfield community open space parcels. Additionally, this request is simply a modification of the previously approved special exception, wherein the Office of Planning and Zoning, Department of Health, and ultimately the AHO, found that both the specific and general criteria for the special exception had been met. There are no significant changes to the proposed use in the instant application.

(8) The applicant has presented sufficient evidence of public need for the use;

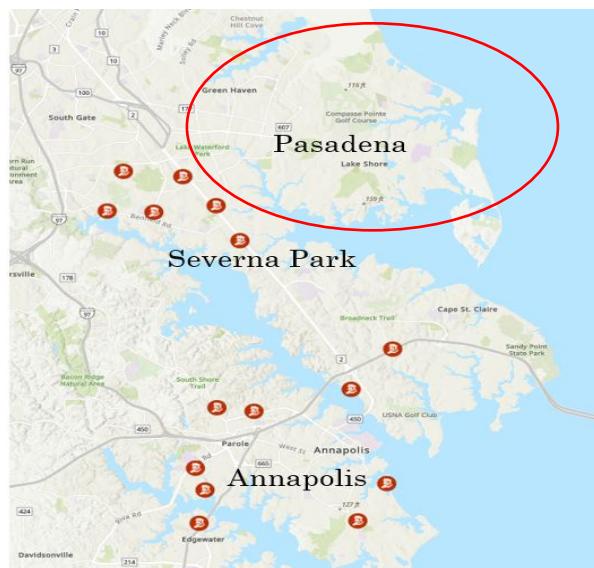
As will be shown by evidence at the hearing, there is a public need for the facility. Public need has been interpreted by the Maryland Courts for decades to mean that the facility will be "expedient, reasonably convenient and useful to the public". *Lucky Stores, Inc. v. Board of Appeals of Montgomery County*, 270 Md. 513 (1973). One of the predominant demographic trends occurring in the U.S. is the increasing number of senior citizens. It is no secret that the Baby Boomers are the largest generation in history and are beginning to age, but the rapid increase that will be seen in seniors is often talked about but not accurately depicted.

The following chart illustrates each generation and the number of people born in each year from 1900 to the present. This chart shows the rapid increase that will be seen from the Silent Generation to the Baby Boomer Generation. The oldest Baby Boomers are currently around 79 years old, and the average age of entry to a Brightview community is between 82-84 years old, so we anticipate a rapid rise in demand for senior housing facilities in just a few years. One of the main ways to accommodate the increasing number of seniors is the increased development of senior housing.



Anne Arundel County is not exempt from this effect. Based on forecasting, Anne Arundel County is expected to see a 3.91% growth rate in Senior (75+) Households per year over the next five years. Certain areas in the County have a healthy amount of senior housing available to position the area to accommodate the influx of seniors that will be seen in the future. Among these are Severna Park and Annapolis with 634 and 1,087 senior housing units, respectively. However, this accounts for approximately 75% of all of the senior housing units in Anne Arundel County.

This results in other areas in Anne Arundel County being less prepared for this large influx of seniors, which can be easily seen on the map below (senior housing communities indicated in red dots). One of these areas is Pasadena. Pasadena has a larger number of Senior (75+) Households than Severna Park and has no senior housing communities. Along with this, Pasadena has a 3.97% growth rate in Senior (75+) Households per year, while the increases seen in Severna Park and Annapolis are slightly lower at 3.20% and 3.21%.



Anne Arundel County as a whole is encouraging the development of senior housing and is positioning itself well to accommodate incoming seniors, but facilities are not evenly distributed across the County. Pasadena is a large area with a considerable number of seniors who do not have the same access to senior housing as areas such as Severna Park and Annapolis.

- (9) *The applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use;*

As discussed further *infra*, the facility will comply with the specific special exception criteria for the proposed use.

- (10) *The application will conform to the critical area criteria for sites located in the critical area; and*

This criterion does not apply as the Property is not located within the critical area.

- (11) *The administrative site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual.*

The Administrative Site Plan demonstrates that there is sufficient area on the Property to provide landscaping in compliance with the Landscape Manual for the majority of the site.

Specific Special Exception Criteria

In addition to the general criteria listed above, the Application conforms to the specific criteria for the proposed use. Section 18-11-104 of the Code states that “an assisted living facility shall comply with all of the following requirements:

- (1) *In RLD Districts, the facility shall be located on a lot of at least 10 acres. In R1 and R2 Districts, the facility shall be located on a lot of at least 10 acres, except that a facility that abuts a collector or higher classification road may be located on a lot of at least five acres. **In other districts, the facility shall be located on a lot of at least five acres.** In all districts, if the facility abuts a nursing home or adult independent dwelling units, whether or not owned by the same entity, the minimum lot size may be reduced by 50%.*

As further described below, and as previously approved, the Applicant respectfully requests a variance to the 5 acre lot minimum requirement. At the time of the underlying approval, the Property comprised 4.89 acres, a deviation of .11 acres from the requirement. After completion of the Deerfield PUD, an additional right of way was dedicated along Edwin Raynor Boulevard as shown on the Plat attached as **Exhibit E**. As a result of this dedication, the Property now consists of approximately 4.848 acres, a further reduction of .042 acres (1,829 square feet) and .152 acres

(6,621.12 square feet) below the minimum requirement of 5 acres. As explained below, the Applicant will demonstrate that it meets the criteria for a variance from this Code requirement.

(2) *For an assisted living facility in an RLD District:*

- (i) *the property in the RLD District shall abut property that is zoned C2 or C3 and that will be part of the assisted living facility; and*
- (ii) *the C2 or C3 property comprising part of the facility shall be served by public water and sewer.*

The Property is zoned R5, therefore this requirement is not applicable.

(3) *For an assisted living facility that consists of land located outside the critical area in more than one zoning district:*

- (i) *provisions concerning the number of adult independent dwelling units allowed in a given area of land shall be applied in the aggregate rather than separately to the individual zoning districts, lots or sites;*
- (ii) *provisions concerning public improvements, such as public sewer and water connections, roads, and sidewalks, shall be applied to the assisted living facility in its entirety;*
- (iii) *provisions concerning public improvements, such as public sewer and water connections, roads, and sidewalks, shall be applied to the assisted living facility in its entirety; and*
- (iv) *open space requirements shall be calculated for the entire area of the assisted living facility;*

The entire Property is zoned R5, therefore this requirement is not applicable.

(4) *The developer shall demonstrate unified control of the entire assisted living facility and the capability to provide for completion and continuous operation and maintenance of the facility.*

As described herein, Brightview is the contract purchaser of the Property and seeks to own and operate a 175-unit assisted living facility similar to other Brightview facilities in the area. Brightview currently owns and operates 4 facilities in Anne Arundel County.¹

¹ Brightview Annapolis, Brightview Crofton Riverwalk, Brightview Severna Park, and Brightview South River, <https://www.brightviewseniorliving.com/types-of-living/anne-arundel-county-retirement-communities#:~:text=With%20four%20locations%20in%20Anne,us%20handle%20the%20outdoor%20landscaping>

(5) *An assisted living facility may be operated in conjunction with a nursing home or with adult independent dwelling units or both, whether or not owned by the same entity. The nursing home or adult independent dwelling units may be located on the same lot as the assisted living facility or on one or more abutting lots. If located on one or more abutting lots, the provisions of subsection (11) relating to setbacks do not apply to the lot lines that are shared by such abutting lots.*

This requirement is not applicable, as the assisted living facility will not be operated with a nursing home or with adult independent dwelling units. The entire facility will be comprised of Assisted Care Units.

(6) *Assisted care units shall be provided in a multifamily structure and may be provided in semi-detached dwelling units and townhouse dwelling units, whether or not allowed in the zoning district in which the facility is located. All assisted care units shall be located on the same lot. A multifamily structure shall contain a centrally located group dining facility.*

The development will consist of a multifamily structure, and all units will be located on the same lot. There will be one or more centrally-located group dining facilities included in the building.

(7) *Comprehensive care units may be provided.*

No comprehensive care units are proposed.

(8) *No more than two dwelling units for every 100 dwelling units may be devoted to temporary use for guests or family members of residents.*

This criterion does not apply as there are no such units proposed.

(9) *The permitted uses in a C1 District are allowed in the facility if:*

(i) the uses are centrally located for the use and benefit of the residents and their guests in structures that are architecturally compatible with the residential portion of the assisted living facility; and

(ii) the floor area of the uses does not exceed 10% of the floor area of the units.

The Property is zoned R5, therefore this requirement is not applicable.

(10) *A pedestrian circulation system interconnecting all parts of the facility shall be provided.*

The facility includes a pedestrian walkway encircling the building and numerous interior connection points.

(11) *The bulk regulations contained in the following chart shall be met and are the only bulk regulations applicable to an assisted living facility:*

<i>Minimum setbacks from all lot lines</i>	<i>50 feet</i>
<i>Maximum height limitations for principal structures</i>	<i>The height allowed in the zoning district in which the facility is located, except that (1) the facility may exceed that height by 10 feet if all setbacks are increased by two feet for each foot of excess height, and (2) semi-detached and townhouse dwellings are limited to one story</i>
<i>Open area</i>	<i>60% in RLD, R1, R2, and R5 Districts and 50% in R10, R15, and R22 Districts, with all front yards being open area and with at least 10% of the open area devoted to recreational area</i>
<i>Maximum net density for independent dwelling units</i>	<i>One unit per net acre in an RLD District; 3 units per net acre in an R1 District; 6 units per net acre in an R2 District; 8 units per net acre in an R5 District; and in all other districts in accordance with the density allowed in the district in which the facility is located</i>
<i>Maximum net density for all dwelling units other than multifamily dwellings and adult independent dwelling units</i>	<i>No increase in the net density allowed in the RLD District; 6 units per net acre in the R1 and R2 Districts; 8 units per net acre in an R5 District; and in all other districts in accordance with the density allowed in the district in which the facility is located</i>
<i>Maximum square footage for duplex, semi-detached, and townhouse dwellings</i>	<i>1,250 square feet</i>
<i>Public sewer</i>	<i>Required</i>

The proposed maximum height of 60 feet will not exceed the height allowed in the R5 District. The maximum height allowed in the R5 district is 50 feet, however per § 18-11-401 the height may exceed 50 feet by 10 feet if all setbacks are increased by two feet for each foot of excess height. The facility will be set back 70 feet instead of the required 50 feet. As described below, a variance is requested to the requirements for minimum open area. The entire facility will be comprised of Assisted Care Units in a multifamily structure, so the maximum net density and square footage provisions in the table above are not applicable. The Property is served by public sewer as required.

Request for Variance Relief

The Applicant respectfully requests variance relief from the requirements of § 18-11-104(1), minimum lot size; and § 18-11-104(11), -open area.

Section 18-16-305 of the Code sets for the requirements for granting a zoning variance. Variances may be granted when an Administrative Hearing Officer finds “that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done.” A variance may only be granted if the Administrative Hearing Officer affirmatively finds the following:

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or
- (2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

Code § 18-16-305(a)(1) & (2). Additionally, an Administrative Hearing Officer must also find that:

- (1) the variance is the minimum variance necessary to afford relief; and
- (2) the granting of the variance will not:
 - (i) alter the essential character of the neighborhood or district in which the lot is located;
 - (ii) substantially impair the appropriate use or development of adjacent property;
 - (iii) reduce forest cover in the limited development and resource conservation areas of the critical area;
 - (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor
 - (v) be detrimental to the public welfare.

Code, § 18-16-305(c).

Request for Variance to §18-11-104(1) Minimum Lot Size Requirement

The Applicant respectfully requests variance relief pursuant to § 18-11-104(1) of 0.154 acres to 5 acre minimum lot size requirement. In the 2021 Decision, the AHO, with County support, granted a variance of 0.11 acres to the minimum lot area requirements of 5.0 acres to allow an assisted living facility on a lot of 4.89 acres. Pursuant to the attached Site Plan and Plat, additional right of way has been dedicated along Edwin Raynor Boulevard, reducing the total acreage of the site by 0.044 acres is proposed, resulting in a total gross site acreage of 4.848 acres. The Applicant

requests a variance of 0.154 acres, a combination of the prior approved variance amount of 0.11 acres and the 0.044 right of way dedication acreage.

Compliance with the County's Variance Requirements

- (1) *Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or*
- (2) *Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.*

The Property was originally platted as 5.0 acres in 1986 but was reduced in size in 2002 due to a State roadway widening project on Edwin Raynor Boulevard. The attached Site Plan and Plat shows that an additional .044 acres of right of way was dedicated in the extreme southwest corner of the Property along Edwin Raynor Blvd. When first included in the Deerfield PUD, this site was 5.0 acres. It is only through compliance with other development conditions relating to the PUD that the site area has been reduced. This represents an exceptional circumstance creating a practical difficulty in complying with the Code.

- (3) *The variance is the minimum variance necessary to afford relief. Code, § 18-16-305(c)(1).*

The Applicant's plans minimize interference to the open space area. Due to the conceptual design requirements, and because of the Applicant's particular needs as an assisted living facility, the Applicant requires a large primary structure. Pursuant to spatial limitations and the previously approved special exception, Applicant has attempted to minimize its variance request.

- (4) *The variance will not alter the essential character of the neighborhood or district in which the lot is located. Code, § 18-16-305(c)(2)(i).*

The variance will not alter the essential character of the neighborhood or district in which it is located. The assisted living facility use was previously approved in the 2021 Decision, the Applicant seeks to reasonably modify the prior approval in order to provide its successful continuum of care model. Multiple parcels directly across Mountain Road from the Property are zoned C3 and consist of a mix of uses including office, fast food, gas, and convenience retail. The corner of Mountain Road and Edwin Raynor Boulevard consists of a majority of retail uses on the North side. To the west of the Property, across Edwin Raynor Boulevard, is a currently unimproved site that is zoned C4 which allows the most intense commercial uses. The facility will be screened from the adjacent residential neighborhood as a result of the existing permanent forest conservation easement areas to the north and east.

(5) *The variance will not substantially impair the appropriate use or development of adjacent property. Code, § 18-16-305(c)(2)(ii).*

The requested variance will not impair the use or development of adjacent properties. The Applicant has met or exceeded the setback requirements to adjacent properties and the proposed use will have no impact on the existing homes to the east. The Property is surrounded by roads on three sides and the residential development to the east is further buffered from the 65+ foot forest conservation easement, an additional 20 foot storm drain easement, and further 20 foot utility easement. The 65' forest conservation easement is 30' wider than the minimum 35' wide forest conservation easement requirements.

(6) *The variances would not reduce forest cover in the limited development and resource conservation areas of the critical area. Code, § 18-16-305(c)(2)(iii).*

As there is no critical area on the Property, granting the variance requested herein will not run afoul of this requirement.

(7) *The variances would not be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area. Code, § 18-16-305(c)(2)(iii).*

As there is no critical area or bog protection area on the Property, granting the variance requested herein will not run afoul of this requirement.

(8) *The variances will not be detrimental to the public welfare. Code, § 18-16-305(c)(2)(v).*

The requested 0.154 acre variance to the 5 acre minimum lot size requirement would not negatively affect the public welfare. The site is properly screened and the 65 foot forest conservation easement further buffers the proposed facility from the residential. Moreover, the difference between the proposed reduction in site area in the instant application and the reduction in site area previously approved by the AHO is *de minimis*.

Request for Variance to §18-11-104(11) Open Area Requirement

Compliance with the County's Variance Requirements

(1) *Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or*

(2) *Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.*

The Property is narrow and uniquely surrounded by existing common area for the adjacent PUD. The Property fronts Mountain Road, an SHA minor arterial road, Edwin Raynor Boulevard, an SHA minor arterial road, and Deering Road, a local road. This frontage is unique in and of itself, however, the Property is also adjacent to residentially zoned property to the east, and cannot be expanded due to the previously recorded forest conservation area to the east and north.

(3) *The variance is the minimum variance necessary to afford relief. Code, § 18-16-305(c)(1).*

The Applicant's plans minimize interference to the open space area. Due to the conceptual design requirements, and because of the Applicant's particular needs as an assisted living facility, the Applicant requires a large primary structure. A similar structure was approved in the 2021 Decision, but despite actively marketing the site for several years, the applicant in that case has to date been unable to attract an assisted living provider that can execute that approved plan. The contract purchaser requires certain changes to the layout to create an assisted living facility that can meet all of the requirements for a special exception and, based on its extensive experience in this market, can also include the range of amenities and services necessary to create a successful and thriving community on the site.

Pursuant to spatial limitations and the previously approved special exception, Applicant has attempted to minimize its variance request. Brightview residents spend a vast majority of their time within the community grounds. With that in mind, one of the benefits Brightview's communities offer to residents is the SPICE (Spiritual, Physical, Intellectual, Cultural and Emotional) wellness philosophy. This permeates almost every purposeful activity Brightview does in its communities and requires significant and multiple common area spaces to execute it. From Brightview's SPICE-in-Motion classes which occur daily, to trivia, to debates, lectures, feature films, puzzles, religious services, and social events like music, dancing and other forms of entertainment. To accomplish this, Brightview's continuum of care communities typically include the following spaces:

- Courtyards and other outdoor spaces (typically one per neighborhood, including a fully enclosed/secure courtyard for memory care) – putting green, bocce ball, walking paths, benches, gardening, water features, lush landscaped grounds, outdoor dining and socializing spaces, fire pits, shade structures. The proposed facility includes a 3,094 square foot enclosed outdoor garden and a large unenclosed garden courtyard.²
- Dining room (one per neighborhood) – full-service restaurant-style dining, socializing
- Commercial kitchen plus two “serveries” – critical to community operations
- Café (one per neighborhood) – dining, exercise, social gatherings
- Multi-purpose room – exercises, social gatherings, lectures, religious gatherings
- Library (two) – reading, social gathering
- Private dining room – family gatherings

² It should be noted that based on the proposed plans, the Applicant expects to seek a modification at the development stage to reduce the recreation area requirement due to the inclusion of significant indoor amenities. Recreation area is a requirement of Article 17, and deviation from that requirement does not require a variance. The Applicant is providing 10,771 square feet of 12,670 square feet required outdoor recreational area, which does not include the referenced courtyards, fitness center, and other interior amenities.

- Pub (two) – socializing, happy hours
- Game room – brain health, group social activities
- Art room (two) – brain health, creative and spiritual activities
- Lobby – socializing, small group gatherings, reading
- Theater – for art, entertainment, movies, lectures, debates, social events
- Fitness center – for physical well-being, Bayada-led fitness instruction

(4) *The variance will not alter the essential character of the neighborhood or district in which the lot is located. Code, § 18-16-305(c)(2)(i).*

The variance will not alter the essential character of the neighborhood or district in which it is located. The assisted living facility was previously approved in the 2021 Decision and will provide a transition between the commercial uses at the adjacent intersection and the residential.

(5) *The variance will not substantially impair the appropriate use or development of adjacent property. Code, § 18-16-305(c)(2)(ii).*

The requested variance will not impair the use or development of adjacent properties. The Applicant has met or exceeded the setback requirements to adjacent properties and the proposed use will have no impact on the existing homes to the east. The Property is surrounded by roads on three sides and the residential development to the east is further buffered from the 65+ foot forest conservation easement and the additional 20 foot storm drain easement and further 20 foot utility easement.

(6) *The variances would not reduce forest cover in the limited development and resource conservation areas of the critical area. Code, § 18-16-305(c)(2)(iii).*

As there is no critical area on the Property, granting the variance requested herein will not run afoul of this requirement.

(7) *The variances would not be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area. Code, § 18-16-305(c)(2)(iii).*

As there is no critical area or bog protection area on the Property, granting the variance requested herein will not run afoul of this requirement.

(8) *The variances will not be detrimental to the public welfare. Code, § 18-16-305(c)(2)(v).*

The requested variance to the 60% open area requirement would not negatively affect the public welfare. The open area requirements are implemented to prevent intrusion of the assisted living facility use on the adjacent residential development, and to ensure that there are adequate open areas on a particular piece of property so as to ensure light, air, and open space contribute to the wellbeing of residents. The intent of the 60% open space requirement is to provide buffers and a less intensive use directly adjacent to the residential development. The Applicant is proposing 51.9% of the site, or 2.52 acres, as open area, which is approximately 86.6% of what is required.

As shown on the Site Plan, the project provides an average 65' wide forest conservation easement to the east along the only adjoining residentially zoned property. 65' is 30' wider than the minimum 35' wide Forest Conservation Easement requirements, and 15' wider than the 50' building restriction line. There is no requirement to retain forest in this area; this could have been graded and landscaped, however, to be good neighbors and respect the Deerfield Community, the plan for this facility has included a 65' wide buffer retaining existing forest, was recorded, and provides the best screening and buffer possible between this large building and the existing residential community to the east.

The Deerfield PUD also retained a large amount of open space along the south side and east side of the Property, further enhancing the buffers between the Property and adjacent development. Open space areas 1 and 3 shown on the Plat entitled "Amended Plat Reserved Parcel Deerfield" recorded among the Plat Records of Anne Arundel County in Plat Book 388 at pages 1-2 and recorded in Plat Book 103, pages 39-42, attached as **Exhibit E**, equal a combined 1.69 acres. In essence, this open space provides more than 67% overall open space for the assisted living facility and limits its impact on the adjoining residential property. There are no intrusions onto neighboring parcels and the requested decrease in open area is reasonable given the commercial nature of the development and the unique lot. The lot borders roads on three sides and forest conservation on two sides. The requested variance seeks to have the open area reduced to 51.9% from a 60% requirement, but when these adjacent open space areas are included, the facility will be surrounded by 2.53 acres of permanently protected open and forest conservation areas.

Request for Variance to Extend the Time to Obtain a Building Permit

In addition to the special exception modification and variance to open space, we are requesting that the Administrative Hearing Officer grant variance approval to extend the required 18-month period provided in Code § 18-16-405(a) for the Applicant to obtain a building permit. Designing and processing the new assisted living facility plans through the County plan review and permit process will require extensive agency coordination and responses from the Applicant's engineer, architect, and other consultants. Therefore, due to the character of the proposed project, we request a variance for an additional 18-month period to obtain a building permit. We believe this request meets the variance approval standards discussed above.

The Applicant also requests as a condition of the special exception approval that it be permitted to make modifications to the administrative site plan to address comments by County and State agencies during the plan and permit review process, so long as no greater variances are required for such modifications.

Conclusion

For the foregoing reasons, and for good cause shown, the Applicant respectfully requests special exception approval to allow an assisted living facility with 175 units on the Property, variance relief to the minimum lot size requirement, variance approval to allow less open space area than required, and to allow for additional time to obtain a building permit.

Should you have any questions regarding the enclosed variance application, please contact me at kbray@yvslaw.com. We look forward to your comments and appreciate your considered review of the proposed application.

Very truly yours,

YVS Law, LLC



Kinley R. Bray

cc: Client
Attachments

NO CONSIDERATION DEED
EXEMPT TRANSFER TO BENEFICIARIES
NO TITLE SEARCH

DEED

IMP FD SURE \$	20.00
RECORDING FEE	20.00
TOTAL	40.00

Reft A413 Reft # 33815
es. M. Reeder, Blk # 2853
APR 15 1975 of the Maryland 02:14 PM
State of Maryland

THIS DEED, made this 11 day of January, 2010, by and between Charles M. Reeder, successor trustee for Frances A. Reeder, deceased, and John H. Reeder, co-trustees of the Maryland QTIP Trust A under the Last Will and Testament of Charles C. Reeder, the Maryland QTIP Trust B under the Last Will and Testament of Charles C. Reeder, the Maryland Residuary Trust under the Last Will and Testament of Charles C. Reeder, collectively referred to herein as Parties of the First Part, and Charles M. Reeder, John H. Reeder and Charles M. Reeder and John H. Reeder, co-trustees of the Charles C. Reeder Maryland Trust Under Will for the Benefit of Anne R. Barker, collectively referred to herein as Parties of the Second Part.

WHEREAS, the Parties of the First Part desire to distribute, gift and convey the property described herein to the Parties of the Second Part, the named beneficiaries under those certain trusts:

NOW, THEREFORE, WITNESSETH, that in consideration of these premises and in faithful performance of their duties as required by law, the actual consideration being zero, and pursuant to the Last Will and Testament of Charles C. Reeder, the Parties of the First Part do grant and convey 1) its undivided Eight Thousand One Hundred and Thirty Nine Ten Thousandths (.8139) interest of Maryland QTIP Trust A under the Last Will and Testament of Charles C. Reeder, 2) its undivided Fifteen Hundred and Twenty Nine Ten Thousandths (.1529) interest of Maryland QTIP Trust B under the Last Will and Testament of Charles C. Reeder, and 3) its undivided Three Hundred and Thirty Two Ten Thousandths (.0332) interest of the Maryland Residuary Trust under the Last Will and Testament of Charles C. Reeder, unto Charles M. Reeder, an undivided one-third (1/3) interest, John H. Reeder, an undivided one-third (1/3) interest, and the Charles C. Reeder Maryland Trust under Will for the Benefit of Anne R. Barker, an undivided one-third (1/3) interest, to be held as tenants in common, collectively the Parties of the Second Part, all that fee simple property situate, lying and being in Anne Arundel County, Maryland, and described as follows:

BEING KNOWN AND DESIGNATED as all that property in the southwest and southeast quadrants of the intersection of Edwin Raynor Boulevard and Mountain Road, Pasadena, Anne Arundel County, Maryland, consisting of Parcel 198, compromising approximately 11.426 acres and Reserve Parcel 656, consisting of approximately 5 acres, appearing in the Anne Arundel County Tax Map 17, Block 21.

SAVING AND EXCEPTING all that property conveyed by Deed recorded on June 10, 2002
the Land Records of Anne Arundel County, MD at Liber 11566, folio 365 by and between the
Grantors herein, Parties of the First Part, unto the State of Maryland to the use of the State Highway
Administration of the Department of Transportation, for a right of way.

BEING PART OF the same land which by Deed dated July 6, 1995 and recorded among the Land Records of Anne Arundel County Maryland in Liber 7079, folio 609, was granted and conveyed

ACCT. 3226-9W4-7351
ALL LIENS ARE PAID AS
OF 3/30/00 U.A. COUNTY
BY: MHS

by Frances A Reeder, John H. Reeder and Barnett Banks Trust Company, N.A. co-personal representatives of the Estate of Charles C. Reeder, unto the Parties of the First Part and Grantors herein.

TOGETHER with the buildings and improvements thereupon erected, made or being, and all and every interest in the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto the said Parties of the Second Part, as tenants in common, in fee simple.

AND the said Parties of the First Part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed and that they will warrant specially the property hereby granted, and that they will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said Grantors.

WITNESS:



Charles M. Reeder, successor co-trustee of 1) the Maryland QTIP Trust A under the Last Will and Testament of Charles C. Reeder, 2) the Maryland QTIP Trust B under the Last Will and Testament of Charles C. Reeder and 3) the Maryland Residuary Trust under the Last Will and Testament of Charles C. Reeder



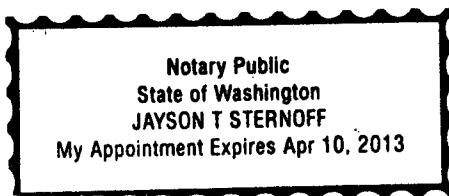
John H. Reeder, co-trustee of 1) the Maryland QTIP Trust A under the Last Will and Testament of Charles C. Reeder, 2) the Maryland QTIP Trust B under the Last Will and Testament of Charles C. Reeder and 3) the Maryland Residuary Trust under the Last Will and Testament of Charles C. Reeder

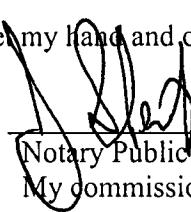
STATE OF Washington

COUNTY OF King, to wit:

I hereby certify that on this 5 day of January, 2012 before me, the undersigned officer, a Notary Public in and for the State aforesaid, personally appeared Charles M. Reeder, successor co-trustee, known to me or satisfactorily proven, to be the authorized person whose name is subscribed to the within Deed and who, in my presence, signed and sealed the foregoing Deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.




Notary Public
My commission expires: April 10th 2013

STATE OF Missouri

COUNTY OF Boone, to wit:

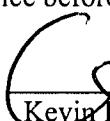
I hereby certify that on this 11 day of January, 2009 before me, the undersigned officer, a Notary Public in and for the State aforesaid, personally appeared John H. Reeder, co-trustee known to me or satisfactorily proven, to be the authorized person whose name is subscribed to the within Deed and who, in my presence, signed and sealed the foregoing Deed.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

MARGARET F. COOPER
Notary Public - Notary Seal
STATE OF MISSOURI
County of Boone
My Commission Expires 6/19/2013
Commission # 09514693


Notary Public
My commission expires: June 19, 2013

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.


Kevin E. Sniffen, Attorney

State of Maryland Land Instrument Intake Sheet

[] Baltimore City [x] Anne Arundel County:
 Information provided is for the use of the Clerk's Office and State Department of Assessments and Taxation, and the County Finance Office only.
 (Type or Print in Black Ink Only All Copies Must Be Legible)

1	Type(s) of Instruments	(1) Check Box if Addendum Intake Form is Attached.)							
	1 Deed Deed of Trust	Mortgage Lease	Other	Other					
2	Conveyance Check Box	Improved Sale Arms-Length [1]	Unimproved Sale Arms-Length [2]	Multiple Arms Length [3]	X	Not an Arms-Length Sale [9]			
3	Tax Exemptions (if Applicable) Cite or Explain Authority	Recordation State Transfer County Transfer	Exempt transfer from estate trustees to beneficiaries						
4	Consideration and Tax Calculations	Consideration	Amount	Finance Office Use Only					
Purchase Price/Consideration		\$ 0.00	Transfer and Recordation Tax Consideration						
Any New Mortgage		\$ 0.00	Transfer Tax Consideration						
Balance of Existing Mortgage		\$	x () %						
Other:		\$	Less Exemption Amount						
Other:		\$	Total Transfer Tax						
Full Cash Value		\$	Recordation Tax Consideration x () per \$500						
5	Fees	Amount of Fees	Doc. 1	Doc. 2	Agent:				
Recording Charge		\$ 20.00	\$ 0.00	Tax Bill:					
Surcharge		\$ 20.00	\$ 0.00	C.B. Credit:					
State Recordation Tax		\$	\$ 0.00	Ag. Tax/Other:					
State Transfer Tax		\$	\$ 0.00						
County Transfer Tax		\$	\$ 0.00						
Other		\$	\$						
6	Description of Property	District	Property Tax ID No.(1)	Grantor/Liber/Folio	Map	Parcel No.	Var. LOG		
			7079/609				(5)		
		Subdivision Name		Lot (3a)	Block(3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage(4)	
		Location/Address of Property Being Conveyed (2)							
		Mountain Road, Pasadena parcel 198, and Reserve Parcel 656							
		Other Property Identifiers (if applicable)				Water Meter Account No.			
		Residential [] or Non-Residential [x]	Fee Simple [X] or Ground Rent []	Amount: \$N/A					
7	Transferred From	Partial Conveyance? [] Yes [X] No	Description/Amt. of SqFt/Acreage Transferred: 16.426 acres				N/A		
		If Partial Conveyance, List Improvements Conveyed: N/A							
		Doc. 1 - Grantor(s) Name(s)			Doc. 2 - Grantor(s) Name(s)				
		Charles M. Reeder, Trustee and							
		John H. Reeder, Trustee for trusts created under Will of							
		Charles C. Reeder							
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)			Doc. 2 - Owner(s) of Record, if Different from Grantor(s)				
8	Transferred To	Doc. 1 - Grantee(s) Name(s)			Doc. 2 - Grantee(s) Name(s)				
		Charles M. Reeder, individually, John C. Reeder, individually, and							
		Charles M. Reeder and John C. Reeder, trustees, of the Charles M. Reeder Maryland Trust under Will for the benefit of Anne R. Baker							
		New Owner's (Grantee) Mailing Address							
		216 W. Brandon Road, Columbia, MO 65203							
9		Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)			Doc. 2 - Additional Names to be Indexed (Optional)			
10	Contact/Mail Information		Instrument Submitted By or Contact Person						
			Name: Kevin E. Sniffen, Esq.			<input checked="" type="checkbox"/> Return to Contact Person			
			Firm: Covenant Title Corporation			<input type="checkbox"/> Hold for Pickup			
			Address: 1623 York Road, Suite 101, Lutherville, MD 21093			<input type="checkbox"/> Return Address Provided			
			Phone: Telephone: 410-280-9700 Fax: 410-280-9796						
11		IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER							
		Assessment Information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Will the property being conveyed be the grantee's principal residence?							
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Does transfer include personal property? If yes, identify: _____								
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)								
	Assessment Use Only - Do Not Write Below This Line								
	Terminal Verification		Agricultural Verification		Whole	Part	Trans. Process Verification		
	Transfer Number:		Date Received:		Deed Reference:		Assigned Property No.:		
	Year	Land	Buildings	Total	Geo.	Map	Sub.		
					Zoning	Grid	Plat		
					Use	Parcel	Section		
					Town Cd.	Ex. St.	Ex. Cd.		
	REMARKS:								

AUTHORIZATION

We, fee simple title owners of certain property known as Mountain Road, Pasadena, Maryland, Tax Map 17, Grid 21, Parcel 656, Tax ID: 03-226-90047351 (the "Property"), hereby authorize Brightview Senior Living Development, LLC, contract purchaser of the Property to apply for a modification of an existing special exception and variance from the provisions of the Anne Arundel County Code in order to allow and construct an assisted living facility on the Property.

Charles M. Reeder

DocuSigned by:



By: _____ 0193E0075CC743D...

CO-Owner

Title: _____

10/24/2025

Date: _____

John H. Reeder

Signed by:



By: _____ 915761EBCFC24A1...

Co-owner

Title: _____

10/24/2025

Date: _____

The Charles C. Reeder Maryland Trust under Will for the Benefit of Anne R. Barker

DocuSigned by:



By: _____ 0193E0075CC743D...

Co-Trustee

Title: _____

10/24/2025

Signed by:



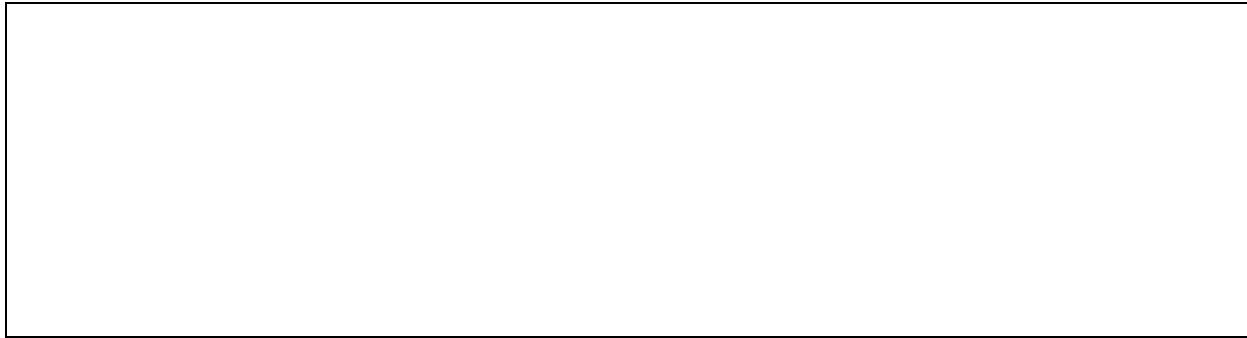
By: _____ 915761EBCFC24A1...

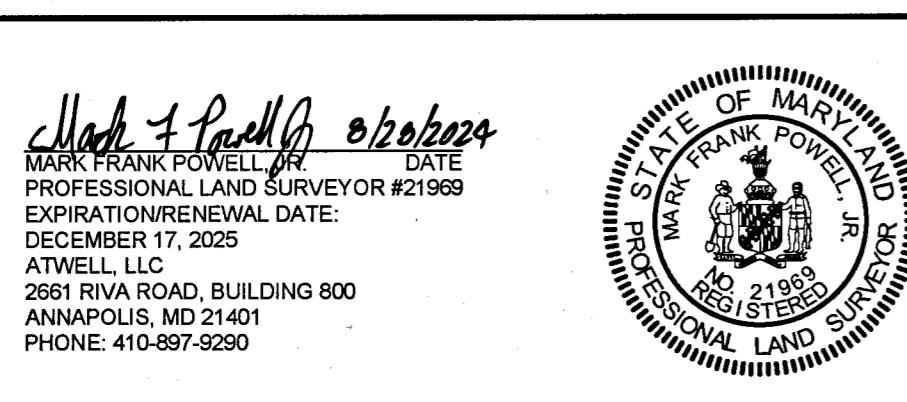
Co-trustee

Title: _____

10/24/2025

Date: _____





Mark F. Powell, Jr. 8/20/2024
MARK FRANK POWELL, JR. DATE
PROFESSIONAL LAND SURVEYOR #21969
EXPIRATION/RENEWAL DATE:
DECEMBER 17, 2025
ATWELL, LLC
2661 RIVA ROAD, BUILDING 800
ANNAPOLIS, MD 21401
PHONE: 410-897-9290

NOTICE TO TITLE EXAMINERS

THIS PLAT HAS BEEN APPROVED FOR RECORDING ONLY AND SHALL BECOME NULL AND VOID UNLESS A PUBLIC WORKS AGREEMENT HAS BEEN EXECUTED AND DELIVERED SIMULTANEOUSLY WITH THE APPROVAL OF THIS PLAT OR NO LATER THAN TWELVE MONTHS AFTER THIS PLAT HAS BEEN RECORDED.

DEDICATION BY OWNERS

THE UNDERSIGNED, BEING ALL OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED ON THIS RECORD PLAT, WITH THE EXCEPTION OF LIENHOLDERS, ADOPT(S) THIS RECORD PLAT; ESTABLISH(ES) THE BUILDING RESTRICTION LINES; AND DEDICATE(S) ALL PUBLIC ROADS, WIDENING STRIPS, FLOODPLAINS, EASEMENTS, AND RIGHTS-OF-WAY TO PUBLIC USE, SUCH LANDS BEING DEEDED TO ANNE ARUNDEL COUNTY, MARYLAND OR TO THE STATE, AS MAY BE APPROPRIATE, PRIOR TO OR CONTEMPORANEOUS WITH THE RECORDATION OF THIS PLAT.

TO THE BEST OF MY/OUR KNOWLEDGE, INFORMATION, AND BELIEF, THE REQUIREMENTS OF THE REAL PROPERTY ARTICLE, § 3-108, OF THE STATE CODE, CONCERNING THE MAKING OF PLATS AND SETTING OF MARKERS, HAVE BEEN SATISFIED. THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS, OR RIGHTS-OF-WAY AFFECTING THE PROPERTY INCLUDED IN THIS RECORD PLAT OTHER THAN THE FOLLOWING:

**DEED OF EASEMENT DATED JUNE 26, 2024 AT L. 40551, F. 305
RIGHT-OF-WAY EASEMENT & AGT. DATED JUNE 12, 1963 AT L. 1665, F. 222**

ALL OWNERS OF THE PROPERTY, WITH THE EXCEPTION OF LIENHOLDERS, HAVE AFFIXED THEIR SIGNATURES AND SEALS ON THIS RECORD PLAT.

WE ASSENT TO AND DO HEREBY JOIN IN THIS RECORD PLAT.

PROPERTY OWNER:

Candace A. Davis 11/27/24 Charles M. Reeder 11/27/24
WITNESS DATE CHARLES M. REEDER

J. Maley 11/26/24 John H. Reeder
WITNESS DATE JOHN H. REEDER

Candace A. Davis 11/27/24 Charles M. Reeder TTEE
WITNESS DATE CHARLES M. REEDER, CO-TRUSTEE OF THE CHARLES C. REEDER MARYLAND TRUST UNDER WILL FOR THE BENEFIT OF ANNE R. BARKER

J. Maley 11/26/24 John H. Reeder, Co. TTEE
WITNESS DATE JOHN H. REEDER, CO-TRUSTEE OF THE CHARLES C. REEDER MARYLAND TRUST UNDER WILL FOR THE BENEFIT OF ANNE R. BARKER

VARIANCE NOTE

A VARIANCE OF 0.11 ACRES TO THE 5-ACRE MINIMUM LOT AREA REQUIREMENT OF ARTICLE 18-11-104 TO ALLOW THE APPLICANT TO CONSTRUCT A FOUR-STORY ASSISTED LIVING FACILITY CONTAINING 140 ASSISTED CARE UNITS AND 112 SURFACE PARKING SPACES WAS GRANTED BY THE OFFICE OF ADMINISTRATIVE HEARINGS ON NOVEMBER 30, 2021 IN CASE NUMBER 2021-0096-V.

BICYCLE, PEDESTRIAN, AND TRANSIT ASSESSMENT (BPTA) NOTE

IN ACCORDANCE WITH ARTICLE 17, SECTION 6-113, A BPTA WAS APPROVED BY THE OFFICE OF PLANNING AND ZONING ON JANUARY 9, 2024 AND THE FOLLOWING IMPROVEMENTS SHOWN ON THE SITE DEVELOPMENT PLANS TO INCLUDE A 560 FOOT OF FIVE FOOT WIDE CONCRETE SIDEWALK FROM DEERFIELD ROAD TO MD 177 AND (1) ADA COMPLIANT RAMP ARE INTENDED TO MEET THE REQUIREMENTS FOR A BPT IMPROVEMENT ABOVE AND BEYOND ANY OTHER SITE DESIGN REQUIREMENTS OF THIS CODE:

SPECIAL EXCEPTION NOTE

A SPECIAL EXCEPTION TO REMOVE PARCEL 656 FROM THE PREVIOUSLY APPROVED DEERFIELD PLANNED UNIT DEVELOPMENT (PUD) GRANTED IN CASE NO. 1985-0394-S WAS GRANTED BY THE OFFICE OF ADMINISTRATIVE HEARINGS ON NOVEMBER 30, 2021 IN CASE NUMBER 2021-0094-S.

A SPECIAL EXCEPTION PURSUANT TO ARTICLE 18-11-104 TO ALLOW THE APPLICANT TO CONSTRUCT A FOUR-STORY ASSISTED LIVING FACILITY CONTAINING 140 ASSISTED CARE UNITS AND 112 SURFACE PARKING SPACES AROUND THE PERIMETER OF THE BUILDING WAS GRANTED BY THE OFFICE OF ADMINISTRATIVE HEARINGS ON NOVEMBER 30, 2021 IN CASE NUMBER 2021-0095-S.

FOREST CONSERVATION EASEMENT

THE NEW FOREST CONSERVATION EASEMENT IS SHOWN THUSLY /////////////// ON THESE PLATS, PER THE REQUIREMENTS OF THE COUNTY TREE BILL 1-194 (ARTICLE 17, TITLE 3 OF THE ANNE ARUNDEL COUNTY CODE) WITH A DEED OF EASEMENT AND AGREEMENT (NEW FOREST CONSERVATION EASEMENT) DATED **JUNE 26, 2024** RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER 10581, FOLIO 305. THERE SHALL BE NO CLEARING, TRIMMING, DUMPING, STORAGE, OR STRUCTURE WITHIN THE NEW FOREST CONSERVATION EASEMENT AREAS, EXCEPT IN ACCORDANCE WITH THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS.

FOREST CONSERVATION TABULATION

ZONE	R5
NET TRACT AREA	4.89 AC.
AFFORESTATION THRESHOLD	15%
CONSERVATION THRESHOLD	15%
EXISTING FOREST COVER	0.73 AC.
AREA ABOVE CONSERVATION THRESHOLD	0.73 AC.
TOTAL FOREST TO BE CLEARED	3.95 AC.
REFORESTATION REQUIRED	0.90 AC.
REFORESTATION PROVIDED	0.02 AC.
SPECIMEN TREE MITIGATION (REQUIRED)	0.32 AC.
TOTAL PLANTING REQUIRED	1.20 AC.

REFORESTATION IN THE AMOUNT OF 1.20 ACRES OR 52,272 SQUARE FEET TO MEET THE FOREST CONSERVATION REQUIREMENTS WILL BE MET AT THE TWO RIVERS FOREST BANK

MODIFICATION NOTES

MODIFICATION #16315 - A REQUEST FOR A TIME EXTENSION PER ANNE ARUNDEL COUNTY CODE SECTION 17-2-108 WAS GRANTED BY THE ANNE ARUNDEL COUNTY PLANNING AND ZONING OFFICER IN A LETTER DATED AUGUST 25, 2020

NEW PRELIMINARY PLAN RESUBMITTAL DEADLINE IS FEBRUARY 7, 2021

MODIFICATION #16461 - A REQUEST FOR A TIME EXTENSION PER ANNE ARUNDEL COUNTY CODE SECTION 17-2-108 WAS GRANTED BY THE ANNE ARUNDEL COUNTY PLANNING AND ZONING OFFICER IN A LETTER DATED MARCH 2, 2021

NEW PRELIMINARY PLAN RESUBMITTAL DEADLINE IS AUGUST 6, 2021

MODIFICATION #16612 - A REQUEST FOR A TIME EXTENSION PER ANNE ARUNDEL COUNTY CODE SECTION 17-2-108 WAS GRANTED BY THE ANNE ARUNDEL COUNTY PLANNING AND ZONING OFFICER IN A LETTER DATED SEPTEMBER 15, 2021

NEW SUBMITTAL DATE IS WITHIN 60 DAYS OF THE DECISION RENDERED IN THE SPECIAL EXCEPTION AND VARIANCE HEARINGS

MODIFICATION #16766 - A REQUEST FOR A TIME EXTENSION PER ANNE ARUNDEL COUNTY CODE SECTION 17-2-108 WAS GRANTED BY THE ANNE ARUNDEL COUNTY PLANNING AND ZONING OFFICER IN A LETTER DATED FEBRUARY 23, 2022

NEW PRELIMINARY PLAN RESUBMITTAL DEADLINE IS MAY 30, 2022

MODIFICATION #16966 - A REQUEST TO ALLOW AN AMENDED SUBDIVISION PLAT PROCESS TO CONVERT A RESERVE PARCEL TO A BUILDABLE LOT TO ANNE ARUNDEL COUNTY SECTION 17-3-801(4) WAS GRANTED BY THE ANNE ARUNDEL COUNTY PLANNING AND ZONING OFFICER IN A LETTER DATED JULY 6, 2022, SUBJECT TO THE FOLLOWING CONDITIONS:

THE SITE DEVELOPMENT PLAN APPLICATION (CURRENTLY MONARCH PASADENA C2019-0086-00-PP) MUST BE APPROVED PRIOR TO RECORDATION OF THE PLAT. THE RECORD PLAT WILL BECOME NULL AND VOID SHOULD THE SITE DEVELOPMENT PLAN AND/OR GRADING APPLICATIONS BECOME VOID OR BE WITHDRAWN.

MODIFICATION #17143 - A REQUEST TO MODIFY THE PROVISIONS OF THE LANDSCAPE MANUAL REQUIRING A 15'WIDE CLASS 'A' BUFFER TO BOTH SIDES OF THE ENTRANCE DRIVE PER ANNE ARUNDEL COUNTY CODE SECTION ARTICLE 17, SECTION 6-201 WAS GRANTED BY THE ANNE ARUNDEL COUNTY PLANNING AND ZONING OFFICER IN A LETTER DATED APRIL 3, 2024 SUBJECT TO THE FOLLOWING CONDITIONS:

1. PROVIDE THE REQUIRED PLANTINGS WITHIN THE CLASS "A" REDUCED LANDSCAPE BUFFER WIDTH AREA, AND/OR
2. MITIGATION THAT IS APPROVABLE BY THE OFFICE OF PLANNING AND ZONING

MODIFICATION #17408-A REQUEST FOR A MODIFICATION TO ARTICLE 17, SECTION 6-303 (b)(5) OF THE ANNE ARUNDEL COUNTY CODE TO ALLOW FOR THE REMOVAL OF ONE SPECIMEN TREE, APPROVED BY THE OFFICE OF PLANNING AND ZONING DIRECTOR IN A LETTER DATED APRIL 17, 2024, SUBJECT TO THE FOLLOWING CONDITIONS:

A. ON SITE REPLANTING SHALL BE COMPLETED CONSISTING OF NATIVE TREES EQUAL TO 217.8 SQUARE FEET FOR EACH INCH OF DIAMETER AT BREAST HEIGHT, (SPECIMEN TREE DBH REMOVED x 217.8 FEET/DBH REMOVED),
B. OFF SITE REPLANTING SHALL BE COMPLETED CONSISTING OF NATIVE TREES EQUAL TO 435.6 SQUARE FEET FOR EACH INCH OF DIAMETER AT BREAST HEIGHT, (SPECIMEN TREE DBH REMOVED x 435.6 FEET/DBH REMOVED), OR
C. ALTERNATIVE MITIGATION APPROVABLE BY THE OFFICE OF PLANNING AND ZONING

ALLOCATION NOTE

THIS SUBDIVISION PLAT IS SUBJECT TO THE REQUIREMENTS OF ARTICLE 13, TITLE 5 OF THE ANNE ARUNDEL COUNTY CODE AS IT RELATES TO THE ALLOCATION OF WATER AND WASTEWATER CAPACITY. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS LAW MAY CAUSE THIS SUBDIVISION PLAT TO BECOME VOID OR CAUSE THE PROPERTIES SHOWN HEREON TO BE SUBJECT TO A LIEN FOR UNPAID CHARGES.

FIRE DEPARTMENT NOTE

A "FIRE SAFETY EXHIBIT" SHALL BE SENT TO THE FIRE MARSHAL'S OFFICE FOR REVIEW. THE PLAN SHALL DELINEATE THE LOCATION OF ALL PROPOSED NO PARKING SIGNAGE AND ASPHALT PAVEMENT MARKINGS.

"NO PARKING" WILL BE REQUIRED BY THE FIRE DEPARTMENT AS DEEMED NECESSARY FOR ADEQUATE ACCESS AND OPERATIONAL REQUIREMENTS. ROADWAYS MUST PROVIDE 24 FEET AND FIRE LANES MUST PROVIDE 20 FEET OF WIDTH, FREE OF ANY OBSTRUCTIONS, INCLUDING PARKED VEHICLES. ALL CURBS NOT PLANNED AND PREVIOUSLY MARKED AS PARKING SPOTS MUST BE MARKED "NO PARKING FIRE LANE" WITH THE CURB MARKINGS AND SIGNS SHOWN IN ACCORDANCE WITH THE FIRE MARSHAL DETAILS. THE DEVELOPER IS RESPONSIBLE TO ENSURE PROPER INSTALLATION. THESE NOTATIONS MUST BE MARKED ON ANY PERMIT PLAN. ONE SIDED PARKING IS ONLY PERMITTED IF THE ROADWAY IS AT LEAST 28' IN WIDTH.

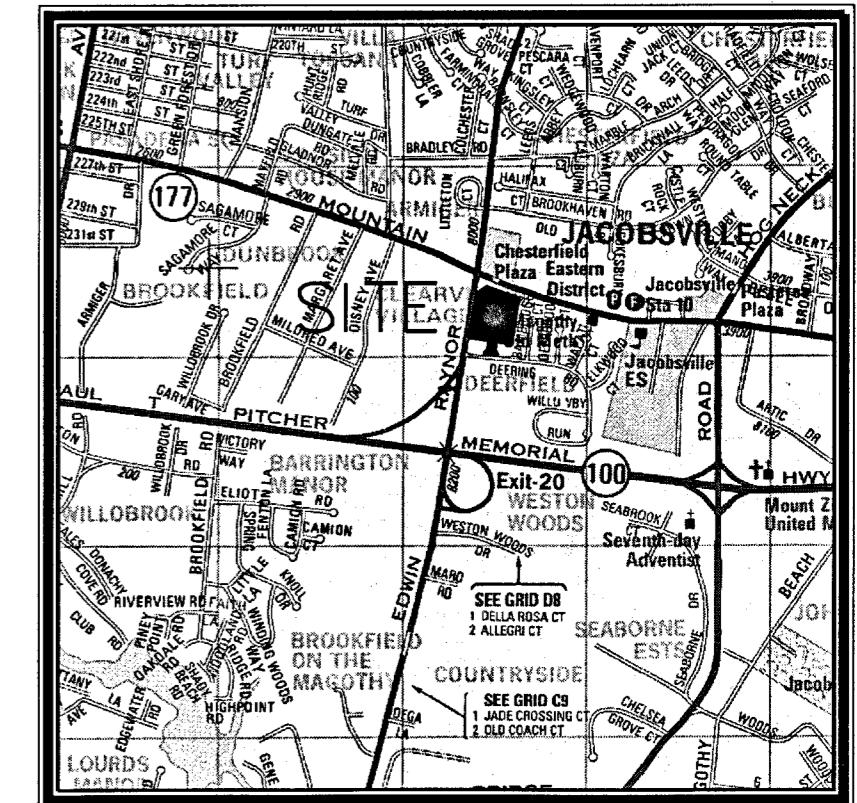
STORMWATER MANAGEMENT NOTE

THE DEVELOPER AND/OR PERMIT APPLICANT SHALL BE RESPONSIBLE FOR THE FINAL STORMWATER MANAGEMENT DESIGN PER STORMWATER MANAGEMENT ARTICLE 16 AND THE EXECUTION OF A PRIVATE MAINTENANCE AGREEMENT PRIOR TO THE APPROVAL OF ANY GRADING OR BUILDING PERMITS FOR ANY PROPOSED CONSTRUCTION.

THIS PLAT WAS REVIEWED UNDER THE 2010 REGULATIONS FOR STORMWATER MANAGEMENT. STORMWATER MANAGEMENT PRACTICES WILL BE PROVIDED FOR THIS SITE IN ACCORDANCE WITH ARTICLE 16, SECTION 4 AND THE FINAL PLAN ON FILE WITH THE OFFICE OF PLANNING AND ZONING. ESD TO THE MEP WAS ACHIEVED THROUGH THE USE OF EIGHT (8) MICRO-BIOPETENTION FACILITIES WITH ENHANCED FILTERS.

DEVELOPMENT PLAN STATEMENT

DEVELOPMENT OF THIS SUBDIVISION SHALL BE UNDERTAKEN ONLY IN ACCORDANCE WITH THE APPROVED FINAL DEVELOPMENT PLAN ON FILE IN THE OFFICE OF PLANNING AND ZONING. ALL EXISTING FOREST, WOODS, AND TREES ARE TO BE RETAINED AS SHOWN ON THE FINAL DEVELOPMENT PLAN.



GENERAL NOTES

1. THE PURPOSE OF THIS AMENDED PLAT IS AS FOLLOWS:
A. TO LEGALIZE A PLATTED RESERVE PARCEL.
B. CREATE A PUBLIC UTILITY EASEMENT.
C. RIGHT-OF-WAY DEDICATION ALONG EDWIN RAYNOR BOULEVARD.
D. CREATE A FOREST CONSERVATION EASEMENT AND LANDSCAPE EASEMENT.
2. THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE X, FLOOD ZONE X 0.2% FLOOD CHANCE AND FLOOD ZONE A, AS DELINEATED ON THE FIRM FLOOD INSURANCE MAP #24003C0106E DATED OCTOBER 16, 2012 FOR ANNE ARUNDEL COUNTY AND DISTRIBUTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
3. STREET NAMES AND ADDRESSES NOTED ON THE PLAT REPRESENT OFFICIAL ADDRESS DATA AT THE TIME OF PLAT APPROVAL. THE PLANNING AND ZONING OFFICER MAY CHANGE STREET NAMES AND PROPERTY ADDRESSES TO ENSURE THE PUBLIC HEALTH, SAFETY AND WELFARE, WITHOUT THE NEED FOR AN AMENDED PLAT.
4. THE BOUNDARY LINES, BEARINGS AND DISTANCES AS SHOWN HEREON FOR ALL ADJACENT PARCELS, RIGHTS-OF-WAY, ETC. ARE TAKEN FROM DEED PLOTTING ONLY.
5. SURVEY CONTROL NOTE:

THE COORDINATES, BEARINGS AND ELEVATIONS SHOWN HEREON ARE BASED ON THE FOLLOWING BENCHMARKS AS ESTABLISHED BY REAL TIME KINEMATIC (RTK) OBSERVATIONS UTILIZING THE KEYNETGPS NETWORK. THE HORIZONTAL DATUM IS REFERENCED TO MARYLAND STATE PLANE (NAD 83/2011) AND THE VERTICAL DATUM IS REFERENCED TO NAVD 88.

IRON BAR W/ CAP SET AT THE SOUTHEASTERN INTERSECTION OF EDWIN RAYNOR BOULEVARD AND MOUNTAIN ROAD:
N: 531414.1382, E: 1445204.1152, EL: 59.88;

IRON BAR W/ CAP SET ALONG CURB LINE EDWIN RAYNOR BOULEVARD:
N: 531082.4087, E: 1445080.6747, EL: 56.55

AREA TABULATION	
LOT A'	211,171 SQ. FT. OR 4.848 AC.
VARIABLE WIDTH R/W DEDICATION	1,925 SQ. FT. OR 0.044 AC.
GROSS AREA	213,096 SQ. FT. OR 4.892 AC.
NET DENSITY	5 DWELLING UNITS/AC.
TOTAL NUMBER OF LOTS	1
ZONING	R5 - RESIDENTIAL DISTRICT**

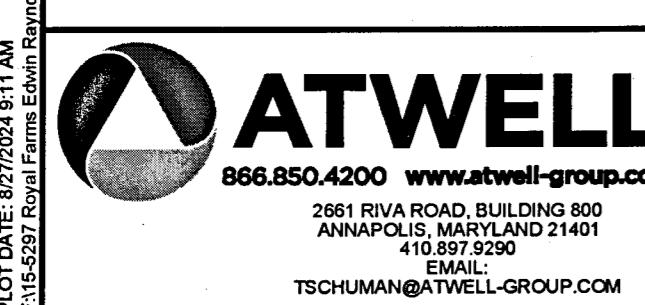
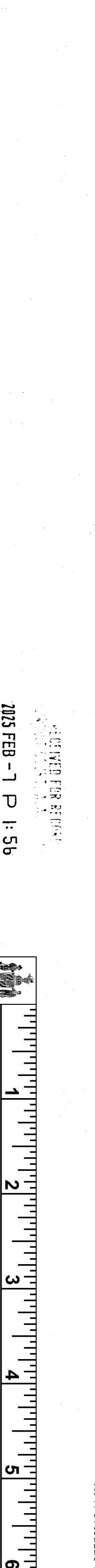
NOTE:
**SETBACKS SHALL BE IN ACCORDANCE WITH THE ZONING CODE AT THE TIME OF BUILDING PERMIT

PREVIOUSLY RECORDED PLAT NOTE

THIS SITE WAS PREVIOUSLY RECORDED UNDER (SUB. #1985-204, IN PLAT BOOK 103 PAGES 39-42, AND IS SUBJECT TO ALL PREVIOUS PLAT NOTES, UNLESS NOTED HEREON.

APPROVED: ANNE ARUNDEL COUNTY, MARYLAND
OFFICE OF PLANNING AND ZONING
Jenny B. Dempsey 1/29/25
PLANNING AND ZONING OFFICER, AND ALSO FOR
DIRECTOR, ENVIRONMENTAL HEALTH
ANNE ARUNDEL COUNTY DEPARTMENT OF HEALTH
(PUBLIC SYSTEMS AVAILABLE)

PLAT 1 OF 2
AMENDED PLAT
RESERVED PARCEL
"DEERFIELD"
PLAT BOOK 103, PAGE 39
SUB. #1985-204 ~ PROJECT #2022-0020-01-NC
TAX MAP 17 ~ GRID 21 ~ P/O PARCEL 656
AUGUST, 2024
ZIP CODE: 21122 - DATUM NAD83/2011
3RD ASSESSMENT DISTRICT ~ A.A. CO. MARYLAND



RECORDED IN BOOK

PAGE

PLAT NO.

P264413

NOTICE TO TITLE EXAMINERS

I. THIS PLAT HAS BEEN APPROVED FOR RECORDING ONLY AND SHALL BECOME NULL AND VOID UNLESS: AN INSPECTION AGREEMENT OR A PUBLIC WORKS AGREEMENT HAS BEEN EXECUTED AND RECORDED WITHIN 2 YEARS AFTER THIS PLAT IS APPROVED.
 II. IF REQUIRED, A UTILITY AGREEMENT HAS BEEN EXECUTED AND RECORDED WITHIN 2 YEARS AFTER THIS PLAT IS APPROVED.
 III. CONSTRUCTION OF EACH OF THESE AGREEMENTS HAS BEEN CONTINUOUS WITHOUT INTERRUPTION FOR MORE THAN 1 YEAR AT ALL TIMES.
 2. NO SALE OR CONTRACT OF SALE OF ANY LOTS SHOWN HEREIN SHALL BE MADE UNTIL NECESSARY IMPROVEMENTS HAVE BEEN:
 1. A. SATISFACTORILY COMPLETED UNDER AN INSPECTION AGREEMENT AND THE SUBDIVIDER HAS PROVIDED THE COUNTY WITH A WAIVER OF THE LIENS FROM ALL CONTRACTORS AND SUBCONTRACTORS; OR
 B. SATISFACTORILY GUARANTEED BY A PUBLIC WORKS AGREEMENT SUPPORTED BY A SURETY BOND, CERTIFIED CHECK, CASH OR IRREVOCABLE LETTER OF CREDIT FROM A LOCAL BANK OR OTHER SECURITY AS AUTHORIZED BY LAW;
 II. IF REQUIRED, SATISFACTORILY GUARANTEED BY A UTILITY AGREEMENT SUPPORTED BY A SURETY BOND, CERTIFIED CHECK, CASH OR IRREVOCABLE LETTER OF CREDIT FROM A LOCAL BANK OR SUCH OTHER SECURITY AUTHORIZED BY LAW;
 3. NO BUILDING PERMITS OTHER THAN SAMPLE PERMITS SHALL BE ISSUED FOR ANY CONSTRUCTION IN THIS DEVELOPMENT UNTIL THE REQUIREMENTS OF PARAGRAPH 2 ABOVE HAVE BEEN COMPLIED WITH. NO CERTIFICATES OF USE AND OCCUPANCY SHALL BE ISSUED FOR ANY BUILDING OR STRUCTURE IN THE SUBDIVISION UNLESS IMPROVEMENTS REQUIRED UNDER A UTILITIES AGREEMENT HAVE BEEN COMPLETED AND BASIC IMPROVEMENTS REQUIRED UNDER A PUBLIC WORKS AGREEMENT HAVE BEEN COMPLETED. THE ANNE ARUNDEL COUNTY CCE HAVE BEEN COMPLETED.

OWNERS' DEDICATION

I. CHARLES C. REEDER, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION; ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE THE STREETS AND EASEMENTS AND WIDENING STRIPS TO PUBLIC USE; SUCH LANDS TO BE DEEDED TO ANNE ARUNDEL COUNTY OR THE STATE HIGHWAY ADMINISTRATION, AS MAY BE APPROPRIATE; UPON REQUEST, THE RECREATIONAL AND PARKING FACILITIES OF THE SUBDIVISION, AS WELL AS THE EASEMENT UPON CONSTRUCTION OF A DEED, SHALL HOLD AN UNDIVIDED INTEREST IN THIS AREA; SUBJECT, HOWEVER, TO THE RIGHTS OF THE COMMUNITY ASSOCIATION, WHETHER PRE-ESTABLISHED OR IN THE FUTURE, AS MORE FULLY SET FORTH IN ARTICLE 26 OF THE ANNE ARUNDEL COUNTY CODE. THERE ARE NO SIGHT ALIGNMENTS AT ANY POINT ON THE PROPERTY LINES, MONUMENTS, TRUST EASEMENTS OR RIGHTS OF WAY AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION, EXCEPT AS NOTED. ALL UTILITIES, INCLUDING GAS, ELECTRIC, AND COMMUNICATIONS, SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH THE PUBLIC SERVICE COMMISSION STATEWIDE RULES OF AUGUST 4, 1971. ALL PARTIES IN INTEREST THERETO HAVE HERUNTO AFFIXED THEIR SIGNATURES INDICATING THEIR ASSENT TO THIS PLAT OF SUBDIVISION.

Charles C. Reeder
CHARLES C. REEDER, OWNER DATE

Frank J. Scott
FRANK J. SCOTT, President, DEERFIELD DEVELOPMENT CORP./
CONTRACT PURCHASER DATE

Charles C. Reeder
I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS CORRECT, THAT IT IS A SUBDIVISION OF PART OF THE LAND CONVEYED BY ANNIE LEVINSON, S. ROBERT & IDA LEVINSON, ALA & HERMAN DORF, GERTRUDE ROSENBERG, AND MILTON B. CONSTANCE, LEVINSON, TO CHARLES C. REEDER BY DEEDS RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MD, IN LIBERS 960, 1237, 1339, 1432 AT FOLIOS 479, 292, 381, 432 RESPECTIVELY. CONCRETE MONUMENTS SHOWN THUS ■ AND IRON PIPES SHOWN THUS ● WILL BE PLACED IN ACCORDANCE WITH ARTICLE 26 OF THE ANNE ARUNDEL COUNTY CODE.
THE TOTAL AREA INCLUDED IN THIS PLAT IS 61.00 ACRES OF LAND.

John L. Butschky
JOHN L. BUTSCHKY REG. LAND-SURVEYOR 8437 DATE

IN COMPLIANCE WITH THE PUBLIC SERVICE COMMISSION OF MARYLAND ORDER NUMBER 60316 DATED JUNE 20, 1973, OWNER DOES HEREBY GRANT AND CONVEY UNTO THE CHESAPEAKE AND POTOMAC TELEPHONE CO. OF MD., A BODY CORPORATE HEREINAFTER CALLED GRANTEE, ITS ASSOCIATED AND ALLIED COMPANIES AND THEIR RESPECTIVE SUCCESSORS, ASSIGNS AND LICENSEES A R/W EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, ENLARGE, REPLACE AND REMOVE TELECOMMUNICATIONS, ELECTRIC, AND GAS SYSTEMS, CONDUIT, PIPE, MANHOLES, CABLES, WIRES, AND FIXTURES UNDER AND OVER THE PROPERTY AS DESCRIBED AS FOLLOWS:
A STRIP(S) OF LAND 10' WIDE AND PARALLEL CONTIGUOUS AND ADJACENT TO THE PROPERTY LINES OF THE LOTS RECORDED TO THE FULL EXTENT THAT SUCH PROPERTY LINES ABUT RIGHT OF WAYS.
TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO SAID PROPERTY AT ALL TIMES FOR THE SAFE AND PROPER OPERATION AND MAINTENANCE THEREOF THE GRANTEES AGREE TO REPAIR OR PAY FOR ALL DAMAGE TO CROPS, LAWNS, FIELDS, FENCES, DRIVEWAYS, AND WALKWAYS ARISING FROM THE CONSTRUCTION AND MAINTENANCE OF THE AFORESAID SYSTEMS.
A TEMPORARY GRADING EASEMENT IS RESERVED ON ALL THE LOTS SHOWN HEREON BETWEEN THE RIGHT OF WAY LINES AND THE BUILDING RESTRICTION LINES FOR THE PURPOSE OF ROAD CONSTRUCTION. SAID EASEMENT WILL TERMINATE UPON COMPLETION OF THESE ROADS AND THE RELEASE OF ANY MAINTENANCE BOND BY A.A. COUNTY, MARYLAND.

THE REQUIREMENTS OF THE ANNE ARUNDEL COUNTY HEALTH DEPARTMENT HAVE BEEN MET IN PREPARING THIS PLAT.

John L. Butschky
JOHN L. BUTSCHKY DATE

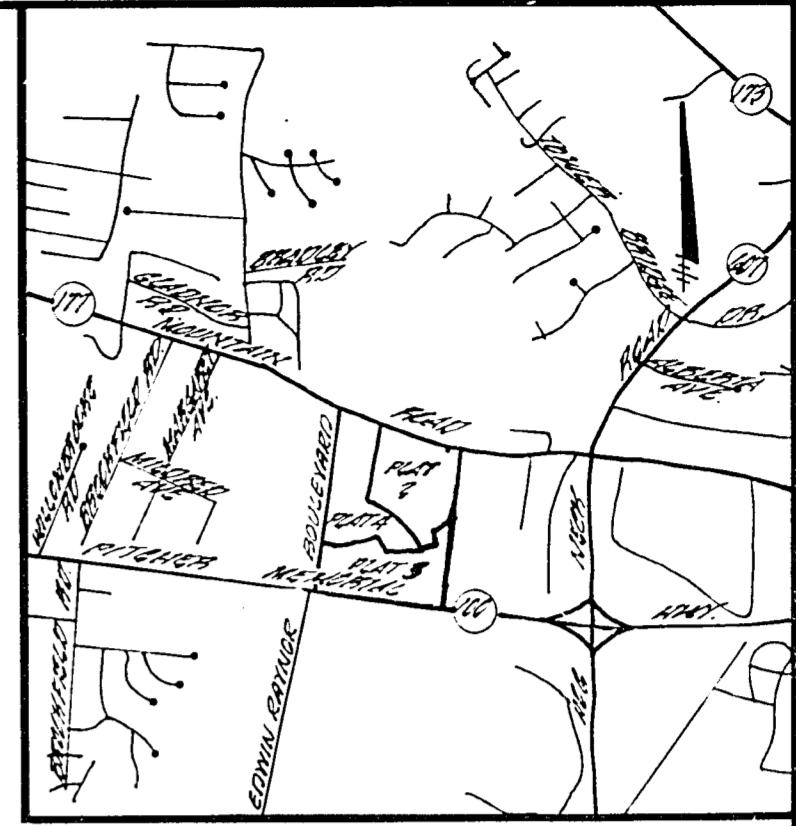
Planning & Zoning Officer A.A. CO., MD.

PLAT APPROVED IN ACCORDANCE WITH
SPECIAL EXCEPTION CASE # S 394-85
TO PERMIT A PLANNED UNIT DEVELOPMENT
IN AN R-5 ZONE... GRANTED 05/05/86

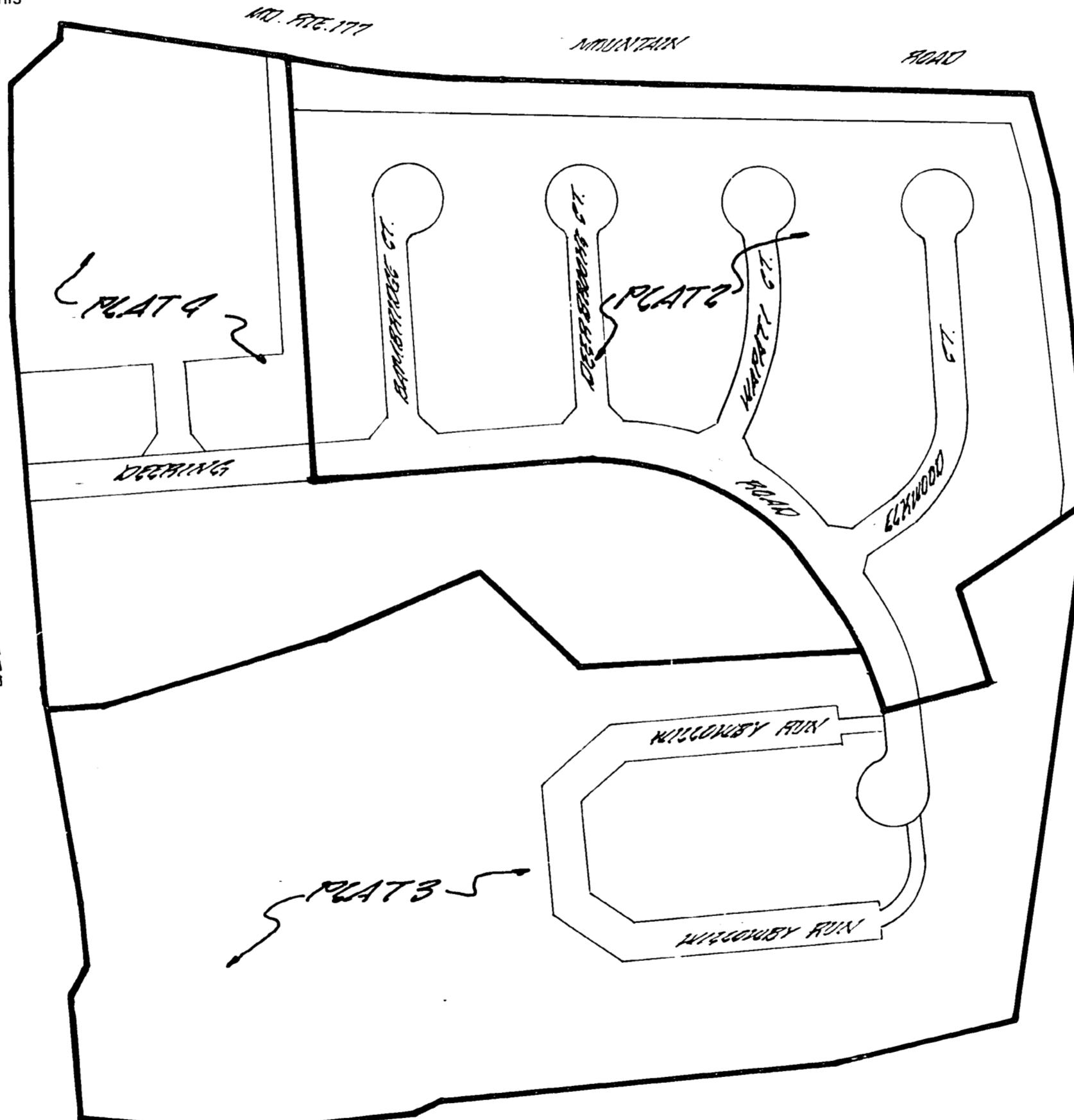


ANAREX, INC.
ENGINEERS - SURVEYORS
EXPEDITORS - PLANNERS
503 RITCHIE HIGHWAY - IE
SEVERNA PARK, MARYLAND

NOTE
THIS PLAT HAS BEEN APPROVED FOR
RECORDING SUBJECT TO AGREEMENTS
WITH THE BALTIMORE GAS & ELECTRIC
CO., THE C.P. TELEPHONE CO. OF MD.,
LATER 8/18/86, AND ACCORDING AMONG
THE LAND RECORDS OF ANNE ARUNDEL
CO., AND IN LIBER 4128, AT FOLIO 5, 504 AND 503
RESPECTIVELY.



VICINITY MAP
1" = 2000'



INDEX STREET MAP
1" = 200'

TOTAL AREA APPROVED		500AC
LOTS	~	55.44
LOTS	13.02AC.	
OPEN SPACE	17.74AC.	
MIN. WIDENING	0.56AC.	
TOWNHOUSE AREA	5.51AC.	
TOWNHOUSE PARTITION AREA	1.36AC.	
APARTMENT AREA	4.76AC.	
APARTMENT PARTITION AREA	1.45AC.	
ALL AREA	11.35AC.	
TOTAL AREA	~	61.00AC.

BUILDING REGULATIONS
TOWNHOUSE-112 EGRESS STAIRS
APARTMENT-81 EGRESS STAIRS
PARTITION-14 EGRESS STAIRS

PLAT 1
DEERFIELD
A PLANNED UNIT DEVELOPMENT
ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MD

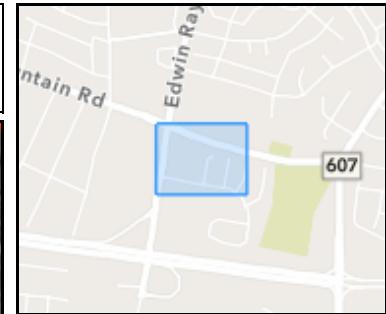
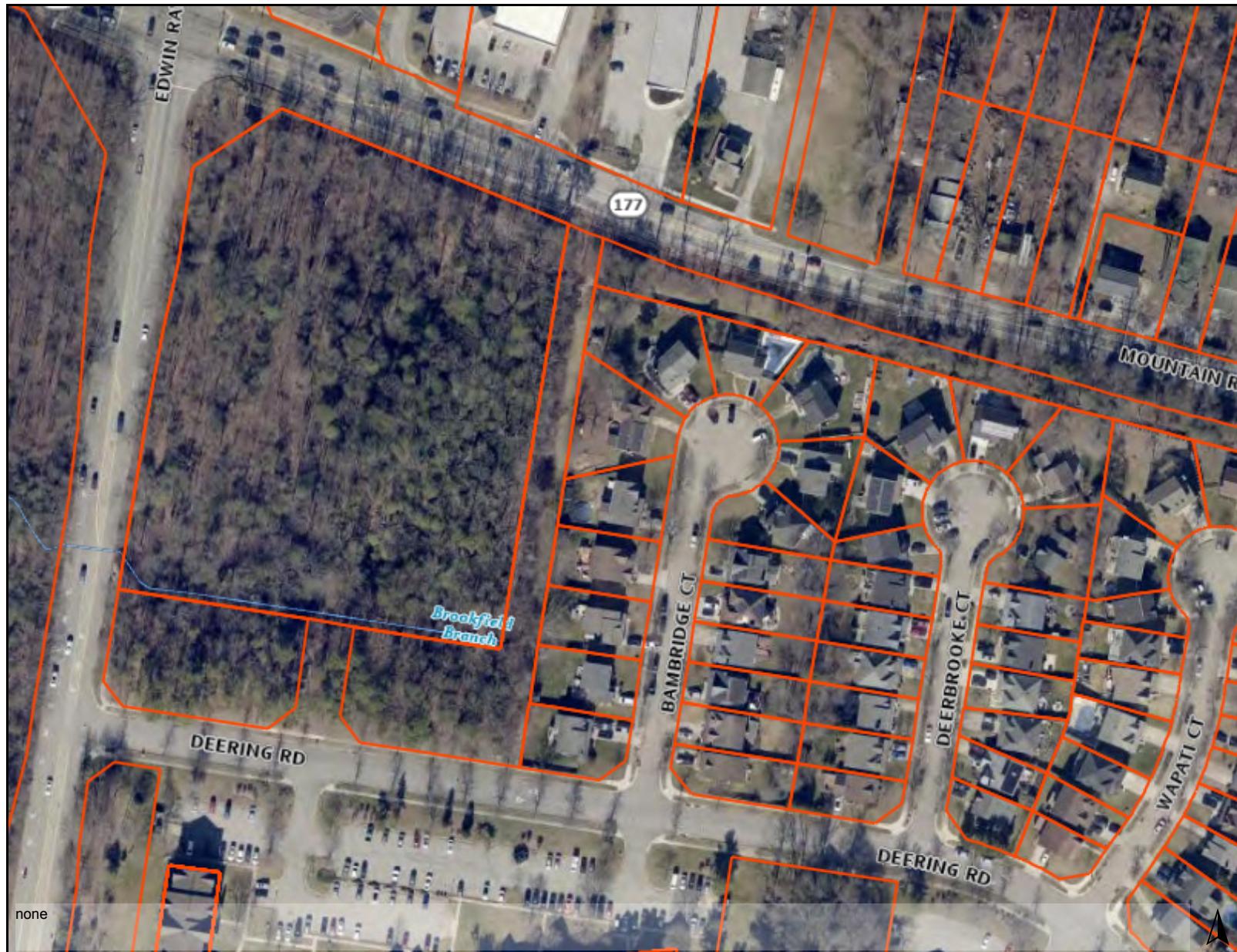
SCALE 1" = 200'
100 50 0 100 200

RECORDED IN PLAT BOOK 103 PAGE 39
FEBRUARY 1986
100 50 0 100 200

MSA 584 1235 4434-1



Existing Conditions



Legend

Foundation

Parcels

City of Annapolis Parcels

Notes

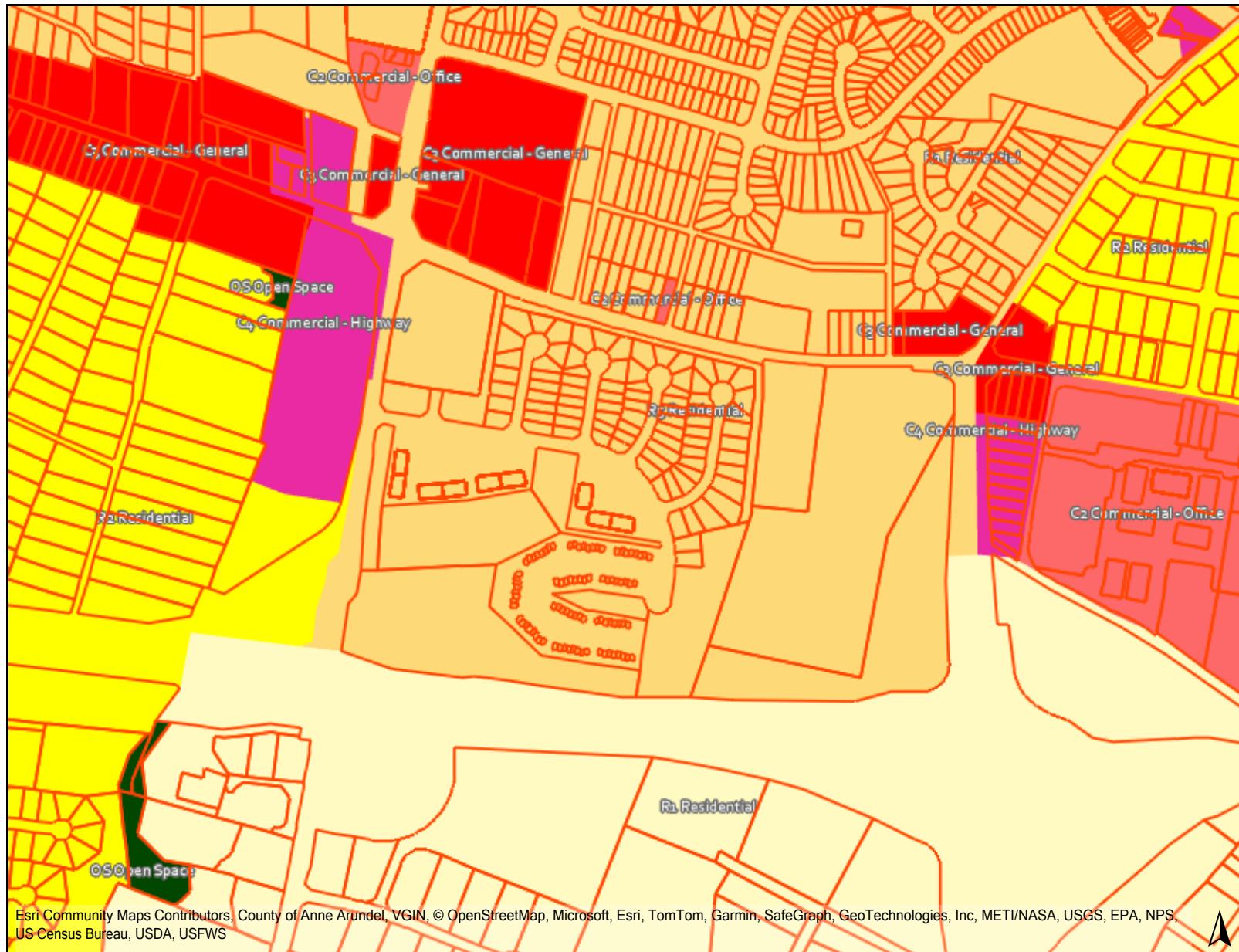
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

0 250 500 ft



Zoning



Legend

Foundation

Parcels



City of Annapolis Parcels



Planning

Planning - Zoning

- C1 Commercial - Local
- C2 Commercial - Office
- C3 Commercial - General
- C4 Commercial - Highway

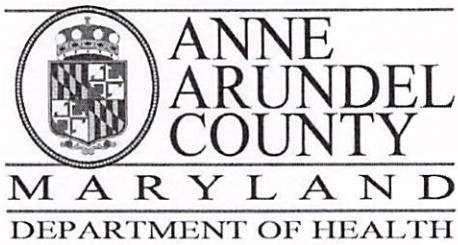
- City of Annapolis
- MA1 Community Marina
- MA1-B Neighborhood Marina
- MA2 Light Commercial Marina
- MA3 Yacht Club
- MR General

Notes

0 1000 2000 ft

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health

THROUGH: Don Curtian, Director
Bureau of Environmental Health

DATE: December 2, 2025

RE: Francis A. Reeder, Trustee
600 Deering Road
Pasadena, MD 21122

NUMBER: 2025-0231-S

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced special exception. The property is served by public water and sewer facilities. The Health Department **has no objection to** the above referenced request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay

2025-0231-S - with 2025-0230-V (assisted living facility)

Menu Cancel Help

Task Details I and P Engineering	
Assigned Date	Due Date
11/24/2025	12/12/2025
Assigned to	Assigned to Department
Jean Janvier	Engineering
Current Status	Status Date
Complete w/ Comments	12/11/2025
Action By	Overtime
Jean Janvier	No
Comments	Start Time
1. Label each of the stormwater management devices (SWM) devices. 2. All SWM devices must be a minimum of 10 feet from the property line. 3. Label the storm drain pipes, water line and sanitary lines on the Site Plan as public or private. 4. Adjust the LOD to include the proposed water line located outside of the western property line. 5. Label the square with the "concrete sidewalk" hatching located directly west of the proposed forest conservation area on the northern portion of the site. 6. Label the oversized water meter at the southern portion of the site near the entrance. 7. A public utility easement (min. 20' by 20') will be needed for the oversized water meter and vault. If the easement extends offsite, the adjacent owner must also agree to this easement. 8. The sanitary sewer manhole shown adjacent to the proposed storm drain located on the northwestern portion of the site does not meet the minimum horizontal clearance of 5 feet between storm drains and parallel utilities (including sanitary sewer pipes and manholes). Address at grading permit. 9. Show and label Brookfield Branch Stream along the southern side of the site. Rights to discharge will be needed from the adjacent owners at permit. 10. Add the FO and UGT line types to the legend. 11. Adjust the LOD to include the offsite grading and rip rap pad and the end of the existing 48" x 30" CMP storm drain pipes under Edwin Raynor Boulevard.	
End Time	Hours Spent
0.0	0.0
Billable	Action by Department
No	Engineering
Time Tracking Start Date	Est. Completion Date
In Possession Time (hrs)	
Estimated Hours	<input type="checkbox"/> Display E-mail
0.0	<input checked="" type="checkbox"/> Display Comments
Comment Display in ACA	
<input checked="" type="checkbox"/> All ACA Users <input checked="" type="checkbox"/> Record Creator <input checked="" type="checkbox"/> Licensed Professional <input checked="" type="checkbox"/> Contact <input checked="" type="checkbox"/> Owner	

Task Specific Information

Expiration Date	Review Notes	Reviewer Name
Reviewer Phone Number	Reviewer Email	

2025-0230-V

Menu Cancel Help

Task Details I and P Engineering**Assigned Date**

11/24/2025

Assigned to

Jean Janvier

Current Status

Complete w/ Comments

Action By

Jean Janvier

Comments

1. Label each of the stormwater management devices (SWM) devices
2. All SWM devices must be a minimum of 10 feet from the property line.
3. Label the storm drain pipes, water line and sanitary lines on the Site Plan as public or private.
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6. Label the oversized water meter at the southern portion of the site near the entrance.
7. A public utility easement (min. 20' by 20') will be needed for the oversized water meter and vault. If the easement extends offsite, the adjacent owner must also agree to this easement.
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9. Show and label Brookfield Branch Stream along the southern side of the site. Rights to discharge will be needed from the adjacent owners at permit.
10. Add the FO and UGT line types to the legend.
11. Adjust the LOD to include the offsite grading and rip rap pad and the end of the existing 48" x 30" CMP storm drain pipes under Edwin Raynor Boulevard.

End Time**Hours Spent**

0.0

Action by Department

Engineering

Est. Completion Date

12/11/2025

 Display E-mail Display Comments**Billable**

No

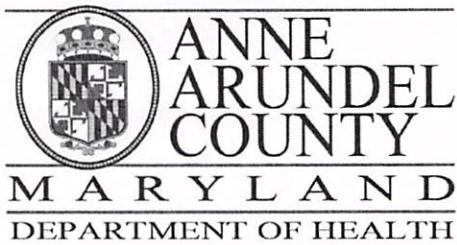
Time Tracking Start Date**In Possession Time (hrs)****Estimated Hours**

0.0

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Task Specific Information**Expiration Date****Review Notes****Reviewer Name****Reviewer Phone Number****Reviewer Email**



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Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager *BC*
Bureau of Environmental Health

DATE: December 2, 2025

RE: Frances A. Reeder, Trustee
600 Deering Road
Pasadena, MD 21122

NUMBER: 2025-0230-V

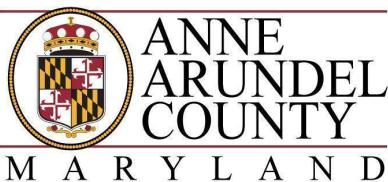
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance.

The Health Department has reviewed the above referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above referenced request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay



MARYLAND

Office of Planning and Zoning

*Jenny B. Dempsey
Planning and Zoning Officer*

MEMORANDUM

TO: Zoning Division

FROM: Jessica Levy, Long Range Planner

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: November 24, 2025

Name of Project: 600 Deering Road, Brightview Senior Living

Case#: 2025-0231-S

Location: Southeast intersection of Edwin Raynor Blvd and Mountain Rd (MD 177)
Tax Map 17, Grid 21, Parcel 656

Region Planning Area: Region 4

Community: Pasadena

Summary:

This is a request to modify an approved Special Exception. The approved Special Exception for this site (2021-0095-S) permits the development of a 140-unit assisted living facility in the R5 Zoning district. The modified Special Exception request proposes an increase to 175 units. The site also has an approved Variance, 2021-0096-V, to allow an assisted living facility with less lot area than required. The request seeks an additional Variance to provide less open space/area than required.

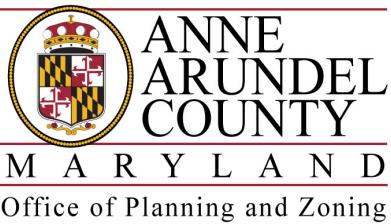
The approximately 4.84-acre site is currently undeveloped. The site is located in the Plan2040 Neighborhood Preservation Policy Area and the Low- Medium Density Residential Planned Land Use category. Surrounding properties are in the Low-Medium Density Residential, Commercial, and Mixed Use Planned Land Use categories. Zoning for the site is R5 and surrounding properties are zoned R5, C4, and C3. The site is located within the Priority Funding Area. The site is not located within the Green Infrastructure Network.

Findings:

Plan2040 General Development Plan Plan2040 does not have recommendations that are specific to this site and the proposal is generally consistent with the goals, policies and strategies of Plan2040 including Goal BE11: Provide for a variety of housing types and designs to allow all residents housing choices at different stages of life and at all income levels.

Region 4 Plan The site is within the Region Planning Area 4. The Region Plan was adopted on July 15, 2025. The Region 4 Plan does not have recommendations that are specific to this site, and the proposal is generally consistent with the goals, policies, and strategies of the Region 4 Plan.

2022 Water and Sewer Master Plan :The site is in the Existing Service category in the Cox Creek Sewer Service Area and the Existing Service category in the Glen Burnie Low Water Pressure Zone. The proposal is consistent with the 2022 Water and Sewer Master Plan.



Jenny B. Dempsey
Planning and Zoning Officer

MEMORANDUM

TO: Sterling Seay, Planning Administrator, Zoning Division, OPZ

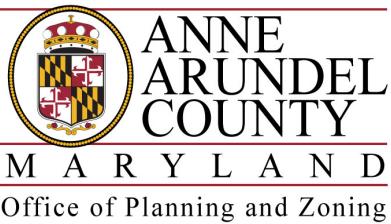
FROM: Adam Knubel, Development Division, Residential Team, OPZ

SUBJECT: Brightview Senior Living, 2025-0231-S
600 Deering Road, Pasadena, MD 21122 (3226-9004-7351)

DATE: December 24, 2025

In response to your request for comments regarding a Special Exception to allow an assisted living facility in a R-5 District, we defer to the Zoning Division on whether the applicant meets the Special Exception standards. Should the Special Exception be approved, the following comments are offered:

1. Per Article 17, Title 4, a Preliminary Plan (PP) and Site Development Plan (SDP) application must be submitted and approved.
2. As per Section 17-6-301, the subject parcel is greater than 40,000 square feet therefore Forest Conservation regulations will be applicable.
3. As per Section 17-6-302, a forest stand delineation plan prepared by a licensed forester, licensed landscape architect, or other qualified professional who meets the requirements of COMAR, Title 08.
4. All environmentally sensitive areas on the subject parcel need to be clearly shown on the Preliminary Plan, SDP, and submitted Plans. The impact on these areas and features shall be removed or minimized and mitigated. Any disturbance to the areas noted in Article 17 Title 6 will require modification requests to be made.
5. The proposed development will be subject to the grading and building permit review and approval processes.
6. Landscaping Buffer Yards for the front, side, and rear yards will be required per the Anne Arundel County Landscape Manual.
7. Please note, that there is an existing forest conservation easement located along the eastern property line and the Route 177 road frontage. Additionally, no development is permitted within the forest conservation easement.



Jenny B. Dempsey
Planning and Zoning Officer

MEMORANDUM

TO: Sterling Seay, Planning Administrator, Zoning Division, OPZ

FROM: Adam Knubel, Development Division, Residential Team, OPZ

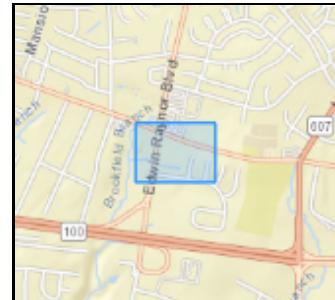
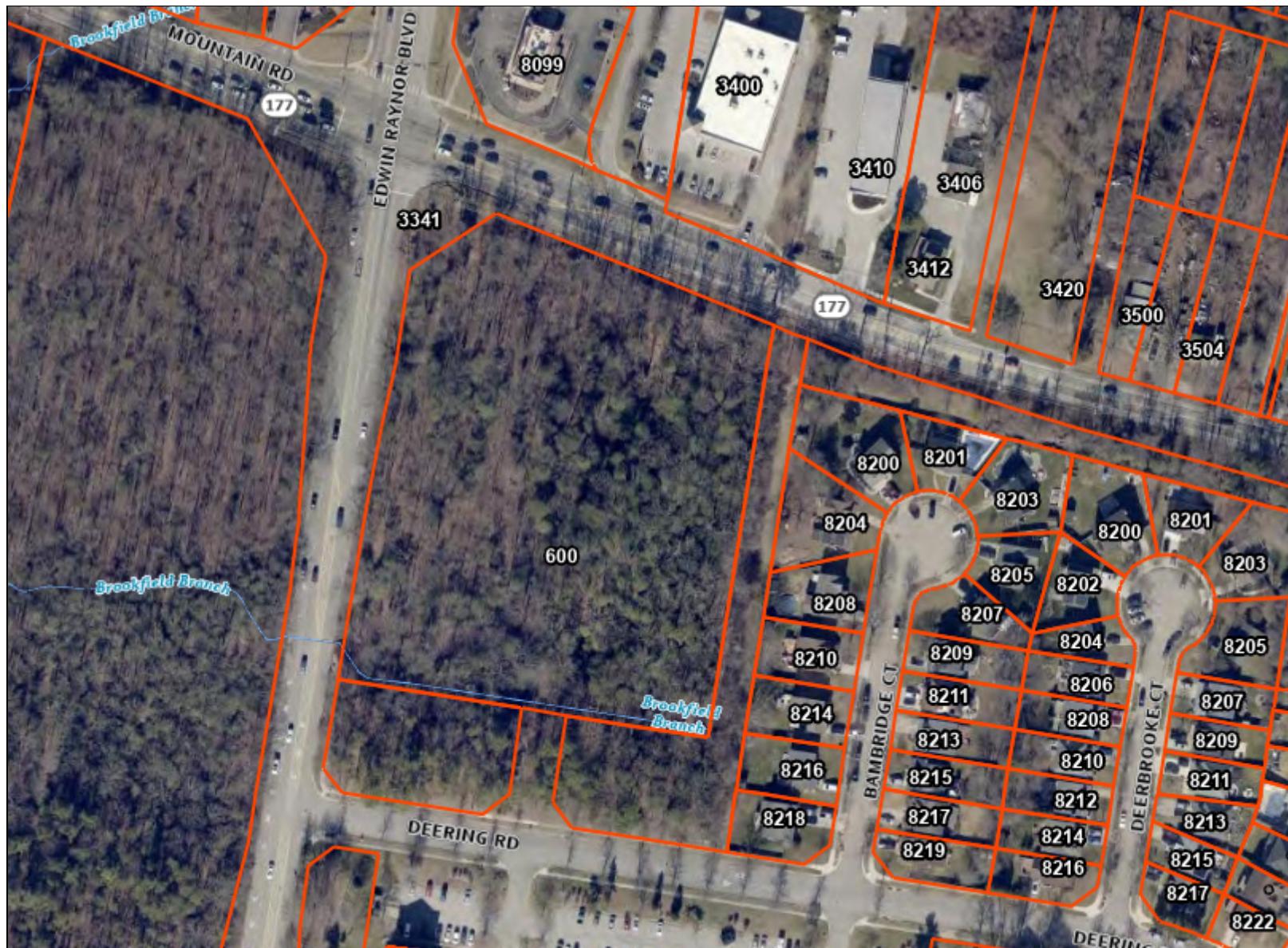
SUBJECT: Brightview Senior Living, 2025-0230-V
600 Deering Road, Pasadena, MD 21122 (3226-9004-7351)

DATE: December 24, 2025

In response to your request for comments regarding a Variance to allow an assisted living facility with less lot area and open area than required in a R-5 District, we defer to the Zoning Division on whether the applicant meets the Variance standards. Should the Variance be approved, the following comments are offered:

1. Per Article 17, Title 4, a Preliminary Plan (PP) and Site Development Plan (SDP) application must be submitted and approved.
2. As per Section 17-6-301, the subject parcel is greater than 40,000 square feet therefore Forest Conservation regulations will be applicable.
3. As per Section 17-6-302, a forest stand delineation plan prepared by a licensed forester, licensed landscape architect, or other qualified professional who meets the requirements of COMAR, Title 08.
4. All environmentally sensitive areas on the subject parcel need to be clearly shown on the Preliminary Plan, SDP, and submitted Plans. The impact on these areas and features shall be removed or minimized and mitigated. Any disturbance to the areas noted in Article 17 Title 6 will require modification requests to be made.
5. The proposed development will be subject to the grading and building permit review and approval processes.
6. Landscaping Buffer Yards for the front, side, and rear yards will be required per the Anne Arundel County Landscape Manual.
7. Please note, that there is an existing Forest Conservation Easement (FCE) located along the eastern property line and the Route 177 road frontage. Additionally, no development is permitted within the FCE.

Map Title



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



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none



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USED FOR NAVIGATION

Notes

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2021-0094-S, 2021-0095-S, AND 2021-0096-V

MONARCH DEVELOPMENT COMPANY JV, LLC

THIRD ASSESSMENT DISTRICT

DATE HEARD: NOVEMBER 9, 2021

ORDERED BY:

DOUGLAS CLARK HOLLMANN
ADMINISTRATIVE HEARING OFFICER

PLANNER: ROBERT KONOWAL

DATE FILED: NOVEMBER 30, 2021

PLEADINGS

Monarch Development Company JV, LLC (hereinafter the applicant), seeks a special exception (2021-0094-S) to allow the modification of a previously approved special exception to remove 4.89 acres from a Planned Unit Development, a special exception (2021-0095-S) to allow an assisted living facility (140 assisted care units) in a R5 – Residential District, and a variance (2021-0096-V) to allow an assisted living facility with less lot area than required on property with 329 feet of frontage on the south side of Mountain Road, east of Edwin Raynor Boulevard, Pasadena, MD 21122.

PUBLIC NOTIFICATION

The hearing notice was posted on the County's website in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 300 feet of the property was notified by mail, sent to the address furnished with the application. Terry Schuman testified that the property was posted for more than 14 days prior to the hearing. Therefore, I find and conclude that the requirements of public notice have been satisfied.

THE HEARING

A hearing was held on November 9, 2021, in which the witnesses were sworn and the following was presented with regard to the proposed relief requested by the applicant.

THE PROPERTY

The applicant owns the subject property with 329 feet of frontage on the south side of Mountain Road, east of Edwin Raynor Boulevard, Pasadena. It is identified as Reserved Parcel 656 in Block 21 on Tax Map 17 and is zoned R5-Residential District. The property comprises of 4.89 acres and is currently a vacant, forested lot.

THE PROPOSAL

The applicant proposes to remove Parcel 656 from the previously approved Deerfield Planned Unit Development (PUD) and construct a four-story assisted living facility having 140 assisted care units with 112 surface parking spaces provided around the perimeter of the building. Parcel 656 is 4.89 acres in size.

THE ANNE ARUNDEL COUNTY CODE

The specific criteria by which a special exception for a PUD may be granted as well as the request to modify the special exception granted in Case No. 1985-0394-S are set forth in § 18-11-104. Additionally, all special exceptions are subject to the general standards contained in § 18-16-304.

§ 18-11-104 requires that an assisted living facility in an R5 district shall be located on a lot of at least 5.0 acres.

The Evidence Submitted At The Hearing

Robert Konowal, a zoning analyst with the Office of Planning and Zoning (OPZ), presented the following findings:

- *Background.* The 60.2 acre Deerfield PUD was originally approved in 1985 (Case No. 1985-0394-S). The approved development contains 276 dwelling units of various dwelling types that includes 82 single-family dwellings, 108 garden apartments, and 86 townhouse units. Also included in the then approved PUD was the subject property, a “reserved parcel” of 5.0 acres¹ for future unspecified development. The PUD, not including the subject property, provided for development at 5.0 dwellings per acre in accordance with the density provisions of the underlying R5 district.
- *Special Exception to Modify the Deerfield PUD.* § 18-12-202 of the Code specifies the uses allowed in a PUD. An assisted living facility is only permitted in a PUD of 500 or more dwelling units which is not the case for the 276 dwelling unit Deerfield PUD. The proposed special exception modification will remove the subject lands from the Deerfield PUD so that it is not subject to the PUD requirement of 500 or more dwelling units for an assisted living facility.
- § 18-12-203 of the Code states a PUD may not exceed the density allowed by the zoning district in which the development is located. The subject property was not included in the density calculations of the Deerfield PUD. An assisted

¹ 0.11 acres of the reserved parcel is now owned by State Highway Administration.

living facility comprised of assisted care units is however not subject to the maximum density provisions of the Code. The removal of the subject property from the Deerfield PUD will not jeopardize any approved density for that project.

- There is no evidence that removal of the subject lands would undermine the original development concept of the Deerfield PUD as the specific use of these lands was not specified at the time of approval of the Deerfield PUD. Since the lands are a reserve parcel they will be subject to the subdivision approval process.
- *Special Exception - Proposed assisted living facility.* The specific special exception standards for an assisted living facility require that the use be located on a lot of at least 5.0 acres when located in a R5 district. In this case, the subject property at 4.89 acres does not meet the minimum lot size requirement of the Code. The applicant is requesting a variance to this standard and OPZ is recommending approval. The applicant is proposing 140 assisted care units in a multifamily structure with a central located group dining facility as required by the Code. No comprehensive care units are provided nor are they required by the specific special exception criteria. No more than two dwelling units for every 100 dwelling units are to be devoted to temporary use for guests or family members of residents. A pedestrian circulation system interconnecting all parts of the facility has been provided. The bulk regulations have been or

are capable of being met. Public sewer service is available to the site in accordance with the Code requirement for the use.

- In accordance with the general standards for granting a special exception, OPZ finds that the proposed use of the subject property for an assisted living facility will not be detrimental to the public health, safety, or welfare. The Fire Department and Health Department have indicated no objection to the application.
- The use will be compatible with the appropriate and orderly development of the district in which it is located. The proposed use is suitably located at the periphery of a residential area and adjacent lands used for low density residential purposes are to be well separated and buffered by a forest conservation easement and lands dedicated for open space purposes. The use of the subject property for an assisted living facility will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed under this article. The activity associated with the use will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district. As stated earlier, the use is appropriately located at the periphery of a residential area. Adjacent residential uses will be separated by a forested buffer and a public roadway to the south.
- There is no evidence that the proposed use will conflict with an existing or programmed public facility, public service, school, or road. The administrative

site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual.

- The applicant is to present sufficient evidence of public need for the use.
- *Variance.* OPZ finds the subject property which was originally platted as 5.0 acres in 1986 was reduced in size in 2002 due to a State roadway widening project on Edwin Raynor Boulevard. This road dedication is an exceptional circumstance which creates a practical difficulty in complying with the Code. There is no opportunity to provide additional lands and as such the requested variance to the minimum lot area for the assisted living facility is the minimum necessary to afford relief. There is no evidence that the variance for reduced lot area will alter the essential character of the neighborhood, impair the appropriate use or development of adjacent lands or be detrimental to the public welfare.
- The Department of Health advised the property is served by public water and sewer facilities and the Department has no objection to the request.
- The Long Range Planning Division of OPZ advised the Plan 2040 General Development Plan Land Use Map designates the site as Residential Low-Medium Density. The surrounding properties are designated as Commercial along Mountain Road and Residential Low and Residential Low-Medium in the surrounding neighborhoods. The site is within the Neighborhood Preservation Development Policy Area and is also located within the Priority Funding Area. The Plan2040 GDP does not have recommendations that are

specific to this site, and this proposal is generally consistent with the Plan2040 GDP goals, policies and recommendations.

- The site is in the Existing Sewer Service category in the Cox Creek Sewer Service Area and the Existing Water Service category in the Glen Burnie Low 220 Water Pressure Zone. The proposal is consistent with the 2017 Water and Sewer Master Plan.
- The Development Division of OPZ did not object to the applications but did advise that the property is a platted “Reserve Parcel” shown on the Deerfield Plat and must go through the subdivision process to become a lot. The Division also indicated that the project is subject to addressing the forest conservation requirements. The proposed development is not providing reforestation onsite as required. The proposed Forest Conservation Area located inside the drive aisle and parking area does not meet the minimum requirements. The development will be subject to addressing the requirements for Preliminary Plan and Site Development process. The Administrative Site Plan does demonstrate that the landscape requirements can be met.
- The Engineering Division of the Department of Inspection and Permits had no objection to the application provided their comments on the Preliminary Site Development Plan are appropriately addressed.
- The State Highway Administration (SHA) had no objection to the Preliminary Site Development Plan.

- The Department of Recreation and Parks advised that the proposed development will not impact any Anne Arundel County greenways, parks, and trails.
- With regard to the standards by which a variance and special exception may be granted as set forth under the County Zoning Ordinance in § 18-16-304. and § 18-16-305, OPZ recommends that the special exceptions and variance applications be approved, subject to the applicant providing satisfactory evidence of need for the use.

Testimony and Exhibits

The applicant was represented at the hearing by David A. Katz, Esquire, of the law firm of Katz Day, LLC. Evidence was presented by way of testimony and exhibits from Terry Schuman of Bay Engineering, Inc., the applicant's engineer, that the proposed use met the requirements for an assisted living facility in an R5 district and the general conditions for the granting of a special exception, except for the 5.0 acre requirement for an assisted living facility. The subject property, Parcel 656, was created as a separate lot in 1995 as 5.0 acres. However, the State Highway Administration took 0.11 acres for a road widening project, leaving Parcel 656 with only 4.89 acres in area. The requested variance meets the requirements for the granting of a variance to the 5.0 acre requirement for a special exception for an assisted living facility in an R5 district.

Mr. Schuman also testified that Parcel 656 was not considered as part of the density requirements for the Deerfield PUD. Therefore, removing the subject

property from the Deerfield PUD would not have an adverse impact on the Deerfield PUD.

Philip R. Hager was accepted as an expert in, among other things, land planning and development. Mr. Hager testified that the application met the requirements of the Code for an assisted living facility as well as a variance to the 5-acre minimum area requirement for an assisted living facility. The application also satisfies the general requirements for a special exception found in § 18-16-305 as there is a need for assisted living facilities based on population and other factors. The proposed assisted living facility will allow nearby residents to remain in their community as they age. The proposed use is consistent with the Land Development Plan. It will not generate excess traffic or have an adverse impact on schools and other public resources. In addition, the proposed assisted living facility would be compatible with the adjacent Deerfield PUD.

Andrew Teeters testified that he has been involved in the development and operation of assisted living facilities for the past fifteen years. Many projects were in Maryland and Anne Arundel County. The applicant has done extensive research to show that there is considerable need for the proposed assisted living facility in this area of the County.

Suzanne Wenger and Stephanie Melchor testified that they live in the neighborhood. They are concerned about the effect the proposed facility will have on traffic and bringing outside residents into their community.

There was no other testimony taken or exhibits received in the matter. The Hearing Officer did not visit the property.

DECISION

Special Exception

A special exception use is a use that the legislative body recognizes as compatible with permitted uses, subject to a public hearing to show compliance with the underlying standards. Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981); Peoples Council for Baltimore County, et al v. Loyola College in Maryland, 406 Md. 54, 956 A. 2d 166 (2008). “A permitted use in a given [zoning] zone is permitted as of right within the zone, without regard to any potential or actual adverse effect that the use will have on neighboring properties. A special exception, by contrast, 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.

Based upon the evidence, I find that the applicant has complied with each of the specific criteria set forth in § 18-11-104, with the exception of the 5-acre minimum area requirement. However, the requested variance will be granted for reasons set forth below.

The applicant has also presented evidence that the special exception granted in Case No. 1985-0394-S, which created the adjoining PUD known as Deerfield, can be modified to eliminate the subject property from that PUD. Parcel 656 was

created by separate deed in 1995 and its density was not included in the density requirements for the Deerfield PUD. It is undeveloped.

In addition, § 18-16-304 requires that the Hearing Officer make findings as to the following factors. These findings apply to both the special exception to modify the Deerfield PUD granted in Case No. 1985-0394-S and the application to grant the special exception to allow an assisted living facility to be constructed on the subject property.

(1) Public Health, Safety, and Welfare

I find that the proposed use will not be detrimental to the public health, safety, and welfare. The testimony and evidence shows that the facility has been designed and will be operated in a manner that will protect the public health, safety and welfare.

(2) Compatibility with Development of the Surrounding District

The facility and the nature of the use are compatible with the appropriate and orderly development of the district in which it is located.

(3) Noise, Fumes, Vibration and Light

The proposed use will be no more objectionable with regard to noise, fumes, vibration or light to nearby properties than operations in permitted uses in this district.

(4) Adverse Effects

The use at the location proposed will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district.

(5) Conflict with Public Facilities and Roads

The proposed use will not conflict with any existing or programmed public facility, public service or road.

(6) Health Department and Planning & Zoning Recommendations

The Department of Health and the Office of Planning and Zoning has no objection to the application.

(7) The General Development Plan

The proposed use is consistent with the County General Development Plan.

(8) Public Need

The applicant presented detailed evidence of the need for the proposed services through the testimony and exhibits presented by Philip Hager and Andrew Teeters. This constitutes sufficient evidence of public need.

(9) Adherence To The Criteria For The Specific Use

The applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use.

(10) Critical Area Compliance

The facility is not in the critical area.

(11) Compliance with the Landscape Manual

The applicant will have to comply with the Landscape Manual during the permitting phase. The applicant asserts that it can comply with the Landscape Manual. As a builder and operator of assisted living facilities, the applicant has shown that it will comply with this requirement.

I conclude that the applicant is entitled to the requested special exception to modify the special exception granted in Case No. 1985-0394-S to remove Parcel 656 from the Deerfield PUD and to allow the construction and operation of the proposed assisted living facility on Parcel 656.

The Variance

Requirements for Zoning Variance

§ 18-16-305 sets forth the requirements for granting a zoning variance. Subsection (a) reads, in part, as follows: a variance may be granted if the Administrative Hearing Officer finds that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there

is no reasonable possibility of developing the lot in strict conformance with this article; or

(2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

The variance process for subsection (1) above is a two-step process. The first step requires a finding that special conditions or circumstances exist that are peculiar to the land or structure at issue which requires a finding that the property whereupon the structures are to be placed or use conducted is unique and unusual in a manner different from the nature of the surrounding properties. The second part of the test is whether the uniqueness and peculiarity of the property causes the zoning provisions to have a disproportionate impact upon the subject property causing the owner a practical difficulty or unnecessary hardship. "Uniqueness" requires that the subject property have an inherent characteristic not shared by other properties in the area. *Trinity Assembly of God of Baltimore City, Inc. v. People's Counsel for Baltimore County*, 178 Md. App. 232, 941 A.2d 560 (2008); *Umerley v. People's Counsel for Baltimore County*, 108 Md. App. 497, 672 A.2d 173 (1996); *North v. St. Mary's County*, 99 Md. App. 502, 638 A.2d 1175 (1994), cert. denied, 336 Md. 224, 647 A.2d 444 (1994).

The variance process for subsection (2) - practical difficulties or unnecessary hardship - is simpler. A determination must be made that, because of exceptional circumstances other than financial considerations, the grant of a

variance is necessary to avoid practical difficulties or unnecessary hardship, and to enable the applicant to develop the lot.

Furthermore, whether a finding is made pursuant to subsection (1) or (2) above, a variance may not be granted unless the hearing officer also finds that: (1) the variance is the minimum variance necessary to afford relief; (2) the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, (3) substantially impair the appropriate use or development of adjacent property, (4) reduce forest cover in the limited development and resource conservation areas of the critical area, (5) be contrary to acceptable clearing and replanting practices required for development in the critical area, or (6) be detrimental to the public welfare.

Findings - Zoning Variance

I find, based upon the evidence, that because of the unique physical conditions peculiar to and inherent in the subject property, i.e., that Parcel 656 contains 4.89 acres as a result of the State Highway Administration taking 0.11 acres to widen Edward Raynor Boulevard, there is no reasonable possibility of developing the lot in strict conformance with the Code. Furthermore, the evidence shows that to deny the application based on the absence of 0.11 acres on these facts would cause the applicant practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

I further find that the requested variance is the minimum variance necessary to afford relief, that the granting of the variance will not alter the essential

character of the neighborhood or district in which the lot is located, will not substantially impair the appropriate use or development of adjacent property, will not reduce forest cover in the limited development and resource conservation areas of the critical area, will not be contrary to acceptable clearing and replanting practices required for development in the critical area, or be detrimental to the public welfare.

ORDER

PURSUANT to the application Monarch Development Company JV, LLC, petitioning for a special exception to allow the modification of a previously approved special exception to remove 4.89 acres from a Planned Unit Development, a special exception to allow an assisted living facility (140 assisted care units) in a R5 – Residential District, and a variance to allow an assisted living facility with less lot area than required on property with 329 feet of frontage on the south side of Mountain Road, east of Edwin Raynor Boulevard, Pasadena; and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **30th day of November, 2021**;

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted**:

1. A special exception to remove Parcel 656 from the previously approved Deerfield Planned Unit Development (PUD) granted in Case No. 1985-0394-S; and

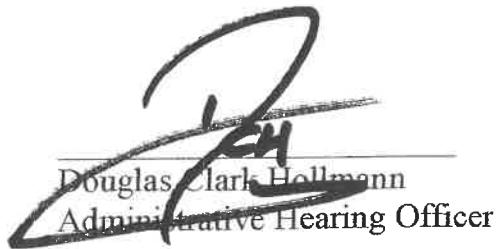
2. A special exception pursuant to § 18-11-104 to allow the applicant to construct a four-story assisted living facility containing 140 assisted care units and 112 surface parking spaces around the perimeter of the building, as shown on County Exhibit 2; and
3. A variance of 0.11 acres to the 5-acre minimum lot area requirement of § 18-11-104 to allow the applicant to construct a four-story assisted living facility containing 140 assisted care units and 112 surface parking spaces around the perimeter of the building on Parcel 656, as shown on County Exhibit 2.

The foregoing special exceptions and variance are subject to the applicant complying with any instructions and necessary approvals from the Office of Planning and Zoning, the Department of Inspections and Permits, the Department of Health, and/or the Critical Area Commission.

This Order does not constitute a building permit. In order for the applicant to construct the structures permitted in this decision, they must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Furthermore, County Exhibit 2, referenced in this decision, is incorporated herein as if fully set forth and made a part of this Order. The proposed improvements shown on County Exhibit 2 shall be constructed on the subject property in the locations shown therein. This decision and order shall not prohibit the applicant from making minor changes to the facilities as presently shown on

County Exhibit 2 to adjust for changes made necessary by comments or requirements that arise during plan review or construction, provided those minor changes do not exceed the special exceptions and variance granted herein. The reasonableness of any such change shall be determined by the Office of Planning and Zoning.



Douglas Clark Hollmann
Administrative Hearing Officer

NOTICE TO APPLICANT

This Order does not constitute a building permit. In order for the applicant to perform the work permitted in this decision, the applicant must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Any person, firm, corporation, or governmental agency having an interest in this Decision and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals within thirty (30) days from the date of this Decision. **If the variance or variances granted in this case relate to work in the critical area, a permit for the activity that was the subject of this variance application will not be issued until the appeal period has elapsed.**

Further, § 18-16-405(a) provides that a variance or special exception that is not extended or tolled **expires by operation of law** unless the applicant **within 18 months** of the granting of the variance or special exception (1) obtains a building permit or (2) files an application for subdivision. Thereafter, the variance or special exception shall not expire so long as (1) construction proceeds in accordance with the permit or (2) a record plat is recorded among the land records pursuant to the application for subdivision, the applicant obtains a building permit within one year after recordation of the plat, and construction proceeds in accordance with the permit.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, or they may be discarded.

**FINDINGS AND RECOMMENDA
OFFICE OF PLANNING AND ZO
ANNE ARUNDEL COUNTY, MARYLAND**

CO. EXHIBIT#: 1
CASE: 2021-94S, 95S, 96V
DATE: 11/9/21

APPLICANT: Monarch Development Company JV LLC **ASSESSMENT DISTRICT:** 3

CASE NUMBER: 2021-0094-S, 0095-S, and 0096-V **COUNCILMANIC DISTRICT:** 3

HEARING DATE: November 9, 2021

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant is requesting approval of special exceptions to allow the modification of a previously approved special exception to remove 4.89 acres from a Planned Unit Development, to allow an Assisted Living Facility in a R5 Residential District and a variance to allow an Assisted Living Facility with less lot area than required on property located at the southeast corner of Mountain Road and Edwin Raynor Boulevard in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject property has 329 feet of frontage on the south side of Mountain Road, 0 feet east of Edwin Raynor Boulevard and is 4.89 acres in area. The property is shown on Tax Map 17, Block 21 as Reserved Parcel 656 and is currently zoned "R5-Residential District". This zoning was implemented by the comprehensive rezoning for the Third Council District on January 29, 2012.

The property is a currently vacant forested lot.

APPLICANT'S PROPOSAL

The applicant is proposing to remove the subject lands from the previously approved Deerfield Planned Unit Development (PUD) and construct a four-story Assisted Living Facility having 140 assisted care units. 112 surface parking spaces will be provided around the perimeter of the building.

SPECIAL EXCEPTION STANDARDS

A PUD is a special exception use in a R5 District and the specific criteria for a PUD are set forth under Title 12 of the Code. The specific criteria by which a special exception for an Assisted Living Facility may be granted are set forth under Section 18-11-104. of the Zoning Code. Additionally, all special exceptions are subject to the general standards contained in Section 18-16-304.

REQUESTED VARIANCE

Section 18-11-104. of the Code requires that an Assisted Living Facility in a R5 Residential District be located on a lot of at least 5.0 acres. The subject property is 4.89 acres in size. A variance of 0.11 acres is required.

FINDINGS

Background

The 60.2 acre Deerfield Planned Unit Development was originally approved in 1985 (Case 1985-0394-S). The approved development contains 276 dwelling units of various dwelling types that includes 82 single family dwellings, 108 garden apartments, and 86 townhouse units. Also included in the then approved PUD was the subject property, a “reserved parcel” of 5.0 acres¹ for future unspecified development. The PUD, not including the subject property, provided for development at 5.0 dwellings per acre in accordance with the density provisions of the underlying R5 District.

1. Special Exception to Modify the Deerfield PUD

Section 18-12-202 of the Code specifies the uses allowed in a PUD. An Assisted Living Facility is only permitted in a PUD of 500 or more dwelling units which is not the case for the 276 dwelling unit Deerfield PUD. The proposed special exception modification will remove the subject lands from the Deerfield PUD so that it is not subject to the PUD requirement of 500 or more dwelling units for an Assisted Living Facility.

Section 18-12-203 of the Code states a PUD may not exceed the density allowed by the zoning district in which the development is located. The subject property was not included in the density calculations of the Deerfield PUD. An Assisted Living Facility comprised of assisted care units is however not subject to the maximum density provisions of the Code. The removal of the subject property from the Deerfield PUD will not jeopardize any approved density for that project.

There is no evidence that removal of the subject lands would undermine the original development concept of the Deerfield PUD as the specific use of these lands was not specified at the time of approval of the Deerfield PUD. Since the lands are a reserve parcel they will be subject to the subdivision approval process.

2. Special Exception - Proposed Assisted Living Facility

The specific special exception standards for an Assisted Living Facility require that the use be located on a lot of at least 5.0 acres when located in a R5 Residential District. In this case, the subject property at 4.89 acres does not meet the minimum lot size requirement of the Code. The applicant is requesting a variance to this standard and this Office is recommending approval.

¹ 0.11 acres of the reserved parcel is now owned by State Highway Administration.

The applicant is proposing 140 assisted care units in a multifamily structure with a central located group dining facility as required by the Code. No comprehensive care units are provided nor are they required by the specific special exception criteria. No more than two dwelling units for every 100 dwelling units are to be devoted to temporary use for guests or family members of residents. A pedestrian circulation system interconnecting all parts of the facility has been provided. The bulk regulations have been or are capable of being met. Public sewer service is available to the site in accordance with the Code requirement for the use.

In accordance with the general standards for granting a special exception, the Office of Planning and Zoning finds that the proposed use of the subject property for an Assisted Living Facility will not be detrimental to the public health, safety, or welfare. The Fire Department and Health Department have indicated no objection to the application.

The use will be compatible with the appropriate and orderly development of the district in which it is located. The proposed use is suitably located at the periphery of a residential area and adjacent lands used for low density residential purposes are to be well separated and buffered by a forest conservation easement and lands dedicated for open space purposes. The use of the subject property for an Assisted Living Facility will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed under this article. The activity associated with the use will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district. As stated earlier, the use is appropriately located at the periphery of a residential area. Adjacent residential uses will be separated by a forested buffer and a public roadway to the south.

There is no evidence that the proposed use will conflict with an existing or programmed public facility, public service, school, or road. The administrative site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual.

The applicant is to present sufficient evidence of public need for the use.

Variance

This Office finds the subject property which was originally platted as 5.0 acres in 1986 was reduced in size in 2002 due to a State roadway widening project on Edwin Raynor Boulevard. This road dedication is an exceptional circumstance which creates a practical difficulty in complying with the Code. There is no opportunity to provide additional lands and as such the requested variance to the minimum lot area for the Assisted Living Facility is the minimum necessary to afford relief. There is no evidence that the variance for reduced lot area will alter the essential character of the neighborhood, impair the appropriate use or development of adjacent lands or be detrimental to the public welfare.

Agency Comments:

The **Department of Health** advised the property is served by public water and sewer facilities and the Department has no objection to the request.

The **Long Range Planning Division** of the Office of Planning and Zoning advised the Plan2040 General Development Plan Land Use Map designates the site as Residential Low-Medium Density. The surrounding properties are designated as Commercial along Mountain Road and Residential Low and Residential Low-Medium in the surrounding neighborhoods. The site is within the Neighborhood Preservation Development Policy Area and is also located within the Priority Funding Area. The Plan2040 GDP does not have recommendations that are specific to this site, and this proposal is generally consistent with the Plan2040 GDP goals, policies and recommendations.

The site is in the Existing Sewer Service category in the Cox Creek Sewer Service Area and the Existing Water Service category in the Glen Burnie Low 220 Water Pressure Zone. The proposal is consistent with the 2017 Water and Sewer Master Plan.

The **Development Division** of the Office of Planning and Zoning did not object to the applications but did advise that the property is a platted “Reserve Parcel” shown on the Deerfield Plat and must go through the subdivision process to become a lot. The Division also indicated that the project is subject to addressing the Forest Conservation requirements. The proposed development is not providing reforestation onsite as required. The proposed Forest Conservation Area located inside the drive aisle and parking area does not meet the minimum requirements. The development will be subject to addressing the requirements for Preliminary Plan and Site Development process. The Administrative Site Plan does demonstrate that the landscape requirements can be met.

The **Engineering Division** of the Department of Inspection and Permits had no objection to the application provided their comments on the Preliminary Site Development Plan are appropriately addressed.

The **Maryland State Highway Administration (SHA)** had no objection to the Preliminary Site Development Plan.

The **Department of Recreation and Parks** advised that the proposed development will not impact any Anne Arundel County greenways, parks, and trails.

RECOMMENDATION

With regard to the standards by which a variance and special exception may be granted as set forth under the County Zoning Ordinance in Sections 18-16-304. and 18-16-305., the Office of Planning and Zoning recommends the following apply to the subject property:

- 1) That a variance of .11 acres to the minimum lot area requirement of 5.0 acres to allow an Assisted Living Facility on a lot of 4.89 acres be **approved**,
- 2) That a special exception to modify the Planned Unit Development known as Deerfield by removing Reserve Parcel 656 from the approved plan be **approved** and,
- 3) That a special exception to allow an Assisted Living Facility with 140 assisted care units

be approved as generally shown on the attached site plan subject to the applicant providing satisfactory evidence of need for the use.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits, and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

For Office Use Only

CASE # 2021-0094-5*
 FEE PAID \$1305.00
 DATE 05 13 2021

**For Office Use Only**

ZONE RS
 CRITICAL AREA: IDA LDA RCA
 BMA: Yes No
 NO. OF SIGNS 3

SPECIAL EXCEPTION APPLICATION

NOTE: This form can be downloaded to your computer and filled out utilizing Adobe Reader (or similar product). It can also be printed and filled out by hand.

Applicant(s): Monarch Development Company JV LLC

(Applicant must have a financial, contractual, or proprietary interest in the property)

Property Address: Mountain Road, Pasadena, MD 21122

Property Location: 329+/- feet of frontage on the (S) side of Mountain Road ;

(Enter Street Name)

0 feet (E) of (Nearest intersecting street) Edwin Raynor Boulevard ;

(Enter Street Name)

12-digit Tax Account Number 03-226-90047351 Tax District (3) Council District (3) ✓

Waterfront Lot: Y N Corner Lot: Y N Deed Title Reference 7079/609

Zoning District R5 Lot # Tax Map 17 Block/Grid 21 Parcel 656 Reserve

Area 4.89 (Acres) Subdivision Name Deerfield

Description of Special Exception Requested (Brief, detail fully in letter of explanation)

Removal of Reserved Parcel 656 from the Deerfield PUD

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest equal to or in excess of 10 percent of the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Applicant's Signature Andrew Teeters

Owner's Signature _____

Charles M. Reeder, Trustee and Individually,

Print Name Monarch Development Company JV LLC

Print Name John H. Reeder, Co-Trustee and Individually

Mailing Address 1359 Hooksett Rd

Mailing Address 4701 Latona Avenue (Charles M. Reeder)

City, State, Zip Hooksett, NH 03106

City, State, Zip North East Seattle, WA 98105

216 W. Brandon Rd. (John H. Reeder)
Columbia, MO 65203

Work Phone 301-803-0618

Home Phone 573-442-6086

Home Phone _____

Home Phone _____

Cell Phone Andrew Teeters

Cell Phone _____

Email Address ateeters@monarchcommunities.com

Email Address mreeder@centurylink.net

* * * Below For Office Use Only * * *

Application accepted by Anne Arundel County Office of Planning and Zoning:

Initials _____

Date _____

Special Exception to allow modification of a previously approved
special exception to remove over 4.89 acres from a PUD.
Planned Unit Development.

For Office Use Only

CASE # 2021-0095-5

FEE PAID \$1305.00

DATE 05 13 2021



For Office Use Only

ZONE R5

CRITICAL AREA: IDA LDA RCA

BMA: Yes No

NO. OF SIGNS 3

SPECIAL EXCEPTION APPLICATION

NOTE: This form can be downloaded to your computer and filled out utilizing Adobe Reader (or similar product). It can also be printed and filled out by hand.

Applicant(s): Monarch Development Company JV LLC

(Applicant must have a financial, contractual, or proprietary interest in the property)

Property Address: Mountain Road, Pasadena, MD 21122

Property Location: 329+/- feet of frontage on the (S) side of Mountain Road ;
(Enter Street Name)

0 feet (E) of (Nearest intersecting street) Edwin Raynor Boulevard
(Enter Street Name)

12-digit Tax Account Number 03-226-90047351 Tax District (3) Council District (3)

Waterfront Lot: Y N Corner Lot: Y N Deed Title Reference 7079/609

Zoning District R5 Lot # Tax Map 17 Block/Grid 21 Parcel 656 Reserve

Area 4.89 (Acres) Subdivision Name Deerfield

Description of Special Exception Requested (Brief, detail fully in letter of explanation)

Allow an Assisted Living Facility in the R5 zone.

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest equal to or in excess of 10 percent of the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Applicant's Signature Andrew Teeters Owner's Signature _____
Charles M. Reeder, Trustee and Individually,

Print Name Monarch Development Company JV LLC Print Name John H. Reeder, Co-Trustee and Individually

Mailing Address 1359 Hooksett Rd Mailing Address 4701 Latona Avenue (Charles M. Reeder)

City, State, Zip Hooksett, NH 03106 City, State, Zip North East Seattle, WA 98105

Work Phone 301-803-0618 City, State, Zip 216 W. Brandon Rd. (John H. Reeder)
Columbia, MO 65203

Home Phone _____ Home Phone 573-442-6086

Cell Phone Andrew Teeters Cell Phone _____

Email Address ateeters@monarchcommunities.com Email Address mreeder@centurylink.net

* * * Below For Office Use Only * * *

Application accepted by Anne Arundel County Office of Planning and Zoning: _____

Initials _____

Date 05 13 2021

Special Exception to allow an Assisted Living Facility (140 assisted care units) in a R5 - Residential District

For Office Use Only

CASE # 2021-0096-V

FEE PAID \$ 585.00

DATE 05 13 2021



For Office Use Only

ZONE R5

CRITICAL AREA: IDA LDA RCA

BMA: Yes No

NO. OF SIGNS 3

VARIANCE APPLICATION

NOTE: This form can be downloaded to your computer and filled out utilizing Adobe Reader (or similar product). It can also be printed and filled out by hand.

Applicant(s): Monarch Development Company JV LLC

(Applicant must have a financial, contractual, or proprietary interest in the property)

Property Address: Mountain Road, Pasadena, MD 21122

Property Location: 329+/- feet of frontage on the (S) side of Mountain Road
(Enter Street Name);
0 feet (E) of (Nearest intersecting street) Edwin Raynor Boulevard
(Enter Street Name)

12-digit Tax Account Number 03-226-90047351 Tax District (3) Council District (3)

Waterfront Lot: Y N

Corner Lot: Y N

Deed Title Reference 7079/609

Zoning District R5 Lot # Tax Map 17 Block/Grid 21 Parcel 656 Reserve

Area 4.89 (Acres) Subdivision Name Deerfield

Description of Proposed Project and Variance Requested (Brief, detail fully in letter of explanation)

Variance to the required lot size for a proposed Assisted Living Facility.

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest in the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Applicant's Signature Ch. M. Te

Owner's Signature _____
Charles M. Reeder, Trustee and Individually

Print Name Monarch Development Company JV LLC

Print Name John H. Reeder, Co-Trustee and Individually

Mailing Address 1359 Hooksett Rd

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Cell Phone _____

Email Address ateeters@monarchcommunities.com

Email Address mreeder@centurylink.net

* * * Below For Office Use Only * * *

Application accepted by Anne Arundel County Office of Planning and Zoning: _____

Initials _____

Date 05 13 2021

Variance to allow an assisted living facility (140 assisted care units)
with less lot area than required

