

From: Patricia Ellis <pate@carroll-lawyers.com> **On Behalf Of** John Maguire
Sent: Wednesday, January 13, 2021 12:30 PM
To: Lane, Mary S <mlane@carrollcountymd.gov>
Cc: Eisenberg, Lynda <leisenberg@carrollcountymd.gov>; Matthew Destino (Matthew.Destino@lennar.com) <Matthew.Destino@lennar.com>; Matt Wineman (matthew.wineman@lennar.com) <matthew.wineman@lennar.com>; Ben Patrick (Ben.Patrick@Lennar.com) <Ben.Patrick@Lennar.com>; Matt Luzuriaga <mluzuriaga@carroll-lawyers.com>
Subject: Residential Zoning Text Amendment

This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.

Mary,

Thanks to you and the Concept Team for introducing the Retirement Village use into the latest proposed text amendment for the Residential Districts. In consultation with Lennar Homes, we would like the Concept Team and Planning Commission to consider some additional refinements as follows:

1. I believe that the authority reserved unto the Planning Commission to determine bulk requirements in §158.075.3(C)(2) would allow for a well-designed Retirement Village to be approved as a subdivision. The setbacks and lot sizes historically prevented retirement communities from meeting the minimum standards for subdivision. To clarify this, we would suggest in §158.002 in the definition for Retirement Village to replace “. . . designed to . . .” with “. . . designed by subdivision or site plan to . . .”
2. A. We understand that the density cap of 3.5 units/acre recited in §158.075.3(C)(2) and the comprehensive plan has been a bit of an immovable threshold for the Planning Commission, however, an exception for Retirement Villages would make sense. It is commonly recognized that retirement housing does not generate impact on schools, generates less peak hour traffic, generates roughly half the demand for public water and sewer, and generally has a milder impact on the surrounding neighborhood than conventional unrestricted single-family residential use. As such, the impact of five (5) dwelling units per acre in a Retirement Village would be comparable to the maximum recited in the Comprehensive Plan of 3.5 conventional dwelling units per acre. This would also be consistent with MD CODE ANN., STATE FIN. & PROC., §5-7B-03 which has an aspirational density of “at least” 3.5 units/acre in priority funding areas. Below is the language we presented previously:

The density of the Retirement Village use may exceed 3.5 dwelling units per acre upon a finding by the Planning Commission that the nature and character of the proposed dwelling units are market appropriate and the density is consistent with the applicable comprehensive plan for the subject area upon consideration of the overall land use patterns and densities, and the potential impacts associated with the project, in the neighborhood. MD CODE ANN., STATE FIN. & PROC., §5-7B-03 promotes designation of Priority Funding Areas where density is “at least” 3.5 units per acre.

B. Given the sound planning authority for increasing the density as described above, the question remains how this would be a benefit to the public. While housing products are largely market driven, the increased density would permit a broader mix of living units which promotes variety and affordability for the general public. It would result in a greater tax base for the County without some of the conventional demands on services. The higher density would result in additional sales revenue which can be applied in part by the developer to enhance the amenities for the Retirement Village. It would also yield a larger pool of association dues to ensure the long term independent maintenance and vitality of the community by the senior residents after the developer has moved on.

3. To promote a measure of predictability, Lennar feels that some minimum yard requirements for Retirement Villages should be included in §158.075.3 so that an applicant can formulate a concept plan that is not entirely subjective. In this way, a concept plan can be designed with some predictability and the project would be eligible for waiver or reduction from the Planning Commission, if appropriate, similar to the authority reserved unto the Planning Commission in §158.075.3(C)(2). We originally suggested the following setbacks:

Front yard depth 20'
Side yard depth 10'
Rear yard depth 10'
Perimeter of Retirement Village 30'

We thank you for the opportunity to provide this input.

My client intends to pull together some photographs to demonstrate the potential look of a Retirement Village.

John

JOHN T. MAGUIRE

Hollman, Maguire, Korzenewski & Luzuriaga, Chtd.

189 East Main Street
Westminster, Maryland 21157
410-876-3183
410-876-2790 - fax
Website: www.carroll-lawyers.com
Email: jmaguire@carroll-lawyers.com

CONFIDENTIALITY NOTICE: The information in this electronic transmission is intended by Hollman, Maguire, Korzenewski & Luzuriaga, Chtd. only for the individual to whom it is directed. It is legally privileged and confidential. It is not intended for transmission to any other third party. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited. If you have received this electronic transmission in error, please delete it from your system immediately and notify the sender of the error by reply email or by calling the above number. Thank you.