

Ellicott City, Maryland 21043 

410-313-2350 Voice/Relay

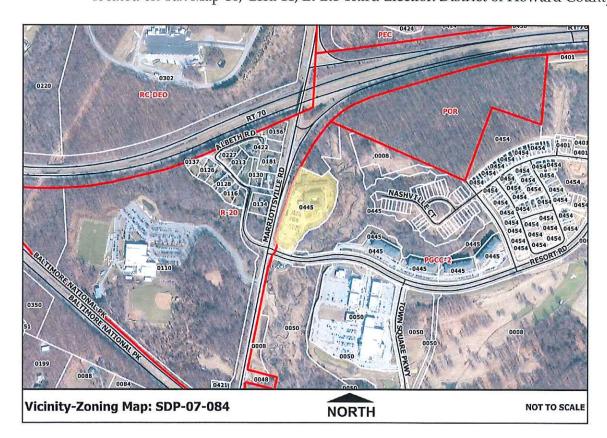
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## TECHNICAL STAFF REPORT Planning Board Meeting of September 1, 2016

| Case No./Petitioner: | SDP-07-084/Mangione Enterprises of Turf Valley, LP   |
|----------------------|--|
| Project Name:        | Lorien at Turf Valley (aka Encore Nursing Home and Assisted Living Facility)   |
| DPZ Planner:         | Dave Boellner, Planning Specialist II, 410-313-3956, dboellner@howardcountymd.gov  |
| Request:             | To approve the revision of a previously-approved site development plan to: 1) add 28 nursing home beds (9,387 square feet), a dining room, and associated site improvements in accordance with Section 126.0.H.1 of the Howard County Zoning Regulations, and 2) adjust the structure setback, reducing it from 30 to 14 feet, to allow construction of a retaining wall, sidewalk and building addition in accordance with Section 126.0.H.3. |
| Recommendation:      | <b>Approval</b> , subject to compliance with remaining agency comments and any conditions imposed by the Planning Board.   |
| Location:            | The project is located at the existing Lorien at Turf Valley site, northeast of and adjacent to the intersection of Marriottsville Road and Resort Road in Ellicott City, Maryland. It is  |

located on Tax Map 16, Grid 11, in the Third Election District of Howard County.



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- **Vicinal Properties:** The site is bounded on the south and west by Resort Road and Marriottsville Road, respectively. Resort Road, a major collector, and Marriottsville Road, an intermediate arterial, are Howard County public roads. The site is bounded on the north by a wooded parcel owned by the State Roads Commission of Maryland, adjacent to the ramp from northbound Marriottsville Road to eastbound Interstate 70. The Little Patuxent River and associated 100-year floodplain and wetlands are located east of and adjacent to the site.
- **General Comments:** A. *Existing Conditions*: The site is currently occupied by the Lorien at Turf Valley nursing home and assisted living facility. Site improvements include parking, stormwater management, and landscaping.

B. *Site Improvements*: The revision proposes an additional 28 nursing home beds, a dining room addition, associated stormwater management, and landscaping.

C. *Environmentally Sensitive Areas*: The revision proposes no impact to environmentally sensitive areas. No streams, wetlands, their associated buffers or 100-year floodplain are found within the limits of the revision.

D. *Stormwater Management*: Proposed stormwater management consists of two microbioretention facilities and permeable pavement walkways. Stormwater management is provided in accordance with the 2010 MDE Stormwater Design Manual and Howard County Design Manual Volume I.

E. *Erosion and Sediment Control*: The revision includes erosion and sediment control measures designed in accordance with the latest Standards and Specifications for Soil Erosion and Sediment Control.

F. *Landscaping*: Landscaping has been added to address the requirements of the Subdivision and Land Development Regulations and the Landscape Manual.

G. *Forest Conservation*: The revision does not include a Forest Conservation Plan, since the development is exempt from forest conservation requirements.

H. *Height, Lot Coverage, Building Length, Lot Size, Setback and Parking Requirements*: The revision requires a structure setback adjustment from 30' to 14' to construct a retaining wall and building additions. The remainder of the revision complies with all bulk regulations established by the Howard County Code and the Third Amendment to the Turf Valley Multi-Use Subdistrict FDP.

## **Planning Board Criteria:**

A. *The plan is consistent with the Howard County General Plan*: But for the needed structure setback adjustment, the Lorien at Turf Valley revision complies with criteria established by the Third Amendment to the Turf Valley Multi-Use Subdistrict Final Development Plan (FDP) and the Howard County Zoning Regulations for the PGCC Zoning District. Since the Zoning Regulations have been established based on the

Howard County General Plan and the SDP complies with applicable regulations, the SDP is consistent with the General Plan.

B. The plan results in an appropriate arrangement of land uses within the district: The Lorien at Turf Valley nursing home and assisted living facility is located in Development Area "I", as depicted on the Third Amendment to the Turf Valley Multi-Use Subdistrict FDP. This area is projected for "All Permitted Uses in the PGCC Multi-Use Subdistrict", which includes nursing homes and assisted living facilities. The land use proposed by the SDP is consistent with the land use arrangement, as defined by the FDP.

C. The plan ensures that existing dwelling units will be buffered from the proposed development: Existing dwelling units of Albeth Heights have been and will continue to be buffered from the proposed development by existing vegetation and landscaping. Existing dwelling units of Oakmont at Turf Valley and Villages at Turf Valley will be buffered by forested environmental features and landscaping.

D. The roads serving the PGCC District will be adequate, as determined by the capacity and mitigation standards of the Adequate Public Facilities Ordinance: The development is served by Resort Road. The road will enable connections to be made from the development to existing Turf Valley Road, Baltimore National Pike, Marriottsville Road, and I-70. The traffic study originally approved under SDP-07-084 on June 26, 2007 was re-evaluated. Given the additional beds proposed by the revision, the trip generation would be much less than that assumed in the traffic study for commercial space on this property, and the revision would still be in conformance with the approved APFO Traffic Study for Turf Valley.

E. Necessary water and sewer facilities are available to serve the proposed development: Public water and sewer service currently serve the existing development.

## Justification for Adjustments to Bulk Regulations:

In accordance with Subsection 126.0.H.3 of the Zoning Regulations, the Planning Board may approve parking, setback, height, lot coverage or other bulk requirements that differ from those required by the applicable final development plan. The revision to the Lorien at Turf Valley site development plan proposes adjustments to the 30' structure setback, as measured from Marriottsville Road and the adjacent State Roads Commission parcel. The requested 14' structure setback adjustment will allow a retaining wall and improvements indicated by the revised plan to be constructed.

Requested adjustments to the bulk requirements shall be granted if the Planning Board finds that:

A. The adjustment will not alter the character of the neighborhood or area in which the property is located, will not impair the appropriate use or development of adjacent property, and

*will not be detrimental to the public welfare*: The retaining wall will not alter the character of the neighborhood or surrounding area because it will not be visible. It will not impair the appropriate use or development of adjacent property, since the adjacent State Roads Commission Parcel is not accessible and is not suitable for development other than an ancillary use for the State road system. It will not be detrimental to the public, since there is a need for nursing home beds in Howard County as established by the Maryland Health Care Commission. The retaining wall is necessary to provide adequate access around the additions.

B. The adjustment a) is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the final development plan; and/or b) results in better design than would be allowed by strict compliance with development criteria: Building the additions without the retaining wall would create an unnecessary hardship. The retaining wall is necessary to provide better access around the additions at the appropriate grades. Without the retaining wall, the exterior walls of the additions would retain the earth and result in compromised access around the building. Clearly, flat access routes are a better design. Additionally, using the building walls to retain the earth is a less effective means of providing moisture protection for the additions. It would be considerably more difficult to direct water away from the additions.

**DED Action:** The Development Engineering Division (DED), by memo dated July 29, 2016, notified the petitioner that the revisions to SDP-07-084 were rejected; however, comments were minor and did not preclude addition of the revision to the Planning Board agenda.

The file for this project is available for public review, by appointment, at the Department of Planning and Zoning's public service counter, Monday through Friday, 8:00 a.m. to 5:00 p.m.

**Recommendation:** The Department of Planning and Zoning recommends approval of Site Development Plan SDP-07-084, subject to any conditions imposed by the Planning Board.

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8-18-16

Valdis Lazdins, Director Department of Planning and Zoning

Date

## LORIEN AT TURF VALLEY SETBACK NARRATIVE

According to the Turf Valley Third Amended FDP, the minimum setback requirement for all non-residential structure is 30 ft., **except that structures may be constructed at any location within such setback if such construction is in accordance with the Site Development Plan.** 

Lorien at Turf Valley, aka Encore Nursing Home and Assisted Living Facility, consists of 63 nursing home beds and 100 assisted living units. Lorien proposes to add 28 nursing home beds. There will be four (4) additions to the existing nursing home wing.

The three (3) single story additions all satisfy the 30 ft. setback criteria. The fourth addition consists of a single nursing home floor with a partially exposed basement level. This 4<sup>th</sup> addition is adjacent to property owned by a subsidiary of the Petitioner. . Additionally, the adjacent property is undevelopable.

In order to construct the three (3) single story additions and provide adequate access around the perimeter of the building, a retaining wall must be constructed within the 30 ft. setback. The retaining wall is 444 ft. long with an average height of 7.5 ft. For approximately 75 ft. the wall has its maximum height of 9.7 ft..

The Howard County Building Code considers retaining walls structures. Accordingly, the retaining wall is subject to the setback criteria.

The properties adjacent to the retaining wall are the Marriottsville Road right-ofway to the west and a 0.77 acre property to the north owned by the State Road Commission of Maryland (the "SRC Parcel").

Between Marriottsville Road and the proposed additions there exists an earth berm which completely screens the additions from motorists and pedestrians on Marriottsville Road.

The SRC Parcel is only accessible from Marriottsville Road and the property owned by Mangione Enterprises of Turf Valley, the affiliate of the Petitioner. Effectively, the SRC Parcel is inaccessible and has no potential for development other than a purpose related to improvements to the road network.

The ground elevation of the SRC Parcel also serves as a berm which screens the proposed additions from both Marriottsville Road and the entrance ramp onto Interstate 70. Again, the additions will not be visible to motorists. Since the SRC Parcel is undevelopable, the proposed additions will have no impact to its future development.

Because of the existence of the berm between Marriottsville Road and the additions and the higher elevation of the SRC Parcel relative to the additions, the retaining walls will not be visible to any adjacent property or passing motorists or pedestrians. The retaining wall will only be visible from the Encore property. For this reason, retaining wall will have no impact to the neighborhood or surrounding properties.

Regarding Subdivision Regulation Sections 126.0.H.3.d. (1) and (2):

- (1) The retaining wall will not alter the character of the neighborhood or surrounding area because it is not visible. It will not impair the appropriate use or development of adjacent property because the SRC Parcel is not accessible and it is not suitable for development other than an ancillary use for the State Road system. It will not be detrimental to the public because there is a need for nursing home beds in Howard County as established by the Maryland Health Care Commission, and the retaining wall is necessary to provide adequate access around the additions.
- (2) Building the additions without the retaining wall creates an unnecessary hardship. The retaining wall is necessary to provide better access around the additions at the appropriate grades. Without the retaining wall, the exterior walls of the additions would retain the earth. This condition would compromise the access around the building. Clearly, flat access routes are a better design. Additionally, using the building walls to retain the earth is a less effective means of providing moisture protection for the additions. It would be considerably more difficult to direct water away from the additions.

