

SMITH, GILDEA & SCHMIDT_{LLC}

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*

*Admitted in MD, MO, IL, AR

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO**
ELYANA TARLOW
SARAH A. ZADROZNY

of counsel:

JAMES T. SMITH, JR.
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON

**Admitted in MD, FL, PA

October 13, 2015

Via Hand Delivery and Regular Mail

Andrea Van Arsdale
Director, Department of Planning
Jefferson Building
105 W. Chesapeake Avenue, Suite 101
Towson, MD 21204

Re: Bozzuto Homes, Inc.: Hidden Waters CZMP Issue

Dear Ms. Van Arsdale:

Please accept the instant justification letter on behalf of Bozzuto Homes, Inc. ("Bozzuto Homes"), which is requesting rezoning of certain parcels of land located within the Pikesville community of Baltimore County that encompass a portion of the site known as the Hidden Waters property. The Hidden Waters property encompasses approximately 149.9 acres +/- of land and is zoned DR 1; however the subject of the instant rezoning request carves out approximately 116.8 acres +/- of the Hidden Waters property to be rezoned from DR 1 to DR 3.5 (hereinafter the "Property"). In addition, practically speaking only 24.5 acres of the 116.8 acres sought to be rezoned will be developed.¹ Of the 116.8 acres sought to be rezoned, 92.3 acres of the Property are subject to a perpetual Conservation Easement held by the Maryland Environmental Trust, as recorded in the Maryland Land Records in Liber 27523, Folio 178, which prohibits a housing community from being constructed on this portion of the Property.

The Old Court Road corridor has been characterized by a variety of different housing types that have been constructed in order to satisfy the different needs of the broad demographic mix of residents within this community. (Greenspring-East Pikesville Community Action Plan (the "Community Plan"), p. 3). Specifically, in discussing the diversity of housing types in the area the Community Plan states, "[t]he majority are single family homes, dating from the 1950s to the present day, [however] there are [also] apartment rentals, townhouses, and mid-rise condominiums, and most share the thread of being integrated into the landscape. This is the sense of greenery in the community..." (Community Plan, p. 23). The reason for this increase in housing diversity is explained by the fact that

¹ This 24.5 acre +/- parcel is identified as Tax ID number 1900012408.

“many young people have moved into the community and many Empty Nesters and Independent Retirees have chosen to trade housing types.” (Community Plan, p. 3). More specifically, while a young family may prefer a single family dwelling on a large lot, empty nesters often prefer to live in higher density neighborhoods. The reduced upkeep associated with smaller yards, and more recently, demand has been increasing for residences which offer first floor master bedrooms. Providing further explanation for the change that is occurring, the Community describes Pikesvilles as a “life-cycle” community, where many residents live throughout each stage of their life. (Community Plan, p. 3). In fact, the Community Plan identifies this fact as a strength because of the strong roots that families develop within the area. *Id.*

In addition, while housing diversity is encouraged, the Community Plan also expresses a desire to maintain the rural character of the area. (Community Plan, p. 47). As a separate issue, it is noted within the Community Plan that even though the community has access to two nearby Regional Parks that are outside the boundaries of this Plan (Meadowood Park and Robert E. Lee Park), there is still a deficiency of park land in this area so additional public open space that accessible to pedestrians is desired. (Community Plan, p. 5). Accordingly, the goal for establishing these competing objectives is described within the Community Plan as follows:

“A recurring theme of the Community Action Plan for Pikesville-Greenspring is that there should be a sufficient variety of housing types to meet the needs of multigenerations and multi-socio/economic levels. A second recurring theme is that these goals MUST be supplemented with the need to retain the ‘green’ character of our community and reach out to retain existing open space - always recognizing that the serious deficit of public open space must be met. This means that not only should there be opportunities for lower to medium priced housing, which we have been successful in achieving, but the ‘estate character’ of Old Court Road that offers an alternative close to the city for those not wishing to live far out in the suburbs must also be preserved. These two goals act in tandem to help assure that Pikesville Greenspring remains both a green community and a community that reflects the entire spectrum of our society.” (Community Plan, p. 43).

Viewing the surrounding neighborhood illustrates the implementation of the Community Plan objectives discussed, as adjoining the western boundary of the subject Property and fronting onto Old Court Road there lies a parcel of land zoned DR 3.5, which maintains a 90+ unit townhouse community located thereon. Additionally, moving further to the west, the property directly next to the townhouse community is zoned DR 16 and maintains a multi-family condominium development thereon known as Stevenson Village condominiums. Adjacent thereto towards the south and fronting onto Old Court Road lies the 92,600 sq. ft. Beth Tfiloh Congregation, which is located on DR 2 zoned land. The DR 2 zoning

classification continues along both sides of Old Court Road to the west, with a mix of moderate to low density single family dwellings existing along this corridor. Each of these parcels and the subject Property are south of I-695 and the Community Plan accurately describes this area as follows: "To the south of I-695 are a combination of single family detached homes, semi-detached homes, townhouses, condominiums and apartments." (Community Plan, p. 9).

Moreover, a recent development project that is nearly complete is the Bonnieview Golf Course and Country Club development where approval was issued for a 326 unit, moderate density single family dwelling project within a DR 2 zone. This site is located along Smith Avenue a short distance to the west of I-83. In further explaining the changing character of this area, the Community Plan notes another less recent large scale project that was developed approximately 20 years ago, explaining "that the property [is located] on the east of Greenspring Avenue (between Old Court Road and the Moore Branch)" and it included 77 single family homes, 155 townhouses and 72 condominiums. (Community Plan, p. 46). Most significantly for the Property at issue, after more than 100 years, in 1999 the Quarry ceased operations. (Community Plan, p. 14). Pursuant to an agreement with the surrounding neighborhood, a mixed use development project was constructed to overlook the approximately 40 acre lake, which includes the following: "83 single family homes and 510 condominium units, a commercial area with shops, four office buildings, multiple restaurants, the 7 acre Bluestone Park with a gazebo and observation area, a clubhouse, and 24 acres of Environmental Open Space..." (Community Plan, p. 46).

The Property is part of a larger parcel known as Hidden Waters, which maintains an existing manor house and is a portion of the former property owned by Jacob and Annita France. (Community Plan, p. 28). After the death of Annita France in 1981, Hidden Waters was bequeathed to the University of Maryland Foundation, Inc., which subsequently divided the Property into two parts; The University of Maryland Foundation retained the existing manor house and a portion of the Hidden Waters property and sold the 116.8 acres +/- that is the subject Property. *Id.* It is further explained within the Community Plan as follows: "[a] key asset for the area has been the preservation in an Agricultural Trust of 92.3 acres of the Jacob and Annita France property, Hidden Waters..." (Community Plan, p. 6).

Accordingly, 92.3 acres +/- of the Property is encumbered by a perpetual Conservation Easement held by the Maryland Environmental Trust that will preserve the scenic rural views along this corridor forever. Approximately 24.5 acres +/- of the Property is left unencumbered, and it this portion of the Property that is the focus of this proposed rezoning request. Specifically, on this Property Bozzuto is proposing to construct a high quality residential community that is age targeted to appeal to the needs of empty nesters. The plan is to offer residences that are designed with a master bedroom on the first floor, and which emphasize an outdoor open patio concept with a walkout patio likewise being accessible from the first floor. Moreover, in order to provide empty nesters with an opportunity to downsize and to reduce maintenance upkeep, these residences will be smaller in scope than some of the

more typical dwellings in this area and will likewise be constructed on smaller yards. As such, consistent with the housing diversity objectives set forth within the Community Plan, these adjustments will encourage empty nesters to stay within the Pikesville Community once their children have moved out of the house. In addition, because of the conservation easements that encumber the significant majority of this Property, the rural character of this Property will be maintained.

As such, in addition to being compatible with the objectives set forth within the Community Plan, the amenities provided within the surrounding neighborhood render this site an ideal location for the proposed age targeted, empty nester community. Furthermore, considering that a major commercial shopping center likewise overlooks Quarry Lake, this Property is also located extremely close to many different neighborhood supporting shopping amenities, including a grocery store. This is a significant draw for many empty nesters who typically do not want to travel long distances to access basic amenities. Similarly appealing, the Property is also located within convenient access to several major transportation networks, as it lies immediately to the south of I-695 and a short distance to the west of I-83. Given the particular emphasis placed on maintaining high quality public schools within this community, it is worth noting that as an age targeted community the proposed project is not expected to burden the existing school system. Finally, based on the demographics data provided within the Community Plan, this area contains a very large number of residents within the targeted empty nester category; in fact, out of a total of 20,893 residents within this community, there are 8,012 residents aged 55 or older. (Community Plan, p.9). The significance of this fact is further enhanced because there are not many age targeted communities in this area, so this project is necessary in order to meet the needs of the empty nester residents, thus promoting the continuation of Pikesville as a "life cycle community."

Bozzuto is renowned in the Baltimore area for designing and constructing high quality, successful residential projects. Since 1988, Bozzuto has been creating residential communities that are an asset to the surrounding neighborhood. In fact, after completing the water front, 281 unit multi-family housing project known as Union Wharf within the Fells Point area of downtown Baltimore, Bozzuto sold the property for \$121.5 million dollars, surpassing the highest price per unit record in Baltimore. While the instant proposal is not seeking to construct a multi-family project, Bozzuto has successfully developed many sites which have focused on single family dwellings. With Bozzuto leading this project, the surrounding neighborhood can rest assured that the resulting community will be a high quality, successful project that the community can be proud of.

In conclusion, Bozzuto has been actively working with the County Council, the Department of Planning, the community, and interested stakeholders regarding this CZMP issue and it looks forward to continuing this dialogue moving forward.

Bozzuto Homes, Inc.: Hidden Waters CZMP Issue
October 13, 2015
Page 5

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Corey", with a long horizontal flourish extending to the right.

Christopher W. Corey

CC: Councilwoman Vicki Almond
Jonathan Schwartz, Senior Council Assistant, District 2
Tom Baum, Bozzuto Homes
David K. Gildea, Esquire