

LAND PLANNING REPORT

LIBERTY MILL ROAD CHESTNUT RIDGE PARCEL P515

MHG PROJECT No. 2015.244.24

Prepared
April 2020

Ex. 8
OZAH Case No: CU 20-09



Engineers Planners Landscape Architects Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279

Phone 301.670.0840
Fax 301.948.0693
www.mhgpa.com

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I. Introduction

The Conditional Use application (the “Application”) for the subject property would allow for the construction of a 125-bed Residential Care Facility (over 16 persons) and other associated site improvements (the “Project”). Prior to the submission of this application, a Concept Plan has been submitted to M-NCPPC (#520200160) to obtain initial agency comments, and the package has been refined to incorporate those comments into this submission package. In association with the Conditional Use Application, an amendment to the approved Preliminary Plan of Subdivision (M-NCPPC #120170210) will need to be submitted, reviewed, and approved by the Maryland-National Capital Park and Planning Commission (“M-NCPPC”). A Combined Stormwater Management Concept Plan and Site Development Stormwater Management Plan, a Final Stormwater Management Design Plan, a Soil Erosion and Sediment Control Plan, an amendment to the approved Final Forest Conservation Plan, and other associated documents will need to be approved by the local agencies prior to construction. A Natural Resources Inventory/Forest Stand Delineation has been approved by M-NCPPC (M-NCPPC #420161070, approval date 2/05/16) and has been included as part of the Application. A tree variance for the disturbance of the critical root zone for specimen trees on the property has also been included as part of the Application.

II. Description of Property

The 3.63-acre property is located at 19115 Liberty Mill Road in Germantown (the “Property”). The Property is composed of an unrecorded Parcel P515 and is classified in the R-200 zone. The current use of the Property is Single Family Detached. The Property is located in the Germantown Master Plan (approved and adopted July 1989) within the Clopper Village community.

The Property is located at the southernmost quadrant of Dawson Farm Road and Liberty Mill Road in Germantown, Maryland. (See Aerial view below and Appendix Exhibits 2 and 3).

The Property contains a two-story brick single family residence and a number of small outbuildings. The Property currently has two driveway aprons which provide access onto Liberty Mill Road as well as a looped asphalt driveway. The remainder of the Property is composed of a manicured lawn with perimeter plantings of white pines and secondary growth. Under existing conditions, grades across the Property generally fall from north to south with slopes ranging from 4 to 10 percent. Runoff from the Property is conveyed by an open channel

to the south which is a tributary to Gunners Branch within the Great Seneca Creek watershed. No seeps, springs, wetlands or floodplains exist on the Property. No stream exists on the Property, but a stream valley buffer extends into the Property from an intermittent stream that begins near the southern-most corner of the Property. An ephemeral stream continues northwest, parallel to the southwest boundary of the Property.



Aerial View(www.bing.com/maps)



Montgomery County Tax Information (Finder6.5)



Montgomery County Zoning Map (www.mcatlas.org)

General Site Information:

| | |
|---------------------------|--|
| Property Tax Record Data: | Chestnut Ridge, Parcel P515 Tax Account No. 09-00776388 Liber 36179 at Folio 00283 |
| Property Address: | 19115 Liberty Mill Road Germantown, MD 20874 |
| Owners of Record: | Carolyn H O'Dell Revocable Trust 19115 Liberty Mill Road Germantown, MD 20874 |
| Tax Map: | EU31 |
| WSSC 200-Foot Sheet: | 226NW13 |
| Total Site Area: | 3.63 acres |
| Current Zoning Code: | R-200 |
| Master Plan: | Germantown Master Plan, Approved and Adopted July 11, 1989 |
| Planning Area: | 19 |
| Election District: | 9 th |

Water & Sewer Categories: S-1/W-1 Community System
Watershed: Gunners Branch (MC), Seneca Creek, Potomac River
GSGN208-Fair

Prior Development Activity:

- Natural Resources Inventory/Forest Stand Delineation (M-NCPPC #420161070), approved February 5, 2016
- Conditional Use (CU17-02), approved January 13, 2017 for 64 bed Residential Care Facility
- Preliminary Forest Conservation Plan approved November 10, 2016
- Preliminary Plan of Subdivision (M-NCPPC #120170210), approved July 31, 2017
- Final Forest Conservation Plan (M-NCPPC #120170210), approved July 31, 2017

III. Surrounding Area

The surrounding area, identified as the “neighborhood” for purposes of evaluating compatibility of the Project, is defined by the boundaries of Germantown Road (MD Route 118) to the northwest, Accent Way and Fountain Hills Drive to the southwest, Great Seneca Highway to the southeast, and Dawson Farm Road to the northeast (See Exhibit below). This area is comprised of an array of uses. Single-family detached dwelling units dominate the northeastern and southern boundary, the majority of which are 5,000 to 10,000 square foot lots on cul-de-sac streets and residential streets with a 50-foot right of way. Townhomes are located along the southeastern portion of the boundary. To the southwest is a one-story brick and glass flat roof structure formerly a post office. The existing building is currently owned by the World Ministry Church International serving as a place of worship. To the south of the site, are single-family detached residential homes, zoned R-200/TDR-6 and an open space parcel containing a forested area and stream valley buffer. To the north, separated from the Property by Dawson Farm Road, are single-family detached residential homes on 20,000 to 35,000 square foot wooded lots. Immediately to the west of the Property is a public elementary school (Germantown Elementary School) containing a large two-and-a-half story brick structure with associated parking, bus drop off, and open play areas. Single-family homes in the neighborhood are predominantly two to three stories and their facades are constructed using a variety of building materials, most significantly brick and siding with accent shutters and dormers. The townhomes in the area are predominantly two stories in height and the facades are also dominated by brick and siding.



The surrounding character of this area is dominated by a variety of uses as followed:

- To the northwest abutting the property is Liberty Mill Road and beyond is Germantown Elementary School (zoned R-200). The existing Montgomery County Public School site contains a large brick and block structure approximately 30 feet in height with an enrollment of approximately 320 students (Pre-K through Grade 5). The site has two full movement access driveways off Liberty Mill Road for bus and vehicle circulation.
- To the southeast is the Fountain Hills townhouse development containing two-story detached residences (zoned R-200/TDR-6). An open space area (Parcel A) approximately 55 feet wide owned by the Fountain Hills HOA consisting of secondary growth vegetation separates the rear yards of the townhouse units from the overall Property boundary. A 12-inch WSSC water main with a 12-foot WSSC right of way is located within Parcel A running along the common Property line to the east.
- To the southwest is a one-story vacant block building with associated parking, the former Germantown Post Office. Further south is a single-family detached residential community

(zoned R-200). A 30-inch WSSC sewer main with a 40-foot WSSC Right of Way and a 24-inch public storm drain line runs along the common Property line. The storm drain system discharges into an open channel and into a stream with an associated Stream Valley Buffer as shown on the approved Natural Resource Inventory.

- To the northeast is Dawson Farm Road, a four-lane divided Arterial Roadway with dedicated bikeways, beyond is single family-detached homes (zoned R-200).

IV. Proposed Improvements

Flounory Development Group, LLC (the “Applicant”) proposes to establish a 125-bed residential care facility consisting of assisted living and memory care on the Property in order to increase the availability of assisted residential care in Montgomery County. The Project would be dedicated to providing care and a safe living environment for primarily elderly individuals and individuals diagnosed with Alzheimer’s disease as well as other forms of memory loss and dementia. To this end, the Applicant proposes to remove the existing residence to accommodate the construction of a two/three-story building with below grade parking and associated site improvements, including pavement, sidewalks, and landscaping.

The first floor of the building will contain the main lobby and administration area, central community spaces for communal dining, large living room, fitness center, bistro, individual medical care, and access to the outdoor amenity areas. The second floor will contain additional assisted living units, an art studio, theater, game room and pub, and common lounge. The third floor will be secured and dedicated to memory care to provide an intimate, nurturing place, providing for resident needs while also providing therapeutic activities. The memory care component will contain common living areas, a communal dining room, exercise and physical therapy facility, salon and bathing rooms, and laundry facility to create a small community. A central nursing station and common area connecting to the two main wings of the memory care neighborhoods provide opportunities for oversight of the residence and maintain a secure environment. Additional assisted living units are also provided on the third floor.

A variety of outdoor recreation areas will be provided for residents and guests. An outdoor space located on the north side of the building will include a patio, seating area, an outdoor fireplace, an outdoor dining space, a fountain, walking paths, landscaping, and lawn areas. A

courtyard located on the first floor of the building will include seating areas, lawn, and raised planting beds to be used as a community garden. A third area on the west side of the building will be a community garden and park for the residents and their visiting families as well as public use.

It is anticipated that the Project will employ approximately 35 employees. Employees will be distributed across three shifts. During shift changes staff may overlap for a short duration to provide updates and transition between caretakers. The Project will be open to visitors of residents at any time, although the majority of visitor movement will likely occur during non-peak hours and weekends. A Traffic Statement has been provided as part of this application demonstrating the trip generation is below the threshold of 50 net new peak hour person trips.

Since the property is a corner lot, the site has two front yards each with a 40-foot setback along the two street frontages. The building has been oriented on Dawson Farm Road to establish a street presence along Dawson Farm Road. With two front yards, the Zoning Ordinance permits the applicant to choose the rear and side yard in determining the yard restrictions. The Property line, opposite Liberty Mill Road, to the southeast abutting the townhomes is a rear with a 30-foot setback, and the Property line to the south and southwest is a side with a 20-foot setback. Due to the existing 40-foot WSSC sewer easement along the southeast Property line, this Property boundary is further restricted. See Exhibit below indicating the existing site constraints.



The site currently has two driveway aprons off Liberty Mill Road serving the existing residence. Both residential driveways will be removed, and new driveway constructed to serve the residential care facility. The new driveway will be shifted to the south to minimize impact to vehicles and buses accessing the existing elementary school across Liberty Mill Road. The proposed driveway will be widened to allow for two way traffic flow and to meet fire and rescue requirements. The design team investigated access off Dawson Farm Road as an alternative, but due to the grade differential and building configuration, it did not appear feasible and would impact the existing townhouse development to the southeast. A circular drop-off area will be provided at the main entry for visitors and packaged deliveries with ten surface parking spaces along the main driveway accessing Liberty Mill Road. Surface parking is located in the front of the building, away from the residential uses to the maximum extent possible and abutting the former post office property to the southwest. The remaining parking provided is internal to the building to minimize the impact of parking to the adjoining neighbors. A separate service area has been provided for larger deliveries, food service, housekeeping, and waste/recycle pick-ups. The service area is enclosed by wall to obstruct views and maintain separation between pedestrians, cars, and service vehicles.

Landscaping including a mixture of evergreen, shade trees, and understory shrubs will screen the Project from adjacent properties. Additionally, existing mature trees located on the property will be retained and incorporated into the landscape design. This includes three large trees at the Liberty Mill Road and Dawson Farm Road intersection as well as four trees along the southern property boundary. A variety of shade trees, ornamental trees, shrubs, and herbaceous species will further enhance the visual and aesthetics of the site. The Project complies with Forest Conservation Law established in Section 22-A of the County Code. A tree variance will be required due to the impact on specimen trees as provided in Section 22A-12(b)(3).

Project outdoor lighting will be designed in conformance with Section 59-6.4.4 of the Montgomery County Code. Proposed lighting will be limited to downward directional lights that do not create a halo effect or nightglow thereby decreasing the visibility of the lighting to the surrounding community. Any remaining ambient lighting will be further shielded from the adjacent properties by the Project screening. On-site illumination will be 0.5 footcandles or less at the lot line.

Stormwater management for the Project will be provided in accordance with State and County requirements. Stormwater runoff from the site will be conveyed to the existing storm drain system along the southern property and the existing stabilized creek bed. The disturbed area associated with the proposed improvement is approximately 3.2 acres, including roughly 1.9 acres of impervious area. To provide stormwater management of the Project, environmental site design practices are proposed. These practices include two planter box micro-bioretenion facilities, two micro-bioretenion ponds, one landscape infiltration facility, and one bio-swale.

V. Conformance with Article 59-3: Uses and Use Standards

The Project is dedicated to assisted living and individuals diagnosed with Alzheimer's disease and other forms of memory loss and dementia. The use is categorized as Residential Care Facility based on the definition below [59-3.3.2.E.1]:

Residential Care Facility means a group care or similar arrangement for the care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual, in which:

a. the facility must meet all applicable Federal, State, and County certificate, licensure, and regulatory requirements;

The Project will be designed to conform to Federal, State and County certificate, licensure and regulatory requirements.

b. resident staff necessary for operation of the facility are allowed to live on-site; and
Not applicable. Staff will not live on-site.

c. the number of residents includes members of the staff who reside at the facility, but does not include infants younger than 2 months old.

Not applicable. Staff will not live on-site.

Residential Care Facility includes a nursing home, an assisted living facility, a continuing care retirement community, a hospice, and a group home. Residential Care Facility does not include a Hospital (see Section 3.4.6, Hospital) or Independent Living Facility for Seniors or Persons with Disabilities (see Section 3.3.2.C, Independent Living Facility for Seniors or Persons with Disabilities).

The Project is considered to be a Residential Care Facility and not a Hospital or Independent Living Facility for seniors or Persons with Disabilities. The Application is in conformance with

the specific development standards per Article 59-3.3.2.E.2.c (Residential Care Facilities—Over 16 Persons) of the Zoning Ordinance as outlined below:

- i. Where a Residential Care Facility (Over 16 Persons) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section 7.3.4.*

Not applicable. The subject Property is zoned R-200. A residential care facility is a conditional use in this zone.

- ii. Where a Residential Care Facility (Over 16 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:*

- (a) The facility may provide ancillary services such as transportation, common dining room and kitchen, meeting or activity rooms, convenience commercial area or other services or facilities for the enjoyment, service or care of the residents. Any such service may be restricted by the Hearing Examiner.*

The Project will contain common dining facilities, a centralized kitchen to serve all residents, shared living rooms and family rooms, pantries, and laundry facilities. The facility will offer resident services, including a beauty salon/barber shop, health center, post office, bistro, arts and crafts area and community center. Residents will have access to a series of outdoor courtyards, garden area, and pathways. All on-site services will only be accessible to residents and their families. The Applicant will provide a shuttle service for residence and facilitate group outings for those who are capable of participation.

- (b) A group home for children must provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children who will use the facility.*

Not applicable. The Project is not a group home for children. However a community garden and park for the residents and their visiting families will likely be used by children.

- (c) Where residential dwelling units are provided*
 - (1) the maximum residential density per lot area is 15 units per acre or the maximum density allowed in the zone, whichever is greater; and*
 - (2) the minimum green area is 50%.*

Not applicable. The Project is based on bed count.

(d) Where facility size is based on the number of beds, not dwelling units, the following lot area is required:

(1) In the R, RC, and RNC zones, 2,000 square feet per bed or 5 acres, whichever is greater.

(2) In all other zones, the minimum lot area is 2 acres or the following, whichever is greater:

(i) in RE-2, RE-2C, RE-1, and R-200 zone: 1,200 square feet per bed;

The proposed lot area is 156,307 square feet. In accordance with Section 59-3.3.2c.ii.(d)(2)(i) of the Code and based upon a ratio of 1,200 square feet per bed, maximum lot density is 130 beds. The proposed total number of beds is 125 which is less than the maximum density.

(e) The minimum side setback is 20 feet.

The side yard building setback provided is 100 feet at the southern property line.

(f) In the R-10 and R-20 zones, the development standards of the apartment building type apply, except as modified by Section 3.3.2.E.2.c.

Not applicable. The Property is zoned R-200.

(g) Independent dwelling units must satisfy the MPDU provisions of Chapter 25 (Section 25.A-5).

The proposed development is defined as a Residential Care Facility and does not contain independent dwelling units.

(h) In a continuing care retirement community, occupancy of any independent dwelling unit is restricted to persons 62 years of age or older, with the following exceptions:

(1) the spouse of a resident, regardless of age;

(2) another relative of a resident, 50 years of age and older;

(3) the resident widow, widower, or other surviving relative of a resident who dies while residing at the continuing care retirement community, is allowed to remain even though the resident widow, widower, or other surviving relative has not reached the age of 62.

A minimum of 80% of the dwelling units must be occupied by at least one person per unit who is 55 years of age or older.

Not applicable. The Project is not a continuing care retirement community and does not contain any independent dwelling units.

(i) Height, density, coverage, and parking standards must be compatible with surrounding uses; the Hearing Examiner may modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.

The Application is in conformance with the general development standards provided in Section 59-4.4.7 of the Montgomery County Zoning Ordinance for the R-200 zone and complies with Section 59-3.3.2.E.2.c, as described above, which contains additional development standards for approval of a residential care facility as a conditional use. Maximum building height permitted in the R-200 zone is 50-feet. Calculated in accordance with Section 59-4.1.7.C.1.b, the proposed building height of the two/three-story building is 42 feet. The proposed lot area for the Project is approximately 156,307 square feet resulting in a maximum allowable residential density of 130 beds. Maximum lot coverage permitted in the R-200 zone is 25%. Proposed lot coverage is 25%. Minimum vehicle parking spaces required is 50 spaces, a maximum of 73 vehicle parking spaces are provided.

To ensure compatibility with the surrounding neighborhood, the new building will be strategically designed to work with the slope of the site. The building massing has been developed to break down the scale of the overall project to create smaller projections of the building to the north and south, minimizing long spans of facade. The massing also drops to 2-stories over the parking garage where exposed to the southeast to minimize the size of the building adjacent to the existing townhomes. A pitched roof and large residential style windows will complement the contextual style of the adjacent residential and rural community. Main building materials will include stone and painted horizontal cement board siding with an asphalt shingle roof. Painted pergola elements at the ground level and small porch projections in various locations on all levels will further help reduce the building scale at the ground plane.

Landscaping including shade, evergreen, and ornamental trees will screen the parking lot from the residential properties to the south. All deliveries, trash, and recycling pickups will be screened by a wall minimizing the impacts on the community.

(j) In the AR zone, this use may be prohibited under Section 3.1.5, Transferable Development Rights

Not applicable. The Property is zoned R-200.

VI. Conformance with Article 59-6: General Development Requirements

The Application meets all applicable requirements of Article 59-6 of the Zoning Ordinance with regard to site access; parking, queuing, and loading; open space and recreation; landscaping and lighting; screening; outdoor display and storage; and signage as shown on the Conditional Use Site Plan, the Landscape and Lighting Plan, and as further described below.

Division 6.1-Site Access: Pursuant to Section 59-6.1.2 of the Zoning Ordinance, this Division does not apply to development in the residential detached zones. A Fire Department Apparatus Access Exhibit has also been prepared for reference as part of this application to demonstrate movement and accessibility for Fire Service. Section 6.1.3.2 indicates that any development must *limit vehicle access across a primary pedestrian, bicycle, or transit route wherever feasible*. Dawson Farm Road contains a public transit route, pedestrian sidewalk, and dedicated bike lane. Site access is being proposed off Liberty Mill Road in order to minimize conflict with the public access routes.

Division 6.2-Parking, Queuing, and Loading: Pursuant to Sections 59-6.2.3 and 59-6.2.4 of the Zoning Ordinance, the site will require 0.25 parking spaces per bed plus 0.5 spaces for each employee for a residential care facility use in the R-200 Zone. The Project includes 125 beds, requiring a minimum of 32.5 parking spaces. The Applicant anticipates 35 employees to be on-site during shift overlaps, requiring 17.5 additional spaces, for a total of 49 required parking spaces. A detailed summary of the arrival and departure times for employees is included in the Statement of Justification and Traffic Statement submitted as part of this Application. A total of 73 parking spaces are proposed, satisfying the minimum parking requirements for the scope of the use. While many of the residents no longer drive, ample parking spaces will provide adequate space for visitors and residences. The Site Plan demonstrates the Vehicle Parking Design Standards contained in Section 59-6.2.5 of the Zoning Ordinance are satisfied with respect to access, parking space, drive aisle size, safety, etc.

| | Required Minimum | Per This Plan |
|--|------------------|----------------------------------|
| Parking Requirements (59-6.2.4. B) | 49 spaces | 73 spaces |
| Bicycle Spaces (59-6.2.4. C) | Not Applicable | 6 (short term) 10 (long term) |
| Size of Spaces (59-6.2.5.E)-90 degree | 8.5' x 18' * | 8.5' x 18' |
| Space for Charging Electric Vehicles (59-6.2.3.E) | Not Applicable | 2 |

Per Section 59-6.2.3.E, spaces designated for charging electric vehicles are not required given that the proposed parking facility contains less than 100 spaces. However, 2 spaces for charging electric vehicles will be included within the proposed garage.

Section 59-6.2.5.K applies since the Property is in a Residential Detached zone and the Project is a conditional use containing three or more parking spaces. The majority of the proposed parking is integrated within the building. The surface parking is located in a manner that maintains a residential character with plantings along the perimeter to screen and soften the parking edge. Parking islands with shade trees have been provided to minimize the impact of the parking facility. The landscaping and large perimeter setbacks will contribute to the “open and semi-rural” appearance. A sidewalk connection has been proposed to link the existing public sidewalk within Liberty Mill Road to provide a pedestrian-friendly street presence. The proposed parking complies with the minimum side and rear parking setbacks as illustrated by the development standards included as part of the Site Plan tabulation. The Applicant has complied with the specific requirements of the Zoning Ordinance while also shifting the parking as close as possible to Liberty Mill Road to provide additional separation between the Project and the adjacent townhouses to the southeast and single-family homes to the south.

Per Section 59-6.2.4.C, bicycle parking spaces are only required for residential care facilities that provide dwelling units. Since the Project is based on provision of beds rather than dwelling units, bicycle parking spaces are not required. Therefore, the Bicycle Parking Design Standards (Section 59-6.2.6) are not applicable to the Project. Although not required, the applicant will be

provided six short term bicycle space adjacent to the proposed community park as well as ten long term parking spaces within the proposed garage. Pursuant to Section 59-6.2.8 of the Zoning Ordinance, the Project includes one loading space which is required for a residential care facility with between 25,001 and 250,000 square feet of gross floor area. The proposed ten-foot by thirty-foot loading space for building and delivery food service are located on the south side of the building and screened by a retaining wall. The recycle and refuse will be collected and stored within the building to minimize impacts on the community. Food Service and Trash and Recycling pickups are expected three times a week. FedEx and UPS deliveries are sporadic throughout the day. Thus, in general, truck traffic to the site will be very low. Additionally, the Application complies with each of the Loading Design Standards contained in this Section, as demonstrated on the Conditional Use Site Plan.

Section 59-6.2.9 of the Zoning Ordinance addresses parking lot landscaping and outdoor lighting requirements, and Section 59-6.2.9.C pertains to parking lots with 10 or more spaces. (See table below). The proposed parking lot lighting satisfies Section 6.2.9.C.4 further described in Section 59-6.4.4 (General Outdoor Lighting Requirements).

| | REQUIRED/PERMITTED | PROVIDED |
|---|---|---------------|
| Section 6.2.9.C.1-Landscaped Area | | |
| Minimum Landscaped Island Area | 100 s.f. min. 5% of total parking lot area | 168 s.f. min. |
| Maximum Parking Spaces between Islands | 20 | 10 |
| Section 6.2.9.C.2-Tree Canopy | | |
| Minimum Tree Canopy | 25% of Parking Area in 20 years | 26.2% |
| (Parking Area = 5,760 s.f.) | | |
| 20-year Tree Canopy Area | 1,440 s.f. | 1,510 s.f. |
| Section 6.2.9.C.3-Parking Lot Perimeter Planting | | |
| Planting Area Abutting a that abuts a public right of way | | |
| i. Minimum Width | 6' | 37' |
| ii. Minimum hedge height | 3' | 3' |
| iii. Canopy Trees | 30' O.C. (length = 20') | 1 |
| iv. Understory Trees | 2 per Canopy Tree | 14 |

Division 6.3-Open Space and Recreation: Pursuant to Section 59-6.3.2 of the Zoning Ordinance, there are no open space requirements for a residential care facility in the R-200 Zone.

Division 6.4-General Landscaping and Outdoor Lighting: Section 59-6.4.3.B of the Zoning Ordinance contains specifications for landscape elements (plants and trees) with respect to definitions and size at time of planting. The landscaping that is proposed for the Property (pursuant to Section 59-6.2.9 and Section 59-6.5.3.C.7) satisfies these requirements.

As described above, lighting is proposed in accordance with Zoning Ordinance requirements to provide safety around the site. All lighting along the vehicular access into the Property and in the parking lot will comply with Section 59-6.4.4.B of the Zoning Ordinance with regard to design requirements and Section 59-6.4.4.C with respect to lighting types. The Project will comply with Section 59-6.4.4.C.4 by including adequate lighting at the entrance of the residential care facility to ensure the safety of persons and the security of the building.

Section 59-6.4.4.D requires Project on-site illumination to be 0.5 footcandles or less at the lot line. The proposed lighting design conforms to this requirement. A detailed Lighting Plan with photometric analysis has been provided as part of this application. Section 59-6.4.4.E of the Zoning Ordinance states that outdoor lighting for a conditional use be directed, shielded, or screened to ensure that the illumination is 0.1 footcandles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or Employment zone. This requirement is not applicable to the project which abuts townhouse building types to the east and an open space parcel and the post office property to the south. A pendant style light mounted on sixteen foot poles for the parking and drive aisles. The courtyard areas will be illuminated using catenary suspended light, landscape accent lights, and building mounted fixtures.

Division 6.5-Screening Requirements: Section 59-6.5.2.B of the Zoning Ordinance requires that in the Agricultural, Rural Residential, and Residential Detached zones, a conditional use in any building type must provide screening under Section 59-6.5.3 if the subject lot abuts a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use. Section 59-6.5.3.C.7 requires landscape screening to be provided for construction of a General building type with a conditional use in a residential detached zone. The proposed parking lot contains the required landscaped islands, tree canopy, and perimeter planting in accordance with option B as shown on the Landscape plan included a part of this application.

The Project provides Option B, as reflected on the Landscape plans submitted as part of this application in regards to the planting width and number of canopy, evergreen, and shrubs provided for screening and buffering abutting properties.

Division 6.6-Outdoor Display and Storage: Since the Project does not propose the storage or display of any merchandise, material, or equipment outside of a completely enclosed building, this requirement is not applicable to this Application.

Division 6.7-Signs: Pursuant to Section 59-6.7.8 of the Zoning Ordinance, although the Property is in a residential zone (which permits a maximum total area of all permanent signs of two square feet), a residential care facility (over 16 persons) meets the definition of a multi-unit development and is eligible for additional sign area under Section 59-6.7.8.B.1 of the Zoning Ordinance. *See OZAH Case No. CU 16-01, Hearing Examiners Report and Decision p. 94.* Section 59-6.7.8.B.1 allows for additional sign area for a permanent location sign erected at any entrance to a subdivision or multi-unit development if the sign is a ground sign or wall sign located at an entrance to the subdivision or building. Two signs are allowed for each entrance, the maximum sign area is 40 square feet per sign, the maximum height of a sign is 26 feet, and the sign may be illuminated pursuant to the provisions of Section 6.7.6.E. Pursuant to Section 59-6.7 of the Zoning Code, the Project includes a monument sign at the proposed entrance on Liberty Mill Road. The sign will be double-sided and will be approximately 5 feet high by 7 feet long with a maximum area of 40 square feet. The approximate location of the sign is identified on the Conditional Use Site Plan. The Applicant will provide further design details at the time of

application for a sign permit, but the proposed signage will comply with the general schematics and location reflected on this Plan.

VII. Conditional Use Requirements

Based on the current R-200 zone, the proposed residential care facility will require approval of a conditional use application by the Hearing Examiner. The following is a summary of the required necessary findings that must be demonstrated per Section 59-7.3.1. E of the Zoning Ordinance. The items below in *italics* are excerpts from the Ordinance:

1. To approve a conditional use application, the Hearing Examiner must find that the proposed development:

a. satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;

The previous Conditional Use (CU17-02) for the site was approved January 13, 2017. It was not implemented within 24 months or extended and is therefore expired. The previously approved Preliminary Plan and Forest Conservation Plan will be amended.

b. satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6;

The Application is in conformance with the general development standards provided in Article 59-3.3.2.E.2.c (Residential Care Facilities –Over 16 Persons) and Article 59-6 General Development Requirements. See related sections above for additional detail and justification.

c. substantially conforms with the recommendations of the applicable master plan;

The Property is located in the Germantown Master Plan, which was approved and adopted in July of 1989. This Master Plan is over twenty years old and many of the recommendations for developments and roadways have already been constructed or developed in other ways. The Property is within the Clopper Village community of the Master Plan. The Master Plan recommends the current residential zone (R-200) to remain. In the Land Use section of the Master Plan the subject Property along with the abutting post office property to the southwest is identified as CL-2. The CL-2 land is described as follows in the Master Plan: “Because of its location in a residential area and adjacent to an arterial road it would be suitable for a child or

elderly day-care center, religious facility or other similar use. The existing post office site and building might well be able to be converted into a child day-care center. The property is not suitable for special exception uses that are not compatible with the existing single-family detached character of the area. Retail or similar uses should be located at other, more appropriate locations.” The proposed residential care facility by its nature is residential and compatible with the adjoining neighborhood serving as a good transitional use between the townhomes to the southeast and Germantown Elementary School to the west. The Master Plan also generally calls for broadening the mix of housing types in the Master Plan area and providing housing for the elderly “at appropriate locations in Germantown.” Within the Human Services section of the Master Plan the growing need for elderly services and nursing homes throughout the Master Plan area is mentioned.

The Master Plan does not provide a roadway classification or standard cross section for Liberty Mill Road. However, the 2019 Master Plan of Highways and Transitways identifies Liberty Mill Road as a 2-lane Primary Residential roadway with a 70-foot right-of-way. Under existing conditions and at the Property frontage it is a two-lane roadway with an existing dedicated left-turn lane and a variable width right-of-way. The State Highway Administration (SHA) acquired the necessary right-of-way in late 1996 for improvements to Liberty Mill Road as part of the MD Route 118 relocation project. Along the northeast Property line is Dawson Farm Road. This was a new road recommended by the Master Plan at the time it was adopted. Dawson Farm Road is a divided arterial roadway and fully improved with a 100-foot right-of-way consisting of a four lane divided roadway, associated turn lanes and dedicated hiker-biker trail. The Application conforms with these roadway recommendations as demonstrated on the Conditional Use Site Plan. (See Appendix- Exhibits 4, 5, and 6)

d. is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;

The proposed use will be in harmony with the general character of the neighborhood. The two/three-story residential care facility will be compatible with the typical two to three-story structures in the surrounding neighborhood. The new building will be strategically designed to work with the slope of the site. The building massing has been developed to break down the scale of the overall project to create smaller projections of the building to the north and south, minimizing long spans of facade. The massing also drops to two-stories over the parking garage

where exposed to the southeast to minimize the size of the building adjacent to the existing townhomes. A pitched roof and large residential style windows will complement the contextual style of the adjacent residential and rural community. Main building materials will include stone and painted horizontal cement board siding with an asphalt shingle roof. Painted pergola elements at the ground level and small porch projections in various locations on all levels will further help reduce the building scale at the ground plane.

With a large elementary school to the northwest, a one-story brick structure (former post office) to the southwest, and a residential community to the south and east containing three story homes, the Project will not be out of character with the surrounding community. The array of uses located in the surrounding area testifies to the varying character of the neighborhood.

The site contains a 40-foot WSSC easement and 20-foot drainage easement along the west and south Property boundaries that limits building construction in this area. The building is facing Dawson Farm Road to provide a street presence. The majority of the parking serving the facility is located within the building envelope to minimize impact to adjoining properties. The remaining parking designated for visitor is located to the west adjacent to the church.

e. will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;

There is one existing special exception approval within the defined neighborhood for the proposed use: S-2471 for a day care facility located at 19002 Mateny Hill Road. Just outside the defined neighborhood, there are two special exception approvals: S1814 a home occupation at 13408 Accent Way, and S2748 an Accessory Apartment at 18817 Lake Placid Lane. The broader surrounding area is composed of a mixture of residential, commercial, recreational, and institutional uses. Based on the limited number of conditional uses approved within this area, the development will not have a negative impact on the area and is, in fact, quite in keeping with the established character created by the varying uses. While “need” is not a required finding for approval of the Conditional Use petition, there is an established need for assisted living and, to a greater extent, care dedicated memory care facility. A search for residential care facilities within

a three-mile radius of the Property indicated three other locations: Asheir Manor Assisted Living (19230 Mateny Hill Road), Warm Heart Family Assistance Living, Inc. (18441 Crownsgate Circle), and Churchill Senior Living (21000 Father Hurley Boulevard). The aging population of Montgomery County will continue increase faster than demand for such facilities. Additionally, the Project offers a unique service in that it offers both assisted living and care of individuals diagnosed with Alzheimer's and other forms of dementia and memory loss.

f. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:

- i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; or*
- ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; and*

There are two fire and rescue services facilities located within 5 miles of the site: Station #22 Germantown-Kingsview Fire Department at 18910 Germantown Road (approximately 0.6 miles) and the Germantown Volunteer Fire Department at 20001 Crystal Rock Drive (approximately 1.8 miles) from the site. The Montgomery County 5th District Police Station is located at 20000 Aircraft Drive approximately 2.3 miles from the site. Existing fire and rescue and police services will adequately service the intended use of the Property.

The existing property is classified as Water Category W-1 and Sewer Category S-1, and the existing single family residence is currently serviced by the Washington Suburban Sanitary Commission (WSSC). An existing 24-inch waterline is currently available along Liberty Mill

Road, as well as a 12-inch waterline along the southeast boundary of the Property. A new 8-inch water connection will tap into the existing 12-inch water main located in Liberty Mill Road and will provide water supply to the Property for both domestic and fire protection use. A 12-inch waterline is typically sufficient to provide the required flows and pressures to meet the demand of a building of this size and capacity.





Sewer Map (<http://gisweb.wsscwater.com/weri>)



The subject Property fronts onto Liberty Mill Road and Dawson Farm Road. Dawson Farm Road appears to have been fully constructed in accordance with the Master Planned rights-of-way. The Master Plan does not provide a roadway classification or standard cross section for Liberty Mill Road. Under existing conditions and at the Property frontage it is a two-lane roadway with a dedicated left-turn lane and a variable width right-of-way. The Master Plan does not make any recommendations for changes to the size or classification of Liberty Mill Road. Although no physical improvements will be necessary to Liberty Mill Road as part of the Application, a public improvement easement will be provided as part of the subdivision process to provide a one-foot green strip between the existing sidewalk and property line as typically provided for maintenance. As explained in the Traffic Statement submitted with the Application, the Project will generate fewer than 50 net new peak hour person trips during the weekday morning and evening peak periods. The proposed development is therefore exempt from the Montgomery County Local Area Transportation Review requirements, and therefore will have negligible transportation impacts within the study area. A residential shuttle will be provided to residents for various outings, shopping, and medical appointments. Public bus service is available along Dawson Farm Road with an existing bus stop on the northwest and southeast quadrants of the intersection of Dawson Farm Road and Liberty Mill Road. The Germantown MARC train station is located 0.4 miles to the east on Mateny Hill Road. (See Appendix-Exhibit 7)

With development of the Property, on-site storm drainage and stormwater management systems will be constructed to meet current Montgomery County and State standards. Stormwater management for the development will be provided in accordance with the Maryland Department of the Environment 2009 edition of the Maryland Stormwater Design Manual, the Montgomery County Code, and current Montgomery County Department of Permitting Services policies and requirements. Environmental Site Design practices are proposed throughout the Property to provide treatment volume and reduce the effective post-development runoff curve number to be equivalent to woods in good condition.

g. will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:

i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;

- ii. traffic, noise, odors, dust, illumination, or a lack of parking; or*
- iii. the health, safety, or welfare of neighboring residents, visitors, or employees.*

The inherent characteristics of a residential care facility include, (a) the physical presence of buildings and parking facilities; (b) traffic both to and from the site by staff, visitors, and residents; (c) parking areas to accommodate staff and visitors; (d) site lighting; (e) deliveries of food, supplies and trash pick-up; and (f) noise generated by vehicles making deliveries or pickups, noise from the access drive, and noise from outdoor activities. The Project is intended to blend in with the surrounding community and to fit harmoniously with the surrounding uses so as not to adversely affect the use, peaceful enjoyment, economic value, or development of the adjacent properties or the surrounding neighborhood. The proposed development will have a residential character of to blend seamlessly with the surrounding community. The site provides a good transition between the residential properties to the south and arterial roadway abutting the property on the north. The courtyards will be utilized for passive recreation and will not detract from the peaceful atmosphere of the community.

As indicated in the Traffic Statement included as part of this Application, the net new trips generated by the Project falls below the threshold of 50 or more net new peak-hour trips in both the AM and PM peak hours and therefore is exempt from LATR (Local Area Transportation Review) requirements. The Statement continues to add that the Project will have a negligible impact on the transportation network surrounding the area. The Property is located in the Germantown West (yellow) policy area and is subject to Transportation Impact Taxes at time of building permit.

A trash and recycle pickup is expected to occur one to two times per week during daylight hours and outside of rush hour times. Both trash and recycling collection will be within the building with the service drive screened by a wall to mitigate the impact to the neighbors. Food deliveries will be made approximately three or four times a week via a small box truck and are expected to occur outside the peak hour between the hours of 10 a.m. and 3 p.m. from the drop off loop. Site lighting was designed to limit illumination and glare incorporating downward directional lighting. Pole lighting along the parking and drive aisle will receive house side shields to reduce lighting visibility from the adjacent properties. Photometric design is based Illuminating

Engineering Society of North America (“IESNA”) guidelines and Section 59-6.4.4.D of the Zoning Ordinance which restricts light levels to 0.5 footcandles at the Property line.

The site will receive extensive landscaping to minimize the impact to neighbors. Screening and landscape buffers will be designed to meet the requirements of Section 6.5.3 of the Zoning Ordinance and will include a mixture of evergreens, shade trees and understory plantings to provide a year round buffer while increasing the aesthetics of the Project. The proposed use will not detract from the economic value of the surrounding neighborhood, nor will it impede the development of the adjacent properties. Although a residential community exists to the south and west of the Property, the residential care facility is an ideal transitional use to help buffer the residential community from the busier environment of Dawson Farm Road, the Elementary School to the northwest, and the church to the southwest of the site. Due to the variety of uses existing in the surrounding community and the residential character of the Project, the Project will be consistent with the character of the neighborhood.

An emergency generator will be provided to ensure continuous critical care for the Project and its residents. The generator will be installed within the building with noise attenuation provisions and muffler assembly to minimize noise and limit emissions. Heating, ventilating and air conditioning mechanical equipment is also proposed around the building exterior. This equipment will be screened by landscaping. Truck deliveries will occur on a limited basis. All potential noise sources will be designed to meet or exceed the requirements of Chapter 31B (Noise Control) of the Montgomery County Code.

2. Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.

The proposed building will be distinctly residential in character. Main building materials will include stone and painted horizontal cement board siding with an asphalt shingle roof. The roof will be pitched and windows will be of a large residential style windows to complement the contextual style of the adjacent residential and rural community. Painted pergola elements at the ground level and small porch projections in various locations on all levels will further help reduce the building scale at the ground plane and will all contribute to the compatibility of the Project with the surrounding community.

VIII. Conclusion

The Application is in conformance with the general development standards set forth in Section 59-4.4.7 and Article 59-6 of the Zoning Ordinance for the R-200 zone, Section 59-3.3.2.E that establishes the necessary findings for permitting a residential care facility as a conditional use, and Section 59-7.3.1 that describes the conditions and findings for granting a conditional use and the standards for evaluation. In addition, the Project accomplishes the objectives and visions specified in the Germantown Master Plan. The Project conforms to the requirements of the Forest Conservation Law established in Chapter 22A of the Montgomery County Code. The Project is both an appropriate and desirable use for this location and will be designed to blend seamlessly with the adjacent residential community.