

SPECTRUM RETIREMENT COMMUNITIES

AMENDNED PETITION FOR APPROVAL OF
CONDITIONAL USE APPLICATION NO. CU 20-05

9545 RIVER ROAD, POTOMAC, MARYLAND

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November 23, 2020

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CONDITIONAL USE APPLICATION NO. 20-05
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**MONTGOMERY COUNTY
OFFICE OF ZONING & ADMINISTRATIVE HEARINGS**

November 23, 2020

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CONDITIONAL USE APPLICATION NO. 20-05
9545 RIVER ROAD, POTOMAC, MARYLAND**

CONTACT INFORMATION

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SUMMARY OF PROPOSAL

Spectrum Retirement Communities (the “Petitioner”) is submitting this amended Conditional Use application for the proposed redevelopment of the property located at 9545 River Road in Potomac, Maryland (the “Property”) with a Residential Care Facility (Over 16 Persons). The Property is classified in the Residential Estate-2 (“RE-2”) Zone and currently is improved with a nursery/garden center and associated surface parking.

The Petitioner is proposing the redevelop the Property with a senior living facility containing up to 100 suites (or up to 130 beds) and associated residential amenities (the “Project”). The Project will be constructed in one phase and will significantly improve the visual appearance of the Property and provide an opportunity to implement stormwater management and forest conservation strategies, where there currently are none.

The Petitioner originally submitted an application for a two- and three-story Residential Care Facility containing three levels of care – independent living, assisted living and memory care. The Petitioner subsequently amended the Application to include only two levels of care – Assisted Living and Memory Care uses (the “Amended Conditional Use”). The Montgomery County Planning Board reviewed the Amended Conditional Use and voted unanimously to recommend approval of the project. However, in keeping with the Petitioner’s longstanding efforts to engage and work collaboratively with the community, the Petitioner is now seeking to further amend the Conditional Use. Specifically, to address comments received from the immediately surrounding community and the West Montgomery County Citizens Association, the Petitioner has eliminated the third-story building component, with associated modifications to the building footprint, and significantly enhanced the already substantial perimeter landscaping, among other modifications. These changes are discussed in detail in the Petitioner’s updated Land Use Report.

IN THE MATTER OF THE PETITION

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OF SPECTRUM RETIREMENT COMMUNITIES

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FOR A CONDITIONAL USE

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Case No. CU- 20-05

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**STATEMENT OF SPECTRUM RETIREMENT COMMUNITIES IN SUPPORT OF THE
REQUESTED CONDITIONAL USE**

Spectrum Retirement Communities (the “Petitioner”) respectfully submits this amended request to the Montgomery County Office of Zoning & Administrative Hearings (“OZAH”) pursuant to Section 7.3.1 of the Montgomery County Zoning Ordinance (“Zoning Ordinance”). The Petitioner seeks approval for the establishment of a Residential Care Facility (over 16 persons) (the “Conditional Use”) on the property located at 9545 River Road in Potomac, Maryland.¹

I. PROPERTY DESCRIPTION & PROPOSED CONDITIONAL USE

As stated in the Petitioner's Land Use Report, the Property currently consists of approximately 219,757 square feet of land (±5.04 acres) located along River Road, approximately 0.5 miles south of the Potomac Village, which is situated at the intersection of River Road and Falls Road. The submitted Zoning Map confirms that the applicable zoning classification is Residential Estate-2 (“RE-2”).

The Amended Land Use Report (“Land Use Report”) describes the Property as being located at the center of a larger neighborhood generally bounded by Sotweed Drive and Conestoga Way to the north, Schulz Lane and Persimmon Tree Road to the west, Newbridge Drive and Logan Drive to the south, and Bencross Drive and various residential lots to the east (the “Surrounding Neighborhood”). The Land Use Report states that the Surrounding Neighborhood is residential in character, made up of single-family detached homes, many of which are large estates on large lots. There are various non-residential uses just beyond the Surrounding Neighborhood boundary to the north, in the Potomac Village, which is approximately 0.5 miles north of the Property. The Potomac Village will serve the varying needs of the residents for goods and services and medical appointments.

¹ Prior to implementing the proposed Conditional Use for a Residential Care Facility (Over 16 Persons) the Petitioner will submit the necessary applications to the Montgomery County Planning Board for a Preliminary Plan of Subdivision and subsequent Record Plat, to create one record lot for the Property and provide the necessary right-of-way dedication.

Consistent with the residential character of the Surrounding Neighborhood, the Petitioner proposes to redevelop the Property with a senior living facility. As shown on the Conditional Use Site Plan, the proposed building will comply with the development standards of Section 59-4.4.4 of the Zoning Ordinance for the RE-2 Zone. The Project will include up to 100 Assisted Living and Memory Care suites (or up to 130 Assisted Living/ Memory Care beds) (the “Residence”). The Residence also will provide residential amenities, generous common areas for use by residents, landscaping, streetscape improvements, associated parking, and other site improvements (the “Project”). A detailed description of the Project is provided in the Land Use Report.

The Land Use Report will demonstrate that the proposed Conditional Use:

- (a) Is permitted in the RE-2 Zone;
- (b) Complies with the specific use standards set forth in Divisions 59-3, the development standards set forth in Division 59-4, and the general requirements set forth in Division 59-6; and
- (c) Satisfies the findings required for approval in Division 59-7.

V. LIST OF INITIAL WITNESSES

The Petitioner intends to call the following witnesses at the public hearing, but reserves the right to call additional witnesses as necessary.

1. Michael Longfellow, AIA, NCARB, Senior Vice President of Construction & Development, Spectrum Retirement Communities, LLC, will testify as to the proposed use and operations, as well as some planning and design aspects of the Project. Mr. Longfellow also is an architect and may offer testimony on the design of the building and its compatibility with the surrounding neighborhood.
2. Joshua Sloan, ASLA, AICP, with VIKa Maryland, will testify as to the approved Forest Conservation and Stormwater Management Plans for the Property, the Project’s compliance with the intent and requirements of the Zoning Ordinance, the proposed landscape design, compatibility of the proposed development with the Surrounding Neighborhood, and the Project’s substantial compliance with the Master Plan.
3. Jeff Amateau, P.E. or Logan Kelso, P.E., with VIKa Maryland, will testify as to the physical characteristics of the Property, the proposed Conditional Use Plan, stormwater management, availability of utilities, and the site and building’s compliance with the applicable standards and requirements of the Zoning Ordinance.
4. Brian Van Winkle, AIA, with Vessel Architecture and Design, will testify as to architectural and design elements of the proposed senior living residence.

5. Nancy Randall, with Wells + Associates, will testify as to traffic and transportation planning issues in accordance with the Transportation Statement prepared for the Conditional Use Application.
6. Donald S. Boucher, SRA, Maryland State Certified General Real Estate Appraiser with Boucher & Boucher, Inc., will testify as to the Project's impact on the peaceful enjoyment, economic value, and development potential of abutting and confronting properties and more broadly, the general neighborhood.


VII. ESTIMATED HEARING TIME


The Petitioner anticipates that, excluding questions, the presentation of its case-in-chief for the proposed conditional use will take approximately three hours.

VIII. FILING FEES

The filing fees have been paid in full for this Application.

Respectfully submitted,
Lerch, Early, & Brewer, Chtd.

By: 
Steven A. Robins, Esq.
Attorney for Petitioner

By: 
Elizabeth C. Rogers, Esq.
Attorney for Petitioner

Dated: November 23, 2020