

LAND USE REPORT

**Community Housing Initiative, Inc.
13741 & 13751 Travilah Road, Rockville, MD**

This Land Use Report is submitted by Community Housing Initiative, Inc. (the "Petitioner") in connection with its request pursuant to Section 7.3.1 of the Montgomery County Zoning Ordinance ("Zoning Ordinance") to establish an Independent Living Facility for Seniors (the "Project") on the property located at 13741 and 13751 Travilah Road, Rockville, MD (the "Property").

As discussed in detail below, the Project is designed to ensure compatibility with the surrounding neighborhood. Additionally, the proposed use will satisfy all applicable standards of the Zoning Ordinance and substantially conforms with the Approved and Adopted 2002 Potomac Subregion Master Plan (the "Master Plan").

There is a significant need for more senior housing in the County, as noted in the Potomac Subregion Master Plan and numerous County policy documents. The Project provides an important opportunity to develop for-sale senior housing, which will serve County residents as they age and allow them to stay in their community, close to family and friends.

BACKGROUND

Community Housing Initiative, Inc. (CHI) is a developer, owner, and operator of affordable housing with an emphasis on senior housing facilities, with facilities in Frederick, Montgomery, Prince George's, and Howard County, Maryland. They also develop land for builders on sites for market-rate projects. In total, CHI currently operates four properties, containing 472 units amongst the four communities, and has another five properties, containing 667 units in entitlement; all are Low-Income Housing Tax Credit affordable housing projects. This Project is somewhat unique, as described in the Statement of Operations, submitted concurrently with this Report

The proposed facility will provide much-needed senior housing in Montgomery County, which provides a high-quality life and the necessary services to allow senior residents to remain vital members of their community. Senior Independent Living provides a move-down housing alternative without having to leave the area, all the while, paying taxes and supporting local businesses with minimal impact on public facilities such as schools.

PROPERTY & SURROUNDINGS

The Property is located along Travilah Road, just east of its intersection with Dufief Mill Road. The Property consists of two unrecorded parcels, P709 and P804, and Parcel B (N765) recorded on Plat 9926, with a tract area of approximately 10.75 acres, including land proposed to be dedicated to public use for Travilah Road. To implement the Conditional Use application, the Applicant is concurrently seeking approval of a Preliminary Plan of Subdivision to create the record lots and necessary HOA parcels. Following subdivision, the Property will consist of approximately 462,875 square feet of land (or +10.63 acres).

Exhibit 4
OZAH Case No: CU 23-10

The Property currently is underutilized with dilapidated commercial buildings and structures, operated as a contractor's yard for a hydro-seeding company on the east side. The existing buildings have a tired and worn appearance that is inconsistent with the quality of the surrounding community. On the east side, there are a couple older rental residential houses and storage areas. Existing landscaping is sparse and in poor condition. Perimeter fencing is decaying in several locations along neighboring properties. Vehicular access to the Property is not well defined and has poor sight distance, with two very narrow access points directly into parking off Travilah Road that permits vehicles to circulate in an unpredictable and haphazard fashion. As such, the proposed Project provides an opportunity to significantly improve every aspect of the existing conditions on the Property.

As shown below and on the certified zoning map, submitted concurrently with this Statement, the Property currently is zoned RE-2 ("Residential Estate-2"). Pursuant to Section 3.3.2. of the Zoning Ordinance, an Independent Living Facility for Seniors or Persons with Disabilities is an allowed Conditional Use within the RE-2 Zone. Under Division 3.3, Independent Living Facility for Seniors or Persons with Disabilities is a Residential Use and is defined as building or collection of buildings, of any building type, containing dwelling units for senior adults or persons with disabilities. Although allowing support services and ancillary uses, none are proposed with this project.

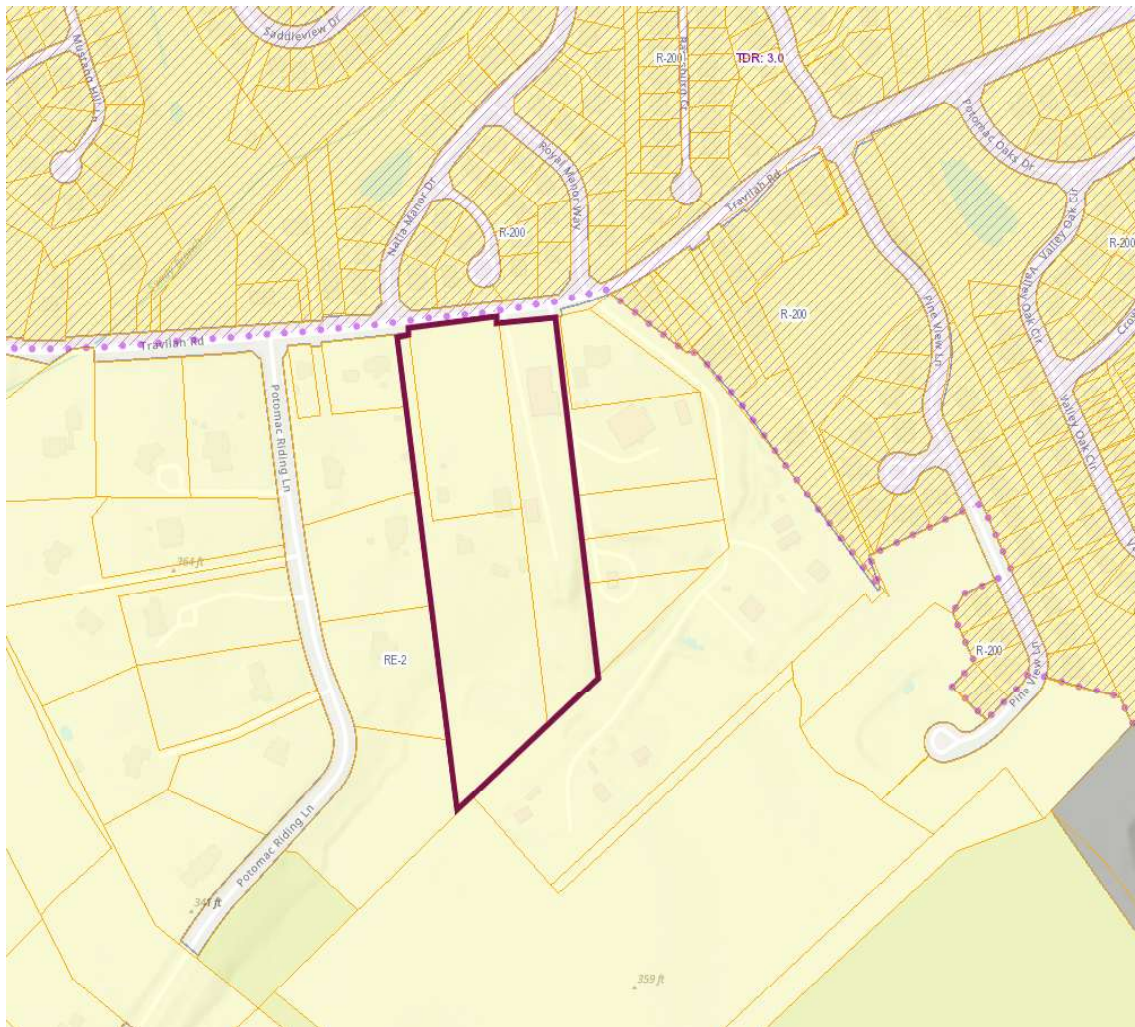


Figure 1: Zoning Map

The Property is surrounded by institutional uses, commercial uses, and single-family and townhome residential neighborhoods. The surrounding single-family detached homes range from approximately 3,500 to 8,000 square feet and a few are situated on large lots, although the majority are located on D-acre or less lots. The nearby townhomes are similar in size to the proposed homes, except they are not age-restricted. The subdivision to the north of Travilah Road was approved under various optional method development site plans using TDRs to allow increased density, smaller lots, and inclusion of townhouses.



Figure 2: Context Map

There is a small commercial lot within 1 mile to the east at the intersection of Travilah Road and Lake Winds Way; a bit further to the east, approximately 2 to 2.5 miles away, are several medical office buildings and commercial centers. These facilities are easily accessible by car, bicycle or RideOn bus routes 67 and 301 with stops adjacent to the Property; one of these stops is proposed for relocation to the Property frontage.

There is a natural vegetative buffer that exists around the perimeter of the site that largely screens the Property from the view of the neighboring homes. The Project will enhance this natural buffer with carefully selected landscaping material and fencing designed to enhance the screening resulting in the redevelopment of the existing commercial use with a more compatible, residential use. A significant

portion of the southern half of the Property will be placed in conservation easement to protect a stream valley buffer, floodplain, and associated wetlands.

For purposes of the conditional use review, the Surrounding Neighborhood is defined as the institutional and commercial uses and then residential uses to the east, Royal Manor Way residential development to the north, Potomac Riding Lane residential development to the west, and a commercial property and the Serpentine Barrens Conservation Park to the south (the “Surrounding Neighborhood”). As noted earlier, the context is largely residential in character, made up of single-family detached homes and townhouses, mainly to the north, northeast, and west of the property and some commercial and institutional properties. The proposed townhouses are compatible with this mix of uses and building types.



Figure 3: Surrounding Neighborhood

CONDITIONAL USE

The Petitioner proposes to redevelop the Property under the standard method of development for the RE-2 Zone to accommodate four-story age-restricted, independent living townhomes for seniors per Section 3.3.2.C.2.c. The Project also will include residential outdoor amenities, generous common areas to be shared by residents, landscaping, associated parking, and other site improvements. The design of this community is residential in nature.

Site Layout and Architectural Design

The site layout and building architecture have been designed to be compatible with and complementary to the surrounding residential neighborhoods. While many townhouse neighborhoods have eight or more units in a “stick”, the Project proposes a maximum of seven units per stick, while most sticks include 3, 4, or 6 units, with ample open space between to maintain the medium-density residential character in the surrounding neighborhood. Along the western property line there are only three townhouse sticks reducing the visual impact along this boundary. This careful attention to modulation of building massing and open space is key to establishing compatible relationships between the Project and its context.



Figure 4: Illustrative Townhouse Facades

The exterior architectural design is a mix of traditional materials in a contemporary arrangement featuring significant windows and doors, bay windows, articulation of entry features, masonry detailing, and a variety of other features that evoke an inviting residential quality of “home”. And like surrounding homes, the units will have gabled roofs to ensure that the overall effect is a decidedly residential experience that complements the character of the surrounding area. The units have a three- story

façade along the streets with optional habitable attics within the gabled attic. The buildings will have a maximum height of approximately 42 feet to the midpoint of the pitched roof, which is several feet lower than allowed by the RE-2 Zone (i.e., maximum height of 50 feet) and compatible with the heights of surrounding residential homes.

To further promote compatibility with the surrounding residential homes, the building exceeds the minimum setback requirements for this use in the RE-2 Zone, which is subject to Sections 3.3.2.C.2.c, 4.4.4.B.2, and Section 4.4.14.B.3. To the rear, the interior lots are set at least 15 feet from the property boundary and the buildings are setback an additional 20 feet from their interior rear lot lines totally a minimum of 35 feet. The front and side lots abutting Travilah Road begin approximately 30 feet from the right-of-way and the units themselves are setback an additional 12 or 3 feet, respectively. Within the site the townhouses are set 20 feet behind the sidewalks along the private streets. This arrangement allows for a street presence and additional front yard tree planting areas, while still providing ample parking space. Interior side setbacks are a minimum of 3 feet. The data table on the Conditional Use Plan cover sheet details compliance with all setbacks and other applicable development standards.

The Petitioner also is proposing to significantly increase the landscape buffers that surround the Property along the western, eastern, and southern property boundaries to provide additional screening of the Project from the adjacent residential homes and institutional and commercial uses. Accordingly, the building setbacks and perimeter landscaping will provide extensive screening from the surrounding residential uses and ensure compatibility of the Project with the Surrounding Neighborhood for the adjacent owners and for future residents. Screening along the western property line, in particular, is designed to comply with Division 6.5 with significant plant material and a privacy fence.

The eastern and southern properties are not vacant nor improved with an agricultural or residential use and the aforementioned Division does not apply.

Open space, required as “green area” for the proposed use, significantly exceeds the minimum 50% required. Spread throughout the community, the open space focuses on four primary areas:

1. Landscaped buffers along the eastern and western property lines.
2. A greenway along the Travilah road frontage.
3. A central green space within a network of sidewalks.
4. The rear common space and overlook of the conservation area.

The landscape buffers along the eastern and western property are at least 8 feet wide and will be planted with various types of primarily native trees and shrubs. The greenway along the Travilah Road frontage builds off the proposed street tree and sidewalk design within the right-of-way with sweeping lawns and biorention facilities that will be planted as lush pollinator gardens. Two monument signs, yet to be designed, will flank the entry drive. A central green is framed by sidewalks and buildings providing significant usable space and serving as a more functional green space alternative to the naturalized area to the south. As previously mentioned, the Petitioner proposes to retain and enhance the existing tree stand along the southern portion of the Property. While most of this area will be set aside within a conservation easement to protect the streambuffer and wetlands, a secondary outdoor amenity space is situated to take advantage of this lovely view. This space also includes outdoor patio areas with seating, shade, and a walking trail. In keeping with the serene atmosphere created by the forest and wetlands, little formal programming is proposed keeping this space open and flexible for the community to adapt over time.

Only minimal building lighting is proposed and the lighting for the parking and amenity areas will be limited to the amount necessary to ensure safety. Exterior lighting has been designed to eliminate light exposure on adjacent properties —all outdoor lighting for the Project will be directed, shielded, or screened using full-cut-off fixtures focused on internal sidewalks, streets, and parking. The photometric plan, submitted in connection with this Application, illustrates that lighting will not bleed into adjacent properties.

Parking and Loading

With respect to parking, the Project will satisfy applicable Zoning Ordinance requirements on-site. Section 6.2.4 of the Zoning Ordinance requires a minimum of two vehicular parking space per townhouse. All of these spaces are proposed on individual lots and along the street; no separate “parking lot” is proposed. No loading spaces are required.

Pedestrian and Vehicular Access and Circulation

The Project will greatly improve the configuration and safety of vehicular access to the Property. Currently, vehicular access to the Property is partially hidden with two narrow access points directly into the parking off Travilah Road. The Project will significantly improve the existing conditions by controlling vehicular access through a single well-defined access point graded and cleared for sight distance. The access point has been strategically located to maximum intersection spacing and to ensure adequate site distance.



Figure 5: Existing Frontage

The Petitioner also proposes to install a 6-foot-wide sidewalk along the Property's Travilah Road frontage, separated from the street by a 9-foot-wide landscape panel. Because the abutting lots to the east and west have not dedicated any required right-of-way, there is no ability to tie into an existing sidewalk. Thus, a bus stop will be relocated to this frontage for safe access to transit.

PROPOSED OPERATIONS

The proposed Project will provide townhouses for independent seniors; no residential care or assisted living facilities are proposed. Thus, the Project will function much like a traditional residential neighborhood, although with less traffic or noise and no school impacts. Detailed operational information is provided in the Statement of Operations, submitted concurrently with this Report.

MASTER PLAN RECOMMENDATIONS

The Property falls within the boundaries of the *2002 Approved and Adopted Potomac Subregion Master Plan*. The Master Plan is 20 years old noting that master plans are generally to generally look ahead 20 years from the date of adoption, although they are intended to be updated every 10 years. The Master Plan specifically recognizes that “circumstances will change following adoption of a plan and that the specifics of a master plan may become less relevant over time.” (See page vii). Nonetheless, many of the overarching objectives of the Master Plan remain relevant today and the proposed Project substantially conforms with many of these objectives.

Land Use

The Master Plan confirms the RE-2 zoning for the Property but does not contain any site-specific recommendations. The Project conforms, however, with the general recommendations contained in the Master Plan. The Master Plan seeks to maintain the low-density “green wedge”, as recommended by the County's “Wedges and Corridors” planning policy (see Page 33). The Project, which provides over 6 acres of open space and has a maximum lot coverage of 20 percent, furthers this goal by providing compatible, low-density development. At approximately 5.6 senior living units per acre, this low- impact use is in line with surrounding land-use patterns with little impact on traffic and no impact on schools. The Project will remove significant commercial storage and dumping areas and enhance the existing landscaping around the periphery of the site, to provide ample screening and buffering from the surrounding residential uses.

Of particular significance, the Master Plan specifically recognizes that “Senior housing is appropriate throughout the Subregion wherever zoning permits this use, either by right or as a special exception use.” (See page 38). And, although the Master Plan identifies five properties as suitable locations for senior housing, the plain language of the Master Plan clearly intended to allow for senior housing in other locations throughout the subregion and did not intend to limit senior housing to these five sites. The Hearing Examiner reached the same conclusion in Conditional Use Case No. CU-16-01 and, more recently, in Conditional Use Case No. CU-20-05.

The Master Plan recognizes that the Potomac Subregion does not, but should, fully meet the Master Plan area's senior housing needs within its boundaries (see Page 36). At the time of its adoption (i.e., 2002), it was projected that the Subregion would need to accommodate approximately 750 dwelling units by 2022 to meet the needs of the Subregion's aging population. If anything, changing demographics show an increased demand for senior housing throughout the County. The Project will further this goal by providing additional, desired senior housing within the Master Plan boundaries proximate to goods and services desired by senior residents.

Special Exception Policy (Applicable Now to Conditional Uses)

The Master Plan includes a Special Exception Policy that is designed to ensure the protection of the residential areas while simultaneously promoting important policy goals (such as senior housing). The

Master Plan's Special Exception Policy seeks to “avoid an excessive concentration of special exceptions along major transportation corridors” (see Page 35). The intent of this recommendation is, in part, to guard against traffic impacts, by minimizing uses that might create too many access points and conflicting turn movements. Currently, access to the Property is from two drives that need significant safety improvements. The Project will control access to the Property through one access points better located to maximize intersection spacing and provide for optimal site distance. The Special Exception Policy also recommends “increase[d]... scrutiny in reviewing special exception applications for highly visible sites,” to guard against over concentration. The Project provides a significant setback from Travilah Road with a large, landscaped area. Furthermore, there is not an overconcentration of Special Exceptions in the Surrounding Neighborhood and, importantly, the proposed Project is replacing a landscape contractor's yard (a current Special Exception) with a residential use. Thus, there will be no net increase in special exceptions or conditional uses in the area.

In reviewing Special Exceptions, the Master Plan dictates that the following guidelines shall also be given consideration (in addition to the Zoning Ordinance requirements):

1. Architectural compatibility with surrounding neighborhood;

In keeping with the surrounding neighborhoods, the architectural design features numerous contemporary residential features typical of many townhouses in the community. These include various siding materials, prominent front doors, significant windows, gabled roofs, and varying colors. Backyards will be fenced and landscaped in a traditional residential design language.

2. Minimizing the commercial appearance of parking through location and landscaping. Front yard parking should only be allowed if it can be adequately landscaped and screened;

Most parking is provided in garages and driveways; some visitor parking is provided along the street in a typical parallel-parking format. No parking lots are proposed.

3. Enhancing screening and buffering between proposed new development and adjacent residential areas and right-of-way.

As discussed above, the Project proposes fencing and landscaping beyond the requirements for screening between conditional uses and residential lots. All street lighting will be appropriately directed to maintain 0.0 footcandles at the Property boundary.

Environmental Resources

The current site is in a rather degraded conditions with significant debris piles and no real controls on siltation, stormwater runoff, or stream and wetland protection. The Project addresses several of the environmental recommendations contained in the Master Plan. There is an existing stream located within the southern portion of the Property. The Project will provide stream valley buffers, as appropriate, on-site and does not propose any development or stormwater management within these buffers. These buffer areas will become special features of the landscape design featuring plant materials specially selected to serve as habitat for butterflies, bees, and birds between new and enhanced forest stands. The stream valley buffers will be placed into forest conservation easements. In fact, all the forest conservation requirements will be met on site through the creation of forest stands along the stream and its associated wetlands.

The Project also proposes significant improvements to the treatment of stormwater management on-site. Environmental site design (ESD) techniques will be used to treat rainwater with micro bio-retention and landscape infiltration facilities. Micro-bioretenion facilities retain and treat stormwater runoff by filtering the runoff through a sand, soil, and organic matter media, before releasing it into the adjacent storm drain system via a perforated underdrain pipe. Per Chapter 5 of the MDE Stormwater Design Manual, each facility shall not have more than 20,000 square feet of drainage and must treat the first inch of runoff at a minimum. Furthermore, large storm events will bypass into the storm drain system via a riser located within the footprint of the facility. These facilities will be located, shaped, and planted as garden features within the landscape to provide a park-like feel around the homes.



Figure 6: Examples of Bioretention Facilities

ZONING ORDINANCE REQUIREMENTS

The project will meet all Zoning Ordinance Standards and Requirements as shown in the following tables that are also provided on the Conditional Use Plan Cover Sheet.

Section 3.3.2.C.2.c. Independent Living for Seniors as a Conditional Use.

- i. The site has adequate accessibility to public transportation, medical services, shopping areas, recreation, and other community services, as shown on the attached vicinity map and described in the statement of justification.
- ii. No ancillary or retail facilities are proposed.
- iii. Per Chapter 25A, Section 25A-5A, the affordable housing requirement will be met through an automatic alternative payment to the Housing Initiative Fund by agreement with the DHCA.¹
- iv. The maximum building height is met per the table below. The maximum density is established by the Hearing Examiner per the table below.
- v. Height density, coverage, and parking are compatible with surrounding uses as shown in the Conditional Use Plan application.
- vi. There are no units facing the existing street requiring a front setback.
- vii. The minimum side and rear setbacks are 25 feet to abutting lots not included in this application, although there are no abutting lots because of an approximate 15-foot HOA parcel between proposed lots and the abutting lots. In addition to this 15-foot HOA parcel, principal buildings are setback on the internal lots 20 feet.
- viii. The minimum green area is 50%.
- ix. Principal building setbacks (not modified above) meet the minimum required for the subject building type in the R-30 zone, as shown below.

¹ Because of difficulties finding qualified seniors for for-sale, age-restricted housing and to better support the purpose of the MPDU program to help first-time home buyers, any new age-restricted development that will be for-sale is required to make a payment to the HIF in the amount of 3% of the sales price, due at closing, as with any other alternative payment agreement found in 25A-5A. This is because an indivisible package of services and facilities available to all residents of the proposed subdivision would cost MPDU buyers so much that it is likely to make the MPDUs effectively unaffordable by eligible buyers and accepting the payment will further the objective of providing a broad range of housing opportunities throughout the County.

DEVELOPMENT STANDARDS: RE-2 ZONE (AS MODIFIED BY SECTION 3.3.2.C.2.c)

STANDARD	REQUIRED/ALLOWED	PROPOSED
Lot Area (min) (Section 4.4.4.B.1)	2.00 AC	10.63 AC
Tract (Gross Tract) Area		468,223 SF 10.75 AC
Dedication Area on Travilah Road		5,348 SF 0.12 AC
Site (Net Lot) Area		462,875 SF 10.63 AC
Lot Width at Front Building Line (min) (Section 4.4.4.B.1)	150 feet	417 feet
Lot width at front lot line (min) (Section 4.4.4.B.1)	25 feet	417 feet
Density (Section 3.3.2.C.2.c.iv/v) Max Units	n/a units	60 Townhouses
Lot Coverage (max) (Section 4.4.4.B.1)	25% 115,719 SF 2.66 AC	20% 92,575 SF 2.66 AC
Principal Building Setbacks (min) [1] (Section 3.3.2.C.2.c.vi/vii) (Section 4.4.14.B.3)	Front Private Street 4 feet Side Street 5 feet Side (End Unit) 3 feet Side B/W Lot & Site Boundary 5 feet Rear 20 feet Rear B/W Lot & Site Boundary 10 feet	10 feet [2] 5 feet 3 feet 5 feet 20 feet 10 feet
Height (max) (Section 3.3.2.C.2.c.iv/v)	50 feet	50 feet
Green Area (min) (Section 3.3.2.C.2.c.viii)	50% 231,438 SF 5.31 AC	60% 277,725 SF 6.38 AC

GENERAL REQUIREMENTS

STANDARD	REQUIRED/ALLOWED		PROPOSED	
59-6.2.4. Parking (min)				
On Street/Visitor		0		19
Per Townhouse	2.00	120		180
Total		120		199
HC Spaces (Including Van)		0		1
Standard Spaces		120		198
59-6.4.3.C. Fences and Walls				
3.c.i. Fence Height (max)		6.5 feet	6.5	feet
59-6.4.4.E. Conditional Use Lighting				
Footcandles at Site Boundary (max)		0.1 FC	0	FC
59-6.5.3.C.7. Screening [3]				
	Option A		Option A	
Depth (min)		8 feet	8	feet
Canopy Trees (min/100')		2	2	trees
Understory/Evergreen Trees (min/100')		2	2	trees
Large Shrubs (min/100')		6	6	shrubs
Medium Shrubs (min/100')		8	8	shrubs
Small Shrubs (min/100')		8	8	shrubs
Fence Height (min)		4 feet	6	feet

NOTES

[1] Accessory structures are permitted within setbacks, as defined in the Zoning Ordinance.

[2] 18' minimum provided to garage door.

[3] Applicable to western boundary abutting detached residential uses; not applicable to eastern boundary or rear developed with institutional and commercial uses.

FINDINGS OF APPROVAL

This Land Use Report confirms that the proposed Conditional Use will satisfy the required findings for Conditional Use approval specified in Zoning Ordinance Section 7.3.1.E.

- a. *Section 7.3.1.E.1.a. (The conditional usej satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;*

The above-referenced Section is not applicable. The proposed Conditional Use will supersede the existing Special Exceptions (Case Nos. S256, S791, 5409, and CBA2927)². There are no other previous approvals for the Property.

- b. *Section 7.3.1.E.1.b. (The conditional use satisfies the requirements of the zone, use standards under Article 59-3, and applicable general requirements under Article 59-6;*

As discussed fully above, the proposed use complies with the applicable requirements of the RE-2 Zone, including the conditional use standards for Independent Living for Seniors, and the general requirements of Article 59-6.

- c. *Section 7.3.1.E.1.c. (The conditional use) substantially conforms with the recommendations of the applicable master plan;*

The proposed use substantially complies with the Master Plan, as discussed above. The proposed senior living facility has been designed to promote compatibility with the uses in the Surrounding Neighborhood. The townhouses are a residential use and have a residential appearance. As such, the facility will have no effect on the area's residential character. In fact, removal of the existing commercial use will greatly enhance the residential character of the neighborhood.

- d. *Section 7.3.1.E.1.d. (The conditional use) is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;*

As described above, the Conditional Use design promotes compatibility with the Surrounding Neighborhood. Additionally, as described in the Petitioner's Statement of Operations, submitted concurrently with this Report, the proposed independent living townhouses for seniors will be operated in a manner typical of a suburban residential community that ensures compatibility and preservation of the residential character of the Surrounding Neighborhood. The proposed setbacks and perimeter landscaping and fencing will provide an appropriate buffer from the adjacent single-family residential uses. Furthermore, the landscaping proposed along Travilah Road will substantially screen the townhouses from the street. The buildings are residential townhouses indistinguishable from typical residential structures utilizing various materials, colors, recesses and projections to minimize any perceived bulk and massing of the buildings. The Project will result in the redevelopment of the existing commercial use with a more compatible, residential use.

² Per MCATLAS: Case S256 for a private club; Case S791 to permit a horticultural nursery and commercial greenhouse (in conjunction with Case No. A-827; Case 5409 to permit the construction and operation of a private educational institution for over 40 children; Case CBA2927 for a private club.

- e. *Section 7.3.1.E.1.e. [The conditional use] 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;*

The proposed Conditional Use will replace several Special Exceptions that have existed on the Property for many years (Case Nos. S256, S791, S409, and CBA2927). Therefore, the proposed Conditional Use will not increase the number of conditional uses in the Surrounding Neighborhood. Furthermore, the proposed Conditional Use will not affect the area adversely nor alter its residential character. The Conditional Use is residential and designed to maximize compatibility with the surrounding properties, as discussed in detail above.

The Conditional Use substantially conforms with the recommendations of the Master Plan as described above and specifically addresses the Master Plan's objective to provide additional senior housing within the Potomac Subregion.

- f. *Section 7.3.1.E.1.f. [The conditional use] 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.*

A Preliminary Plan of Subdivision will be filed concurrently with Conditional Use approval to create the necessary record lots and parcels. As such, the Montgomery County Planning Board ("Planning Board") will be responsible for determining whether Adequate Public Facilities ("APF") exist to support the proposed development of the Property. As demonstrated by the Traffic Statement, the public facilities are more than adequate to support and service the Conditional Use. The proposed independent living townhouses for seniors will generate 19 AM peak hour and 23 PM peak hour person trips. Notably, although the Project provides new residential density, the proposed senior living use will not generate any new students. Thus, the Project will have no impact on public school capacity. Other public facilities and services — including police stations, firehouses and health care facilities — are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following construction of the Project. The nearest police station serving the Property is the 1st District Police Station, located at 100 Edison Park Drive in Gaithersburg, Maryland. The nearest firehouse is Montgomery County Fires Station 32 located at 9615 Darnestown Road, Rockville, Maryland. The Petitioner's civil engineers have confirmed that the Project will be served by public water and sewer systems, as shown on the Conditional Use Site Plan; a Hydraulic Planning Analysis will be submitted to the Washington Sanitary Sewer Commission in conjunction with

this application. Electric, gas and telecommunications services are also available.

- g. *Section 7.3.1.E.1.g. (The conditional use) 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 Zoning Ordinance defines inherent adverse effects, as adverse effects created by the physical or operational characteristics necessarily associated with the particular conditional use, irrespective of its physical size or the scale of its operations. The Zoning Ordinance is clear that inherent adverse effects alone do not constitute a sufficient basis for denial of a Conditional Use, and must be evaluated in combination with non-inherent adverse effects. Non-inherent adverse effects are defined as adverse effects that arise from physical and operational characteristics that are not necessarily associated with the particular conditional use, or adverse effects that are created by unusual characteristics of the site.

Typical senior living facilities have large buildings, parking, and dedicated service and loading areas. The proposed independent living use, however, will be completely residential in nature comprising several sticks of townhouses along a private residential street with significant open space, landscaping, and sidewalks. As such, those inherent effects usually discussed with a conditional use, such as large building size, parking facilities, and traffic to the site by staff are not applicable. The remaining inherent effects are 1) outdoor amenity space, 2) street lighting, 3) traffic from residents, and 4) trash and delivery trucks.

This Land Use Report finds each of these inherent effects of the Conditional Use will be acceptable and appropriate for the proposed location:

- Outdoor amenity space for use by residents and visitors. The design of the outdoor spaces is typical in nature, although providing much more communal space than a standard residential neighborhood. Because there are nearby recreational facilities, such as the Nancy H. Dacek North Potomac Community Recreation Center across the street offering a gym, pickleball, table tennis, and other activities, the outdoor amenity space for the community is generally passive in nature. Taking advantage of the existing wetland and stream valley, the Project is what might be termed park-oriented development with paths, lawns, plantings, and shaded seating for flexible, open-ended enjoyment by residents and their guests. These spaces are located within the community in the central block, at the entrance along Travilah Road, and at the southern end of the property where they will have the least impact on neighbors.
- Street lighting. As shown on the Photometric Plan, in conformance with the requirements of Section 6.4.4 of the Zoning Ordinance, lighting for the Project will fall to zero (0.0) footcandles well before approaching Property lines abutting the residential uses. Special fixtures have been selected that eliminate glare to surrounding properties.
- Traffic to and from the site by residents. The Petitioner's Traffic Statement confirms that the Project is anticipated to result in a minimal amount of traffic to and from the site: 19 AM peak hour and 23 PM peak hour person trips.

- Trash and delivery trucks. As indicated in the Statement of Operations, only typical trash and recycling pick up and deliveries to households, such as FedEx and UPS trucks, will typically be on site. There are no communal or commercial-like facilities proposed requiring large, regular deliveries. Thus, the proposed use will be similar in nature to a typical residential community.

This Land Use Report has not identified any additional inherent effects associated with the Independent Living Facility for Seniors. As such, as illustrated above, the proposed Conditional Use will not result in adverse effects over and above the above-described inherent impacts.

In addition, this Land Use Report has not identified any non-inherent adverse effects associated with the Conditional Use at the proposed location. This Land Use Report therefore finds that the Conditional Use will not cause undue harm to the Surrounding Neighborhood. There is no evidence that the Conditional Use will interfere with the use or enjoyment of the surrounding properties; result in undue traffic, noise, odors, dust, illumination, or a lack of parking; or interfere in any way with the health, safety, or welfare of neighboring residents, visitors, or employees. Rather, as discussed in detail above, the proposed Conditional Use will be compatible with the Surrounding Neighborhood. The proposed Project, which is residential in nature, will complement the surrounding uses and improve Travilah Road to current standards along its frontage.

CONCLUSION

As described above, the Project meets or exceeds all of the criteria and standards for a Independent Living Facility for Seniors in the RE-2 Zone, as set forth in Divisions 59-3, 59-4, 59-6, and 59-7 of the Zoning Ordinance. For these reasons and for other reasons discussed herein, this Land Use Report supports approval of the Conditional Use as proposed.