



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
9/17/09
Item # 9

MEMORANDUM

DATE: September 1, 2009

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief, Development Review Division *RK*
Ralph Wilson, Zoning Supervisor *RW*

FROM: Carlton W. Gilbert, Planner Coordinator *CW*
(301) 495-4576

SUBJECT: **Special Exception Modification No. S-717-B: Our House, Inc.**
applicant, - request a modification to an existing special exception
for construction of a new dormitory building (Domiciliary Care
Home); RDT Zone.

MASTER PLAN: Olney Master Plan and the Rustic Roads Functional Master Plan
(RRFMP)

FILING DATE: March 5, 2009
PUBLIC HEARING: October 2, 2009

STAFF RECOMMENDATION: APPROVAL with the following conditions:

1. All evidence, testimony and exhibits of record are binding on the petitioner;
2. The maximum allowable number of residents (beds) must not exceed 24.
3. The maximum number of employees on-site at any one time must not exceed 13.
4. Except in emergencies, deliveries of food and medical supplies are limited to Monday through Friday, 8:30 a.m. to 5:00 p.m. and Saturday, 9:00 a.m. to 4:00 p.m., and trash pick-up is to be limited Monday through Friday, 9:00 a.m. to 5:00 p.m. and Saturday, 9:00 a.m. to 4:00 p.m.

SUMMARY OF APPLICATION

Site Size and Location: The property’s address is 19715 Zion Road, Brookeville, Maryland. The site is approximately 137 acres and is generally bounded by Brookeville Road to the north, Tarantino Road to the east, Olney-Laytonsville Road to the south and Zion Road to the west. The area surrounding the property includes residential and agricultural land uses.

Zone and Use: The site is zoned RDT, and a Group Home (Our House, Inc.) is currently operating under a special exception that was granted in 1960 as a “hospital, sanitarium, nursing, or care home” for 20 beds. This category is no longer recognized by the Zoning Ordinance. The Board of Appeals (BOA) has determined that Our House qualifies as a domiciliary care home, and this modification application has been prepared accordingly.

Proposed Use: The applicant is seeking approval of modifications to the existing group home to include construction of a new dormitory building; to increase the number of beds from 16 to 24 and to increase the number of employees from 11 to 13. In doing so, the use must conform to the standards of a domiciliary care home, which is the appropriate category that provides services for more than 16 residents.

Master Plan Consistency: The project is consistent with the goals and objectives of the Olney Master Plan and the Rustic Roads Functional Master Plan (RRFMP).

Traffic Impact: The project will not have any substantial impact on traffic in the area.

Further Action on Application: The proposal will require approval by the Board of Appeals.

Project Summary

Special Exception application S-717-B is a request by Our House, Inc. to modify the existing special exception to: (1) permit construction of a new two-story dormitory

building; (2) increase in the number of beds from 16 to 24; (3) increase the number of staff on the site from 11 to 13; and (4) provide a parking area containing 34 spaces.

The applicant currently operates a Group Home known as "Our House Youth Home" that currently provides educational, vocational, and psychological rehabilitation services for sixteen male youths. Our House is located at 19715 Zion Road in Brookeville, MD. The property is located on the south side of Brookeville Road to the east of the intersection of Zion Road and Olney-Laytonsville Road (Rt. 108). The property is approximately 137 acres in size and is zoned Rural Density Transfer (RDT) zone. The portion of the property subject to the special exception modification request is a 40-acre portion located on the east side of the property, which is identified as P600.

The applicant has operated the Our House Youth Home since 1993 and has owned the property since 2002. Currently, the property is developed with a three-story farmhouse used for administrative and office space, a cottage, a carpentry building, a barn and a two-story brick and frame building used as the existing residence hall and kitchen. The existing dormitory houses 16 young men in 8 bedrooms with shared living and dining spaces.

The Our House facility is a supervised group home for young men, which currently has 16 residents with an average age of 17 to 18. During the day, students are given instruction on construction carpentry and in the evening, they are given instruction based on a high school curriculum. Approximately two-thirds of the students leave the facility during the day (8:00 a.m. – 3:30 p.m.) via an Our House van and the remaining one-third stay at the facility. None of the residents drive.

On weekdays, there are approximately 8-9 staff members at the facility between 7:30 a.m. and 4:00 p.m. and 3-4 staff members at the facility between 4:00 p.m. and 9:00 p.m. After 9:00 p.m., there are two staff members at the facility. On weekends, there are three staff members on-site. Staff members do not live at the facility.

The proposed construction of a new dormitory requires a modification to the existing special exception approval. As part of this modification request, the applicant proposes to increase the number of beds at the facility from 16 to 24 and increase the number of staff from 11 to 13.

With the recommended conditions, the proposed modifications to Our House satisfy all applicable special exception requirements and regulations as specified in the Montgomery County Zoning Ordinance. The applicant has met the burden of proof by demonstrating that the proposed modifications would be operated without any detriment to the neighborhood and would not be adverse to the public interest. The proposed use is consistent with the recommendations of the Olney Master Plan and the Rustic Roads Functional Master Plan.

Neighborhood Description

The neighborhood within which the subject property is located is generally bounded by Brookeville Road to the north, Tarantino Road to the east, Olney-Laytonsville Road to the south and Zion Road to the west. The area surrounding the property includes single-family homes and agricultural land uses. The property to the north across Brookeville Road is agricultural land in the RDT zone. The properties to the south contain single-family detached homes in the RDT zone and the Olney Boys and Girls Club. The property to the east is agricultural land in the RDT zone. The area west of the property across Zion Road consists of single-family detached homes in the R-200 zone, a nursery, and Mount Zion Park.

Zoning History

Our House is currently operating under a special exception that was originally granted in 1960. The Board of Appeals first granted special exception (Case No. 867) approval to operate a “hospital, sanitarium, nursing, or care home” on approximately 40 acres of the property. At that time, the facility could accommodate a maximum of 20 patient beds. In 1966, the Board approved an expansion from 20 to 30 beds (Case No. 2048), and in 1979, the Board approved a second expansion from 30 to 50 beds (Case No. S-717). In 1987, the Board approved S-717-A to allow for another expansion for the facility from 50 to 81 beds which included the construction of a one-story building that could house 51 patient beds and would require 150 parking spaces. During this period, Seneca House, a treatment facility, was operating on the site. The Board extended the 1987 expansion until 1999 through multiple resolutions. In 1999, the Board approved a transfer of the special exception holder to Our House, Inc.

As previously stated, the Board first granted the special exception approval to operate a “hospital, sanitarium, nursing, or care home.” This category is no longer recognized by the Zoning Ordinance. On September 9, 2008, the Board ruled that Our House qualified as a domiciliary care home, and this modification application has been prepared accordingly.

Section 59-G-2.37 of the Code allows by special exception, a domiciliary care home that provides services for more than sixteen residents. The Board recently ruled that the operation of the domiciliary care home and related facilities were limited to the portion of the property unencumbered by a Transfer of Development Rights (TDR) easement. For this reason, a revised site plan was submitted that reflects the relocation of the septic system that serves the domiciliary home from just outside the special exception boundary to within the special exception boundary, which is unencumbered by a TDR easement.

PROPOSED MODIFICATIONS

Dormitory Building

Our House proposes to construct a new dormitory in order to alleviate crowded conditions in the existing dormitory. As shown on the attached site plan, the new two-

story building will be built into a hillside at the southeastern portion of the property. The total building area will be approximately 18,800 square feet including an 8,000 square foot basement. The maximum height of the building to its highest peak will be 32 feet. The proposed building will provide single-occupancy bedrooms, space for counseling, two classrooms, a sick room, recreation space for television and games, a community room, a dining hall, a kitchen, a laundry facility and appropriate facilities such as showers and bathrooms. Additionally, the building will include a central station for 24-hour supervision. Architecturally, the applicant intends to design the dormitory building consistent with the overall character of the Our House complex. The proposed building would be setback well over 300 feet from any lot line.

Number of Residents and Employees

The approved Our House special exception currently allows 81 beds (16 of which are currently used). At this time, the applicant proposes to increase the number of young men from 16 to 24. The applicant prefers that the Board not restrict the number of beds to a maximum of 24, in order to allow flexibility to add additional residents in the future. In this case, given the scope of notice to the public, staff believes that the number of residents and the number of employees (from 11 to 13) should be limited as shown in the application. Although any future increases may not have an adverse traffic impact on the neighborhood, staff would like to have the opportunity to review and evaluate the new information based on the merits of the request.

Master Plan

Two master plans guide the development of this property: the Olney Master Plan and the Rustic Roads Functional Master Plan (RRFMP).

Olney Master Plan (2005)

Our House is located in the Northern Olney area of the Olney Master Plan (pp. 5-6), with properties to the east of Georgia Avenue being included in the Agricultural Reserve. The plan recommends support for the agricultural and rural character and vistas as follows:

- It supports agricultural preservation in Northern Olney... (p. 3).
- The Plan also recommends design guidelines for all future special exception uses to ensure that they do not create negative impacts on surrounding residential neighborhoods (p. 4).
- Zoning...was specifically designed to maintain rural character by transferring the development from the area west of Georgia Avenue and concentrating it around the Town Center....No zoning changes are recommended (pp. 17-18).
- Agriculture and rural open space in the area west of Georgia Avenue and rural open space in the area east of Georgia Avenue are the recommended primary land uses (p. 18).
- Continued stewardship and management of agricultural lands through the agricultural protection and open space conservation programs will help maintain and improve the environmental health of this area (p. 18).

- Preservation of rural vistas should also be an important consideration in Northern Olney (p. 18).
- “Encourage new developments to use environmentally sensitive development techniques that integrate BMP’s that maximize stormwater treatment and infiltration such as:
 - Minimization of impervious surfaces;
 - Disconnection of runoff, sheet flow to buffers, grass channels; and
 - Bioretention (p. 75).
- Encourage application of agricultural conservation measures and best management practices (p. 77)

This property is classified in the Rural Density Transfer (RDT) zone. The intent of the zone is to “promote agriculture as the primary land use... Agriculture is the preferred use in the Rural Density Transfer zone” (§59-C-9.23).

Although in the RDT zone, domiciliary care is allowed by special exception, footnote 48 of the land use table requires domiciliary care homes and certain other uses to be located on sites where all eligible TDRs have been retained. The subject property previously consisted of three parcels. Several of the transferable development rights (TDR) associated with two of the parcels on the parent site have been severed, while the TDRs for the parcel where the domiciliary home is located have not been severed. However, in 2005, the properties were replatted (Plat No. 23201), so that the severed TDR easement only restricts those portions of the property described in the easement.

This proposal is consistent with past special exception approvals and conforms to the master plan’s goal of preserving agricultural lands in the northern Olney portion of the master plan.

Rustic Roads Functional Master Plan (1996)

Brookeville Road is a rustic road, which abuts the northern portion of the property. The historic alignment is the significant feature of the road. No change in alignment is proposed. The proposed site is not in the viewshed of this road. Therefore, this site conforms to the RRFMP master plan by protecting viewsheds and preserving the rustic character of the road.

Transportation

Transportation Planning staff is not recommending any transportation related conditions. The application meets the transportation-related requirements of the APF test. The proposed modification will not have an adverse effect on the transportation network in the immediate area.

Property Location, Vehicular Access and Pedestrian Facilities

The 137-acre Our House, Inc. property is located within the northeast quadrant of Olney-Laytonsville Road (MD 108) and Zion Road intersection in Brookeville. The

property has frontage along MD 108 to the south, Zion Road to the west-southwest, and Brookeville Road to the north. Access to the property is from Zion Road, approximately 1,300 feet north of MD 108.

Currently, MD 108, Zion Road, and Brookeville Road are two-lane roadways with no paved shoulders. There are no pedestrian facilities along these roads. Since no off-site changes are proposed as part of this special exception modification request, pedestrian accessibility will not be impacted. The immediate area is not served by public transit.

The Mount Zion Local Park is located to the west of the property (with access from Brookeville Road).

Master Plan Roadways and Bikeway/Pedestrian Facilities

The 2005 Approved and Adopted *Olney Master Plan* describe the nearby master-planned roadways, bikeway and pedestrian facilities as follows:

1. Olney-Laytonsville Road (MD 108), as a four-lane divided major highway (M-60) with a minimum right-of-way width of 150 feet between Laytonsville to the northwest and Dr. Bird Road (MD 182) to the southeast and a shared use path (SP-36).
2. Zion Road, as a two-lane country road (CR-3) with a minimum right-of-way width of 70 feet between MD 108 to the south and Riggs Road to the north and a shared road bikeway facility (B-39).
3. Brookeville Road, as a two-lane rustic road (R-39) with a minimum right-of-way width of 70 feet between MD 108 to the west and Georgia Avenue (MD 97) to the east.

Local Area Transportation Review

The proposed new dormitory building will increase the number of beds (for residents) at the Our House facility from 16 to 24. Similarly, the number of staff at the facility will increase from 11 to 13.

The traffic statement dated February 4, 2009, submitted by the applicant's consultant (see Attachment No. 1) estimated that the proposed increase in the number of beds/staff will generate two additional peak-hour trips during the weekday morning peak period and five additional peak-hour trips during the evening peak period. This is summarized in Table 1.

**TABLE 1
SUMMARY OF TRIP GENERATION
OUR HOUSE DOMICILIARY CARE HOME**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Total Existing Peak-Hour Trips	8	3	11	4	8	12
Additional Peak-Hour Trips (Estimated for the Proposed Special Exception Modification)	2	0	2	2	3	5
Total Peak-Hour Site Trips w/Special Exception Modification	10	3	13	6	11	17

Source: Integrated Transportation Solutions, Inc., Our House Special Exception Modification Traffic Statement; February 4, 2009.

A traffic study is not required for the above special exception modification since the expanded facility will generate less than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. In addition, the proposed increase to beds and staff members are well within the limit granted by the previous special exception (S-717-A). The traffic statement (as submitted) therefore satisfies the LATR requirements of the APF test.

Policy Area Mobility Review

To satisfy the PAMR requirements of the APF test for a use located within the Olney Policy Area, the proposed special exception modification portion of the development is required to mitigate 10% of its “new” peak-hour trips.

Applying the above percentage to the five evening peak-hour trips estimated to be generated by the proposed addition (see Table 1) results in a PAMR mitigation requirement of less than one trip. The proposed use therefore does not require mitigation under PAMR requirements of the APF test.

Environment

The subject property covers 137.18 acres within the Hawlings River subwatershed (Use IV-P streams), which is part of the Patuxent River watershed. Two streams traverse the property. The northern stream includes a pond, wetland, and a partially forested environmental buffer. The southern stream also has a wetland and its partly forested

environmental buffer. An environmental buffer that includes a floodplain for an offsite stream and wetland area lies along part of the eastern property boundary.

The property is zoned RDT. Much of the property has rolling topography. The eastern portion of the property has some areas of steep slopes that drain towards the offsite floodplain, stream, and wetlands.

Outside the environmental buffers, the property is mostly in field cover. An area of tree cover, predominantly consisting of Bradford pear trees, exists on the southern part of the property near the southern environmental buffer. The existing dormitory, barn, farmhouse, septic system, and other structures are located in the south central portion of the site.

The Patuxent River Primary Management Area (PMA)¹ covers the eastern, northern, and southern portions of the site. The PMA covers approximately 82.4 acres of the 137.18-acre site.

The special exception application does not cover the entire subject property. Only the eastern 40.32 acres of the property is subject to the special exception. Of the part of the property that is subject to the special exception application, 36.25 acres (90% of the subject property) lie within the PMA.

Forest Conservation

The proposed project qualifies for an exemption from the submission of a forest conservation plan under Section 22A-5(t) of the County Forest Conservation Law as a modification to existing developed property. Environmental Planning staff approved the exemption (FCP exemption # 42008165E) with a condition for a tree save plan on April 29, 2008.

A tree-save plan was submitted with the special exception application. All existing forest is proposed for retention. Some clearing will occur within the existing stand of non-native, invasive Bradford pear trees. In addition, some individual trees will also be cleared. Individual native trees that are 24 inches and greater in diameter at breast height (dbh) located near existing and proposed structures are proposed to be protected. The tree-save plan is acceptable if appropriate details related to tree protection fencing and signs are incorporated.

It should be noted that the subject site includes an approved forest conservation bank. As part of the bank approval process, most of the environmental buffer areas were

¹ The Patuxent River Primary Management Area (PMA) is a water quality protection and restoration area where land use activities are managed to protect and enhance water quality in the rivers and streams of the Patuxent River watershed of Montgomery County. The PMA is defined in the Planning Board's "Environmental Guidelines". The PMA lies 660 feet from a tributary of the Patuxent or Hawlings River, or 1320 feet from the mainstem of these two rivers.

protected by Category I conservation easements. Nothing associated with this special exception request affects the area of the forest bank or the environmental buffers.

Environmental Guidelines

As noted above, Category I conservation easements cover most of the environmental buffers on the property. This includes environmental buffers on the subject site, both within and outside the special exception area. The protection of environmental buffers in Category I conservation easements is consistent with the Planning Board's "Environmental Guidelines".

Patuxent River Primary Management Area Guidelines

The "Environmental Guidelines" establish a Primary Management Area (PMA) for the Patuxent River watershed in Montgomery County. The guidelines identify land within the PMA that is outside the environmental buffer as a transition area and recommends that imperviousness in this area should not exceed 10 percent.

The proposed project will create an imperviousness of 2.37 percent for the part of the Special Exception area that is in the PMA's transition area. This is consistent with the "Environmental Guidelines".

Stormwater Management

Montgomery County Department of Permitting Services (DPS) has approved a stormwater management (SWM) concept for the proposed project (see DPS letter dated November 4, 2008). The concept consists of three biofiltration facilities for water quality control and rooftop disconnects to provide groundwater recharge. Provision of channel protection volume structures is not required because the one-year post development peak discharge is no more than 2.0 cubic feet per second.

LEED Design Goals

As part of the project, the applicant proposes to design the new dormitory to achieve a Platinum rating by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) standards. Potential design features may include:

- Energy-saving insulating features
- Use of thermal mass to reduce demand for cooling and heating
- Manufacture of some of the building bricks on site
- Composting of kitchen and toilet waste
- Energy recovery from kitchen equipment and other waste heat
- Passive and active solar heating systems
- Recovery of rain water for irrigation of organic vegetable gardens
- Solar photovoltaic energy generation
- Structural insulated panels

- Pervious paving for parking areas
- Use of the construction site as a hands-on classroom for Our House residents

Staff supports the applicant's voluntary goal of meeting the highest LEED standard by including some of these proposed design features.

Community Comments - Staff has not received any comments from the community. However, staff did receive approximately 25 letters from several organizations that show support of the services that Our House, Inc. provides in the community.

59-G-1.2.1 Standard for evaluation.

A special exception must not be granted absent the findings required by Section 59-G-1 of the Montgomery County Zoning Ordinance. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with the inherent effects, are a sufficient basis to deny a special exception.

The inherent characteristics of a domiciliary care home include: (1) buildings and structures, as well as outdoor passive areas for the residents and visitors; (2) lighting; (3) traffic to and from the site by staff, visitors and residents; (4) deliveries of supplies and trash pick-up, (5) parking areas to accommodate visitors and staff; (6) noise associated with the loading and unloading of food and equipment and garbage pick-up.

In reviewing the application, staff finds that the inherent characteristics of size, scale and scope associated with the proposed application are minimal and not likely to result in any unacceptable noise, traffic disruption, or environmental impacts at the proposed location. Adequate parking is available for the residents, visitors and employees of the proposed domiciliary care home. Existing tree buffers and sufficient landscaping is proposed in order to maintain the general character of the neighborhood. There are no non-inherent adverse affects associated with the application.

59-G-1.21. General Conditions.

- (a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

- (1) Is a permissible special exception in the zone.

The proposed use is allowed by special exception in the RDT Zone.

- (2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

With the recommended conditions, staff finds that the requested modifications satisfy the standards and requirements prescribed in Section 59-G-2.37 of the Zoning Ordinance.

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

The proposed modifications are consistent with the recommendations of the Olney Master Plan and the Rustic Roads Functional Master Plan (RRFMP).

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

The use will be in harmony with the general character of the surrounding residential neighborhood considering population density, design, scale and bulk of the proposed new structures. The scale and height of the new two-story building (height 32 maximum) will be constructed with minimal impact on the natural environment. The setbacks are well over 300 feet from any adjacent lot lines.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

Staff finds the use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The use will not cause any objectionable adverse effects. All exterior lighting will be installed and maintained in a manner not to cause glare or reflection into abutting properties.

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

The approval of this special exception modification request will not increase the number, intensity, or scope of special exception uses sufficiently to adversely affect or alter the predominantly agricultural and residential nature of the area. Staff found one other property in the broad vicinity that was the subject of a special exception application, namely the Athletic facilities at 4501 Olney-Laytonville Road.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed modifications are designed in a way that will not have any adverse effect on residents, visitors, or workers in the area at the subject site.

- (9) 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.
- (i) If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception. If the special exception does not require

approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Board of Appeals when the special exception is considered. The adequacy of public facilities review must include the Local Area Transportation Review and the Policy Area Transportation Review, as required in the applicable Annual Growth Policy.

- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will not reduce the safety of vehicular or pedestrian traffic.

A preliminary plan of subdivision is not required. The subject site is adequately served by public facilities. The property is adequately served by public water and sanitary sewer service operated by the Washington Suburban Sanitary Commission (WSSC).

59-G-1.23 General Development Standards

- (a) Development Standards. The special exception is subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.23 or in Section G-2.

The proposed new building has been designed to comply with the standards of the RDT Zone and to comply with the requirements of Sections G-1.23 and G-2. Staff finds that the proposed modification would comply with all development standards as shown in the following table:

Development Standard Table

	<u>Required</u>	<u>Proposed</u>
Minimum lot area	5 acres	40 acres
Maximum lot coverage (.59-C-9.46)	10% of lot area	1.3%
Minimum lot width at street line at building line	25 feet 125 feet	1858 feet 900 feet
Maximum building height	50 feet	32 feet
Minimum setbacks (59-C-1-323)		
Front	50 feet	160 feet
Side	20 feet	357 feet
Minimum rear setback	35 feet	390 feet

- (b) **Parking Requirements.** Special exceptions are subject to all relevant requirements of Section 59-E.

The use is in compliance with Section 59-E for parking requirements. Section 59-E-3.7 requires for domiciliary care home: one parking space per four beds and one space per two employees on the largest work shift. Per the zoning code: 6 parking spaces are required for 24 proposed beds, 7 parking spaces are required for 13 employees for a total of 13 spaces required. 34 spaces are provided. Of the parking spaces provided, 2 are required to be handicap accessible. Two handicap or accessible parking spaces are provided.

- (c) **Minimum Frontage.** *Not applicable*

- (d) **Forest conservation.** If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.

The proposed project qualifies for an exemption from the submission of a forest conservation plan under Section 22A-5(t) of the County Forest Conservation Law as a modification to existing developed property. Environmental Planning staff approved the exemption (FCP exemption # 42008165E) with a condition for a tree save plan on April 29, 2008.

Therefore, it is not necessary for the Board to act on a forest conservation plan.

(e) **Water quality plan.** *A stormwater management concept plan has been approved by Montgomery County. (See attached letter)*

(f) **Signs.** *No signs are proposed.*

(g) **Building compatibility in residential zones.**

The site is not in a residential zone; however, the proposal is compatible with the character of the neighborhood and will continue to maintain the purpose of the RDT zone.

(h) **Lighting in residential zones.** All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into adjacent residential properties.

The site is not in a residential zone, however, the lighting plan adequately and efficiently covers the main vehicular access to the site, as well as the parking, recreational and loading areas; in order to create a safe vehicular and pedestrian environment. The light fixtures directly adjacent to the parking facilities and basketball court are metal halide, full cutoff poles mounted at 20-feet above grade. The average foot candle level within the parking facility is 1.8 (with a range of 6.5 to 0.4). The lighting fixtures directly adjacent to the proposed dormitory are a combination of metal halide wall mounts and compact fluorescent exterior down lighting; both types will be installed at a minimum of 8-feet above grade. The lighting levels do not exceed 0.1 foot candles along the side and rear lot lines.

Sec. 59-G-2.37. Nursing Home or Domiciliary Care Home

(a) A nursing home of any size or a domiciliary care home for more than 16 residents (for 16 residents or less see "Group Home") may be allowed if the board can find as prerequisites that:

(1) The use will not adversely affect the present character or future development of the surrounding residential community due to bulk, traffic, noise, or number of residents;

(2) The use will be housed in buildings architecturally compatible with other buildings in the surrounding neighborhood; and

(3) The use will be adequately protected from noise, air pollution, and other potential dangers to the residents.

- (4) The Board of Appeals may approve separate living quarters, including a dwelling unit, for a resident staff member within a nursing home or domiciliary care home.

This use will not adversely affect the present character or future development of the surrounding agricultural and residential community due to bulk, traffic, noise or number of residents. The site is being developed with minimal intrusion onto the natural environment in that a majority of the larger, existing trees will be saved during construction. The new dormitory building will be architecturally compatible with other buildings on the Our House property and the surrounding neighborhood. The portion of the property subject to the special exception is a large 40 acre tract of land and the use will be adequately protected from noise, air pollution, and other potential dangers to the residents.

- (b) The following requirements must apply to a nursing home housing 5 patients or less:

- (1) The minimum lot area must be as stated for the applicable zone but in no case less than 7,500 square feet.
- (2) The minimum street frontage must be 50 feet.
- (3) Minimum setbacks, minimum green area, maximum coverage and maximum height are those prescribed in these regulations for the zone.

Not applicable.

- (c) The following requirements apply to all new nursing homes, additions to existing nursing homes where the total number of residents is 6 or more, and to all domiciliary care homes for more than 16 residents.

- (1) The minimum lot area in the rural zone must be 5 acres or 2,000 square feet per bed, whichever is greater.

The portion of the property subject to the special exception modification request is 40 acres which is much greater than 5 acres. This site is classified in the RDT zone. The applicant proposes a maximum of 24 beds. Based on this request, the applicant is required to provide a minimum of 48,000 square feet for the residences (24 beds x 2,000 square feet per bed) which satisfies this standard.

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

- a. In the RE-2, RE-2C, RE-1 and R-200 zones, 1,200 square feet for each bed.
- b. In the R-150, R-90, R-60 and R-40 zones, 800 square feet for each bed.
- c. In the R-T, R-30, and R-20 zones, 600 square feet.
- d. In the R-10, R-H, C-O, C-T and C-2, 300 square feet for each bed.
- e. In the town sector and planned neighborhood zones, 800 square feet per bed.

Not Applicable

- (3) Minimum side yards are those specified in the zone, but in no case less than 20 feet.

The proposed dormitory building has an approximately 300-foot setback on the south side and approximately 1,500 feet on the north side.

- (4) Maximum coverage, minimum lot frontage, minimum green area, minimum front and rear yards and maximum height are as specified in the applicable zone.

As noted above, the applicant has provided for building setbacks for the side yards in excess of 300 feet on each side, which satisfies this standard. The table on page 15 of this report outlines how development standards are met based on the submitted plans. As proposed, the site plan meets all applicable development standards identified in the RDT zone. There is no minimum green area requirement in the RDT zone.

Staff notes, the applicant has submitted a photometric (lighting) plan and landscape plan. Staff has determined that the applicant has met the standards with regards to lighting and landscaping.

- (d) Off-street parking must be provided in the amount of one space for every 4 beds and one space for 2 employees on the largest work shift, except the board may specify additional off-street parking space where the method of operation or type of care to be provided indicates an increase will be needed.

This special exception request satisfies the parking requirements. As depicted on the special exception plan, the applicant proposes 34 parking spaces (2 handicapped and 32 standard).

- (e) An application must be accompanied by a site plan, drawn to scale, showing the location of the building or buildings, parking areas, landscaping, screening, access roads, height of buildings, topography, and the location of

sewers, water lines, and other utility lines. The site plan must also show property lines, streets, and existing buildings within 100 feet of the property and indicate the proposed routes of ingress and egress for automobiles and service vehicles. A vicinity map showing major thoroughfares and current zone boundaries within one mile of the proposed home, must be included.

The applicant has provided the above information with regards to the proposed special exception. Staff notes that the provided site plan satisfies the development standards of the RDT zone.

- (f) An application for special exception for this use must include an expansion plan showing the location and form of any expansions expected to be made in the future on the same site.

Staff is limiting the number of beds to twenty-four because the applicant did not submit a future expansion plan. Any future expansions would require a modification request to the special exception.

- (g) Any nursing home, or domiciliary care home for more than 16 residents lawfully established prior to November 22, 1997, is not a nonconforming use, and may be extended, enlarged or modified by special exception subject to the provisions set forth in the sections.

Not Applicable.

- (h) Any application for nursing home and/or care home which is pending at the Board of Appeals as of February 24, 1997, at the request of the applicant, may be processed under the applicable provisions of the Zoning Ordinance in effect at the time the application was filed.

Not Applicable.

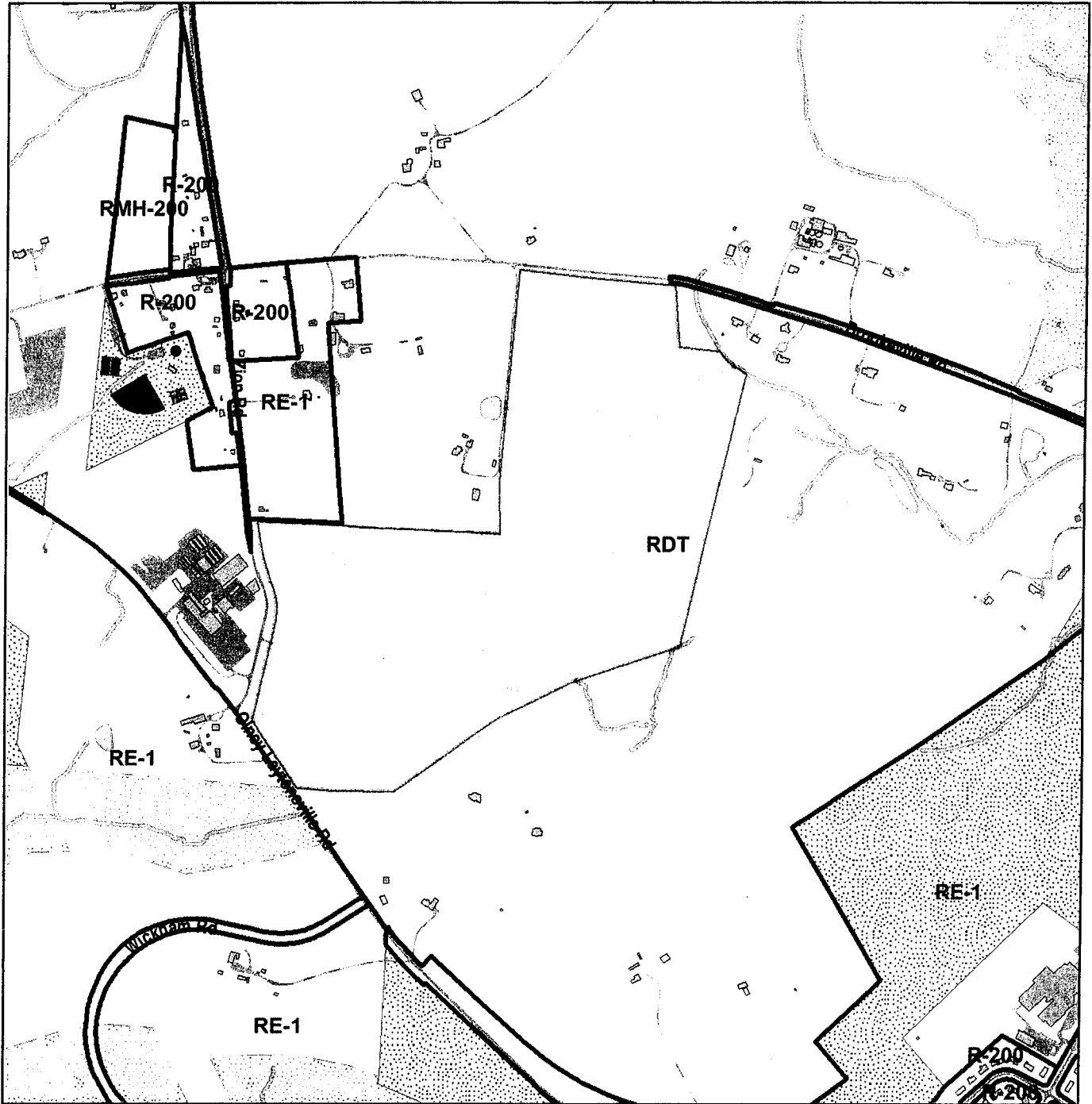
Conclusion

Staff recommends approval of Special Exception modification S-717-B, subject to the conditions found at the beginning of the technical staff report. The proposed modifications to the existing special exception would not have an adverse effect on the agricultural and residential neighborhood, and would comply with the requirements of the Zoning Ordinance.

LIST OF ATTACHMENTS



1. Location Map
2. Surrounding Area Map
3. Site Pan
4. Floor Plans
5. Elevations
6. Architectural Renderings
7. Landscape Plan
8. Tree Save Plan
9. Lighting Plan
10. Photographs
11. DPS Stormwater Management Concept Approval
12. DPS Septic Area Approval
13. Vision Division Memo
14. Transportation Planning Memo
15. Environmental Planning Memo
16. Site Plan Review Memo

General Location Map



1 inch = 1,000 feet
Address: 19715 Zion Road, Brookeville

LEGEND

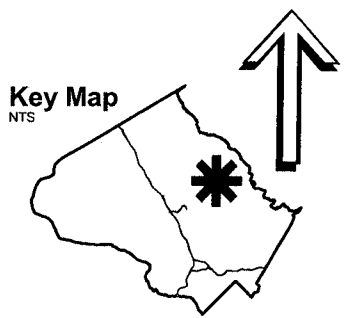
-  Subject Site
-  Building
-  Paved Area
-  Lake and Pond

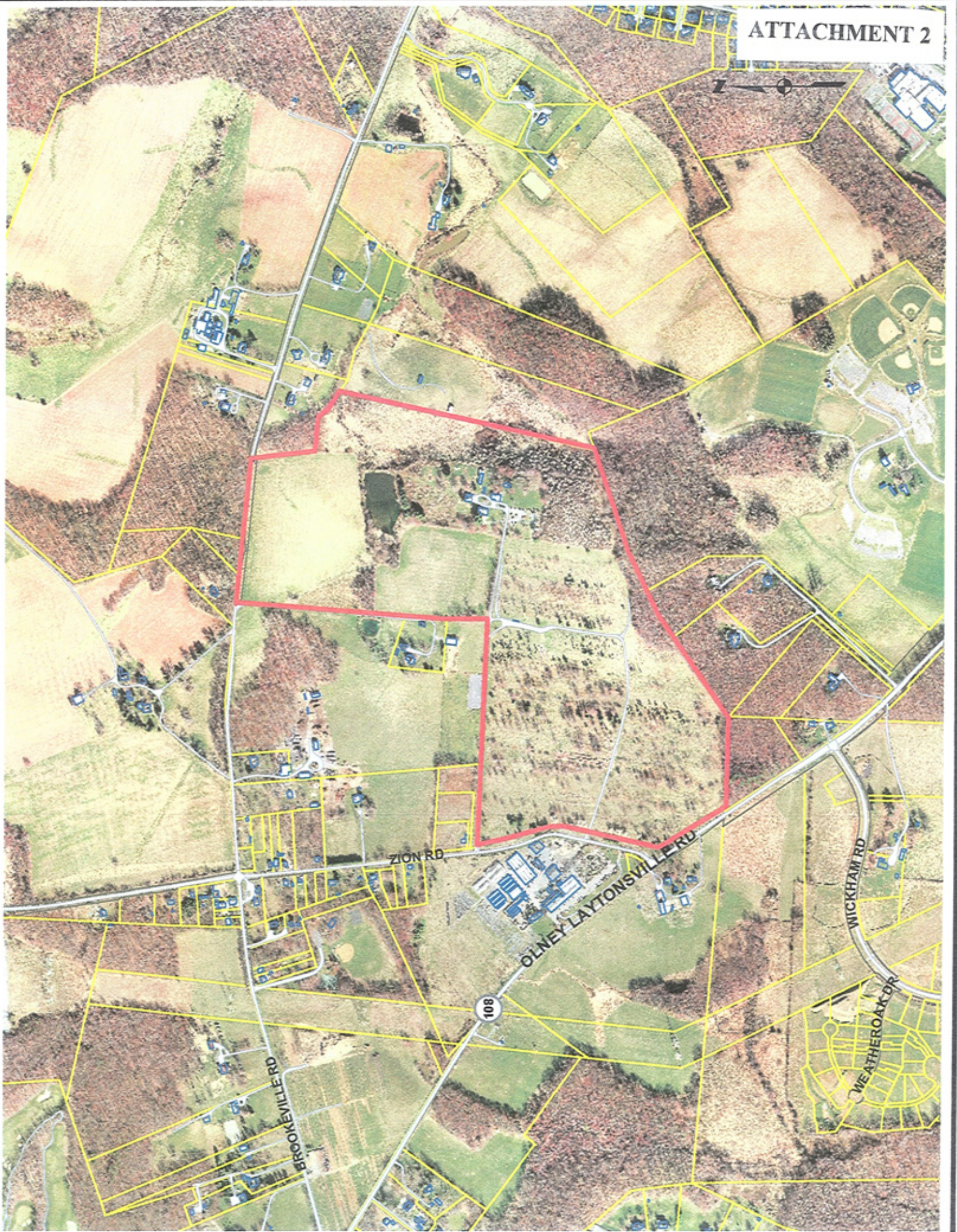
NOTICE:

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.





ZION RD

OLNEY LAYTONSVILLE PRD

WICKHAM RD

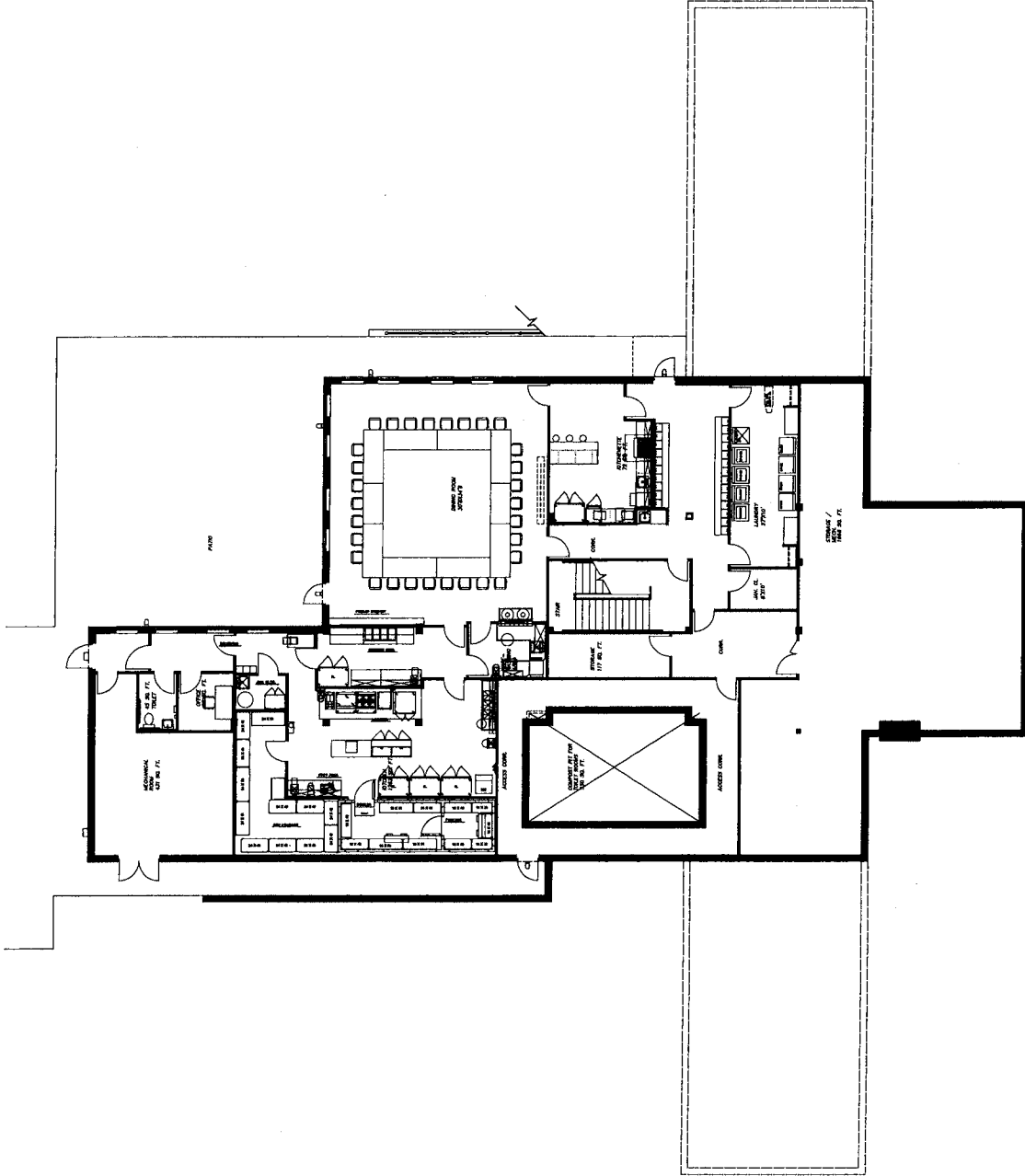
WEATHEROAK DR

BROOKVILLE RD

108

19715 ZION ROAD
BROOKESVILLE, MD 20833

PREPARED BY:
ARTUM, A/E
BALT. 410-730-2300, WASH. 301-621-4600
FAX: 410-730-2786



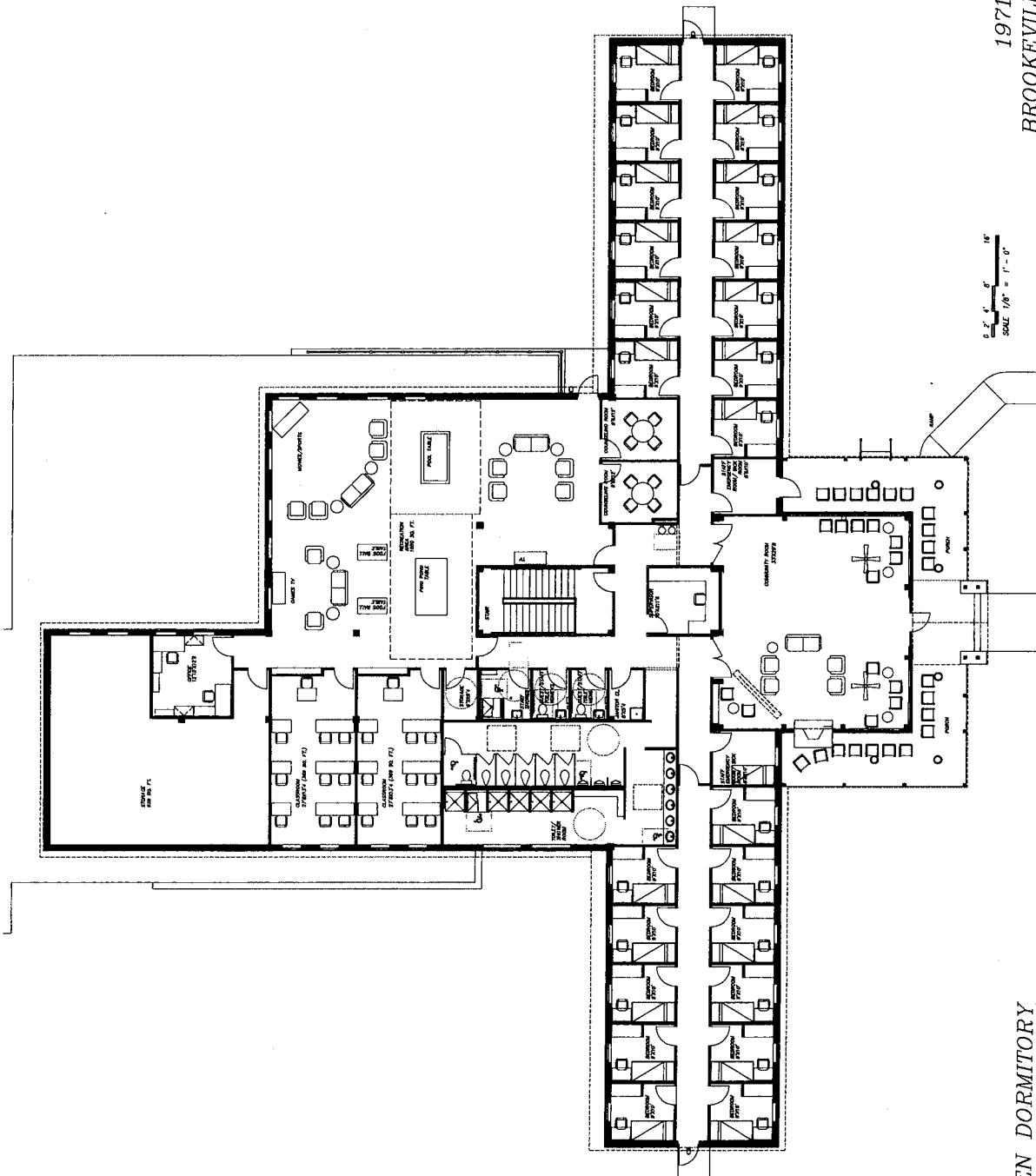
SCALE 1/8" = 1'-0"

CRITICAL DIMENSIONS SHOULD NOT BE SCALED - TOP OF SHEET IS PLAN NORTH - FILE: DORREVAL1 - DATE: 17 DEC 08

GROUND FLOOR
OUR HOUSE GREEN DORMITORY

OWNER:
OUR HOUSE
19715 ZION ROAD
BROOKESVILLE, MD 20833





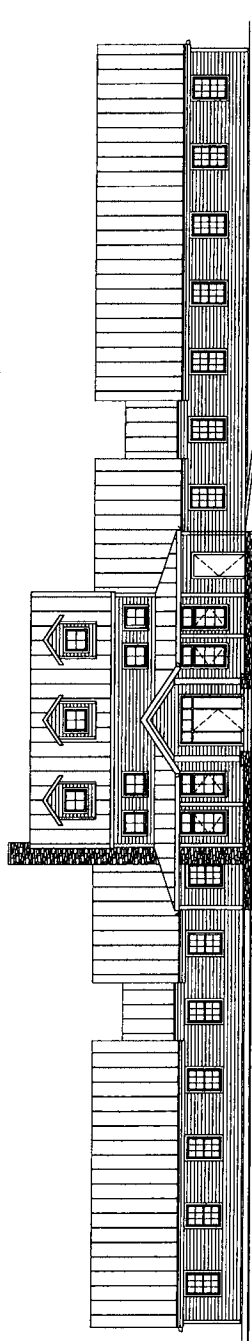
19715 ZION ROAD
BROOKVILLE, MD 20833

FIRST FLOOR
OUR HOUSE GREEN DORMITORY

CRITICAL DIMENSIONS SHOULD NOT BE SCALED --- TOP OF SHEET IS PLAN NORTH --- FILE: DORREVAL1 --- DATE: 17 DEC 08

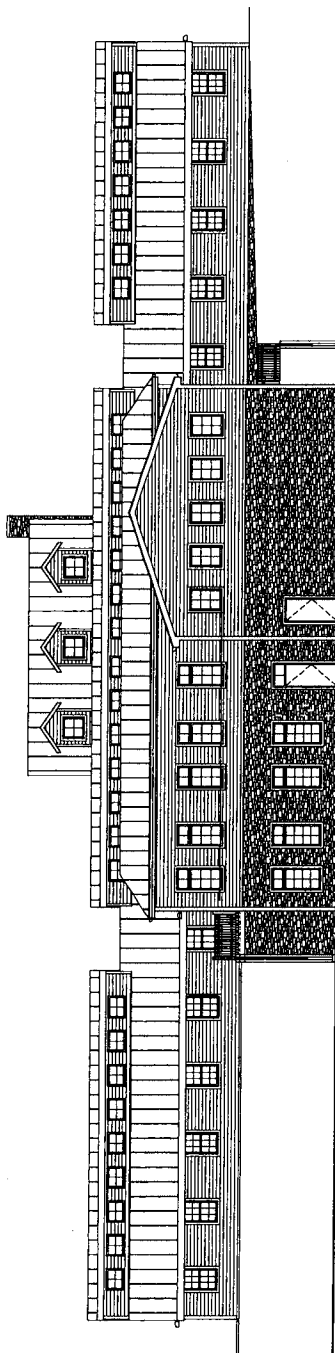
PREPARED BY:
ARTUM AE
BALT. 410-730-2300, WASH. 301-621-4600
FAX: 410-730-2756

OWNER:
OUR HOUSE
19715 ZION ROAD
BROOKVILLE, MD 20833



FRONT ELEVATION

0' 2" 4" 8" 16"
SCALE 1/8" = 1'-0"



REAR ELEVATION

0' 2" 4" 8" 16"
SCALE 1/8" = 1'-0"

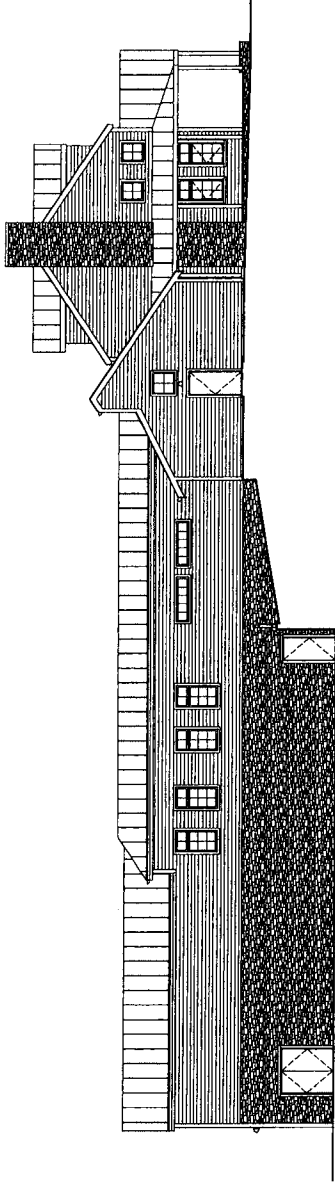
ELEVATIONS
OUR HOUSE GREEN DORMITORY

19715 ZION ROAD
BROOKVILLE, MD 20833

CRITICAL DIMENSIONS SHOULD NOT BE SCALED -- TOP OF SHEET IS PLAN NORTH -- FILE: OURREAR1 -- DATE: 17 DEC 08

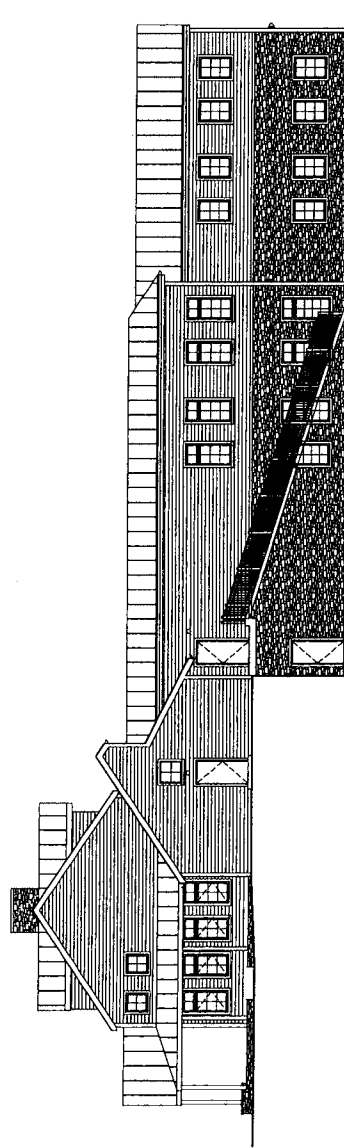
OWNER:
OUR HOUSE
GREEN DORMITORY
BROOKVILLE, MD 20833

PREPARED BY:
ARTUM AE
BALT. 410-730-2300, WASH. 301-621-4600
FAX: 410-730-2796



SIDE ELEVATION

0' 2" 4" 8" 16"
SCALE 1/8" = 1'-0"



SIDE ELEVATION

0' 2" 4" 8" 16"
SCALE 1/8" = 1'-0"

ELEVATIONS
OUR HOUSE GREEN DORMITORY

19715 ZION ROAD
BROOKVILLE, MD 20833

CRITICAL DIMENSIONS SHOULD NOT BE SCALED - TOP OF SHEET IS PLAN NORTH - FILE: OURRECALL - DATE: 17 DEC 08

OWNER:
OUR HOUSE
1011
BROOKVILLE, MD 20833

PREPARED BY:
ARLUM AE
301-621-4600
BALT. 410-730-2300, WASH. 301-621-4600
FAX: 410-730-2796



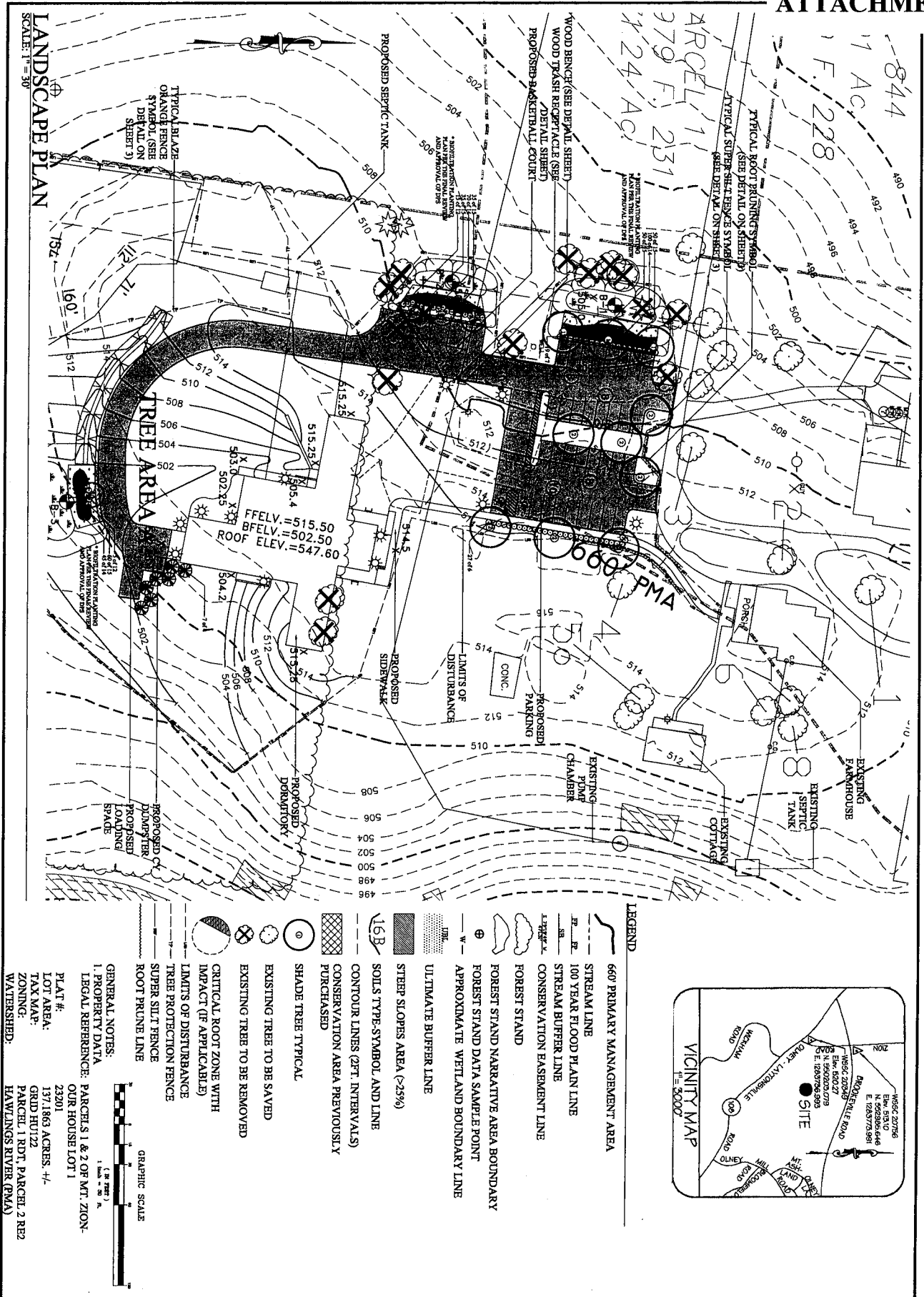
OUR HOUSE GREEN DORMITORY
Brookeville, Maryland

ARTUM
ARCHITECTURE - ENGINEER
INTERIORS PLANNING



OUR HOUSE GREEN DORMITORY
Brookeville, Maryland

A R J U M A T E
ARCHITECTURE INTERIORS
ENGINEERING PLANNING

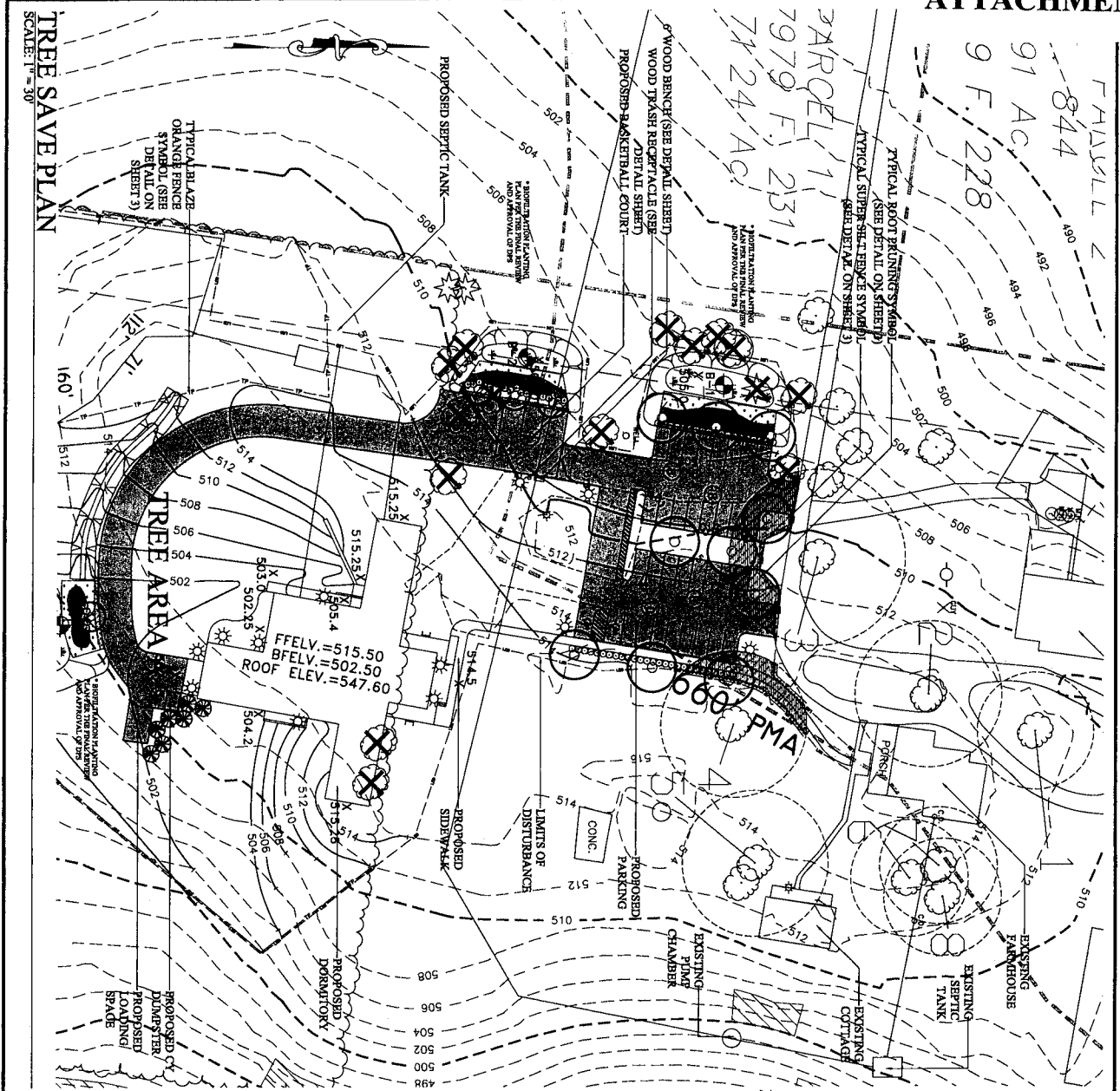


SCALE	AS SHOWN	DATE	12/07
REVISIONS	06/08/02	revised per county comments	
	08/18/02	revised per county comments	

THE LAND PLANNING & DESIGN GROUP INC.

5300 Westview Drive
Suite 100
Frederick, MD 21703
(301)-695-6172
FAX (301)-695-6219

LAND PLANNING • SITE PLANNING • LANDSCAPE ARCHITECTURE



TREE SAVE PLAN
SCALE: 1" = 30'

LEGEND

- 660' PRIMARY MANAGEMENT AREA
- STREAM LINE
- 100 YEAR FLOOD PLAIN LINE
- STREAM BUFFER LINE
- CONSERVATION BASEMENT LINE
- FOREST STAND
- FOREST STAND NARRATIVE AREA BOUNDARY
- FOREST STAND DATA SAMPLE POINT
- APPROXIMATE WETLAND BOUNDARY LINE
- ULTIMATE BUFFER LINE
- STEEP SLOPES AREA (>25%)
- SOIL'S TYPE SYMBOL AND LINE
- CONTOUR LINES (2FT. INTERVALS)
- CONSERVATION AREA PREVIOUSLY PURCHASED
- SHADE TREE TYPICAL
- EXISTING TREE TO BE SAVED
- EXISTING TREE TO BE REMOVED
- CRITICAL ROOT ZONE WITH IMPACT (IF APPLICABLE)
- LIMITS OF DISTURBANCE
- TREE PROTECTION FENCE
- SUPER SILT FENCE
- ROOT PRUNE LINE

VICINITY MAP

GENERAL NOTES:

1. PROPERTY DATA
- LEGAL REFERENCE: PARCELS 1 & 2 OF MT. ZION- OUR HOUSE LOT 1
- PLAT #:
- LOT AREA: 137.1863 ACRES +/-
- TAX MAP: GRID HUTZ
- ZONING: PARCEL 1 RDT; PARCEL 2 RES WATERSHD.

GRAPHIC SCALE

DRAWING NOTES

1. EXTERIOR CONCRETE POLE BASES SHALL BE PROVIDED FOR EXTERIOR POLES - SEE DETAIL BELOW.
2. EXTERIOR PARKING LOT FIXTURES ARE POLE CURT OFF FIXTURES.
3. EXTERIOR BUILDING LOT FIXTURES SHALL BE MOUNTED ON A 20'-0" ROUND STEEL POLE.
4. REFER TO LIGHTING FIXTURE SCHEDULE FOR BUILDING MOUNTED LIGHTING FIXTURES MOUNTING HEIGHTS.

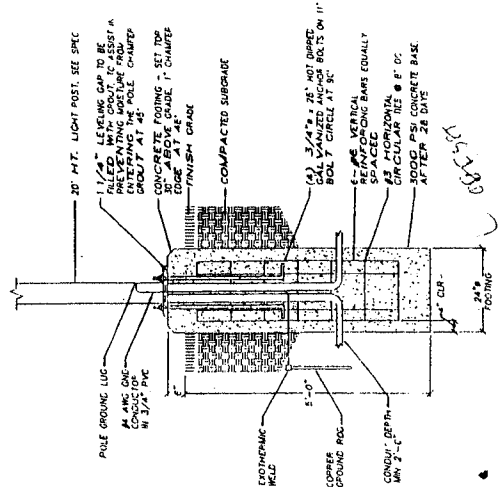
LIGHTING FIXTURE SCHEDULE

SYM	SYMBOL	WPA	CATALOG NO.	WATTAGE	TYPE	WATTAGE	QUANTITY	REMARKS
X1	□	INWAL	DM-120-277-S-16-SR-A-82- V400082-CA/PAR/DIE	277	1	1W/320C/80/1MC	120	METAL MADE POLY CARBONATE EXTERIOR POLE MOUNTED ACCORDING TO LIGHTING FIXTURE. FLAT CLEAR GLASS TEMPERED LENS. TYPE V REFLECTOR DISTRIBUTION. ALUMINUM HOUSING WITH BRONZE FINISH. FULLED SHADE. 20'-0" ROUND STEEL POLE WITH 4" DIA. MOUNT. SINGLE POLE MOUNT. PHOTOCELL.
X2	□	INWAL	DM-120-277-S-16-SR-A-82- V40082-CA/PAR/DIE	277	1	1W/320C/80/1MC	120	METAL MADE POLY CARBONATE EXTERIOR POLE MOUNTED ACCORDING TO LIGHTING FIXTURE. FLAT CLEAR GLASS TEMPERED LENS. TYPE V REFLECTOR DISTRIBUTION. ALUMINUM HOUSING WITH BRONZE FINISH. FULLED SHADE. 20'-0" ROUND STEEL POLE WITH 4" DIA. MOUNT. SINGLE POLE MOUNT. PHOTOCELL.
X3	□	INWAL	DM-120-277-S-16-SR-A-82- V40082-CA/PAR/DIE	277	1	1W/320C/80/1MC	120	METAL MADE POLY CARBONATE EXTERIOR POLE MOUNTED ACCORDING TO LIGHTING FIXTURE. FLAT CLEAR GLASS TEMPERED LENS. TYPE V REFLECTOR DISTRIBUTION. ALUMINUM HOUSING WITH BRONZE FINISH. FULLED SHADE. 20'-0" ROUND STEEL POLE WITH 4" DIA. MOUNT. SINGLE POLE MOUNT. PHOTOCELL.
X4	□	OUTWAL	DM-120-277-S-16-SR-A-82- V40082-CA/PAR/DIE	277	1	1W/320C/80/1MC	120	METAL MADE POLY CARBONATE EXTERIOR POLE MOUNTED ACCORDING TO LIGHTING FIXTURE. FLAT CLEAR GLASS TEMPERED LENS. TYPE V REFLECTOR DISTRIBUTION. ALUMINUM HOUSING WITH BRONZE FINISH. FULLED SHADE. 20'-0" ROUND STEEL POLE WITH 4" DIA. MOUNT. SINGLE POLE MOUNT. PHOTOCELL.
X5	□	SHARPE	657-M-01/A-277-8M	277	1	1W/320C/80/1MC	47	CONTACT FLUORESCENT EXTERIOR WALL MOUNT DOWNLIGHT. 2' X 2' ALUMINUM HOUSING WITH BRONZE FINISH. ELECTRONIC BALLAST. BRONZE FINISH. LISTED FOR WET LOCATIONS. BASEMENT LEVEL. FIXTURE MOUNT AT 10'-0" ABOVE GRADE. FIRST FLOOR. FIXTURE MOUNT 5'-0" ABOVE BRIDGE.
X6	○	SELUF	DS-11-F-3802-277-82-EX	277	1	1W/320C/80/1MC	16	CONTACT FLUORESCENT EXTERIOR CANOPY MOUNTED DOWNLIGHT. DIE CAST ALUMINUM HOUSING WITH BRONZE FINISH. ELECTRONIC BALLAST. BRONZE FINISH. LISTED FOR WET LOCATIONS.

FOOTCANDLE STATISTICS

AREA	AVG	MAX	MIN	MAX/AVG	AVG/MIN
PARKING LOT	1.8 FC	8.5 FC	0.4 FC	16.1	4.5:1

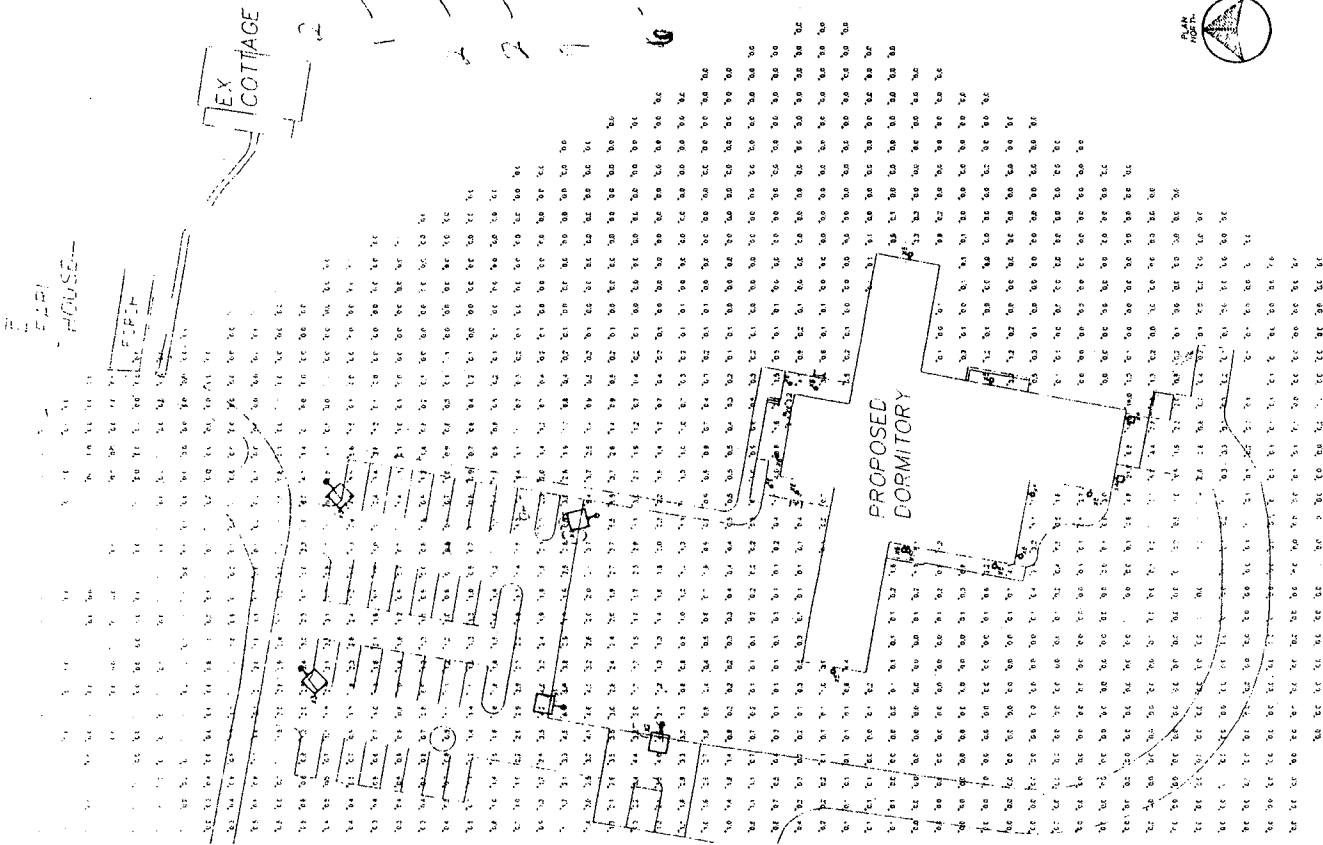
NOTE:
ALL CALCULATIONS ARE IN FOOTCANDLES



6" CONCRETE LIGHT POLE BASE
NOT TO SCALE

19715 ZION ROAD
BROOKVILLE, MD 20833

RECEIVED BY
ARIUM AE
WASH. 301-621-6500
FAX: 410-730-1756
BALT. 410-730-2390



LIGHTING CALCULATIONS - SCHEDULES - DETAILS
REEN DORMITORY

Our House Photographs



1. Location of proposed new dormitory (facing south)



2. View from location of proposed new dormitory (facing east)



3. View of existing parking lot from location of proposed new dormitory (facing northwest)



4. View of existing Farmhouse from location of proposed new dormitory (facing north)



5. Front of existing Farmhouse used for administrative offices (facing north)



6. Back of existing Farmhouse used for administrative offices (facing south)



7. Front of existing dormitory (facing northwest)



8. Back of existing dormitory (facing east)



9. Existing Barn (facing north)



10. Existing "Chicken Coop" used for Trades (facing east)



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid Joyner
Director

November 4, 2008

Ms. Jennifer Tereyla
O'Connell & Lawrence, Inc.
17904 Georgia Avenue, Suite 302
Olney, MD 20832

Re: Stormwater Management **CONCEPT** Request
for Mt. Zion-Our House, Lot 1
SM File #: 234341
Tract Size/Zone: 137 Ac. / RDT
Total Concept Area: 3.0 Ac.
Lots/Block: 1
Parcels: N 725, P 322 & P 600
Watershed: Hawlings River

Dear Ms. Tereyla:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via 3 biofiltration facilities and onsite recharge via rooftop disconnect. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mike Geier at 240-777-6342.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard R. Brush". The signature is fluid and cursive, with the first name "Richard" being more prominent than the last name "Brush".

Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN234341 Mt Zion.mjg.doc

cc: C. Conlon
S. Federline
SM File # 234341

QN -N/A; Acres: 3
QL - onsite; Acres: 3
Recharge is provided

MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PERMITTING SERVICES
WELL AND SEPTIC

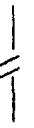














APPROVED BY CEL

DATE APPROVED 8-19-09

BUILDING PERMIT NUMBER 19715 Zan Rd

*Septic Area Approval - 2000690
max.*

max.

-  WOOD FENCE
-  SIGN
-  CONCRETE MONUMENT
-  PROPERTY CORNER
-  PROPERTY BOUNDARY
-  BUILDING RESTRICTION LINE
-  EXISTING CONTOUR
-  ULTIMATE BUFFER LINE
-  PROPOSED CONTOUR
-  EXISTING TREELINE
-  WETLAND BOUNDARY AND FLAG
-  EXISTING STREAM
-  PATUXENT MANAGEMENT AREA
-  EXISTING STEEP SLOPES
-  PROPOSED PAVING

NOTE: UBL (ULTIMATE BUILDING RESTRICTION LINE IS BASED UPON FLOOD PLAIN BUFFERS, WETLAND BUFFERS, ETC., WHICHEVER IS MOST STRICT



P:\007-017 Dwr House\Surv\Comps\BASE.dwg Aug 18, 2009-12:19pm

ITEM	REVISION

DESIGN BY: JVT
 DRAWN BY: JVT
 CHECKED BY: JMM
 DATE: 8/18/09
 SCALE: 1" = 50'
 PROJECT/FILE NO. 007-017
 SHEET NO. 1 of 1

Attn: Jen T. *CEL, MCDPS
8/19/09*



August 26, 2009

MEMORANDUM

TO: Carlton Gilbert
Development Review Division

FROM: *CM*
Callum Murray, Team Leader, Potomac and Rural Area (301-495-4733)
Katherine Holt, Senior Planner (301-495-4549) *KH*
Vision Division

SUBJECT: Modification to an existing Group Home (Domiciliary Care Home)
Special Exception Project: S-717-B
Master Plan Compliance

RECOMMENDATION

Staff finds that this proposal conforms to the Olney Master Plan and Rustic Roads Functional Master Plan, and recommends approval based on the current site plan with the removal of the "proposed 17,000 SF septic area" label of the former septic area.

DESCRIPTION

Our House is an existing special exception for a Group Home (Domiciliary Care Home) on a 139-acre parcel in the Rural Density Transfer (RDT) zone on Brookeville Road, a rustic road. Currently, the property contains a farmhouse, cottage, chicken coop used as a carpentry building, barn, and a dormitory with a kitchen. Our House is proposing a new dormitory to house 24 young men.

This is a place where at-risk adolescent males receive rehabilitation services. The property contains about 102 acres of prime farm soils. The structures are clustered on a small section of prime farm soils (See Map, Prime Farm Soils).

MASTER PLAN COMPLIANCE

Two master plans guide the development of this property: the Olney Master Plan and the Rustic Roads Functional Master Plan (RRFMP).

Olney Master Plan (2005)

Our House is located in the Northern Olney area of the Olney Master Plan (pp. 5-6), with properties to the east of Georgia Avenue being included in the Agricultural Reserve. The plan recommends support for the Agricultural and rural character and vistas as follows:

- “It supports agricultural preservation in Northern Olney...” (p. 3).
- “The Plan also recommends design guidelines for all future special exception uses to ensure that they do not create negative impacts on surrounding residential neighborhoods” (p. 4).
- “Zoning...was specifically designed to maintain rural character by transferring the development from the area west of Georgia Avenue and concentrating it around the Town Center....No zoning changes are recommended” (pp. 17-18).
- “Agriculture and rural open space in the area west of Georgia Avenue and rural open space in the area east of Georgia Avenue are the recommended primary land uses” (p. 18).
- “Continued stewardship and management of agricultural lands through the agricultural protection and open space conservation programs will help maintain and improve the environmental health of this area” (p. 18).
- “Preservation of rural vistas should also be an important consideration in Northern Olney” (p. 18).
- “Encourage new developments to use environmentally sensitive development techniques that integrate BMP’s that maximize stormwater treatment and infiltration such as:
 - “Minimization of impervious surfaces;
 - “Disconnection of runoff, sheet flow to buffers, grass channels; and
 - “Bioretention” (p. 75).
- “Encourage application of agricultural conservation measures and best management practices (p. 77)”

This property is located in the Rural Density Transfer (RDT) zone. The intent of the zone is to “promote agriculture as the primary land use... Agriculture is the preferred use in the Rural Density Transfer zone” (§59-C-9.23).

In the RDT zone, Domiciliary Care is allowed as a special exception, subject to footnote 48: “If property is encumbered by a recorded transfer of development rights easement, this use is prohibited” (§59-C-9.3). This property previously consisted of three parcels. Two of the parcels have severed several of their transferable development rights (TDR), while the parcel that contains the proposed site has not severed any of its TDRs. However, in 2005, the properties were replatted (Plat No. 23201), so that the severed TDRs now restrict the entire property.

The existing use on the property preceded footnote 48. However, the septic field expansion needs to occur on the same parcel and not on the adjacent parcel that has extinguished its TDRs.

This proposal is compatible with the character of the neighborhood and will continue to have young men tend farmland, which maintains the purpose of the RDT zone.

This proposal is consistent with past special exception approvals and conforms to the master plan's goal of preserving agricultural lands in the northern Olney portion of the master plan.

Rustic Roads Functional Master Plan (1996)

Brookeville Road is a rustic road, which abuts the northern portion of the property. The historic alignment is the significant feature of the road. No change in alignment is proposed. The proposed site is not in the viewshed of this road. Therefore, this site conforms to the RRFMP master plan protecting viewsheds and preserving the rustic character of the road.

SPECIAL EXCEPTION APPLIATIONS IN THE VICINITY

Staff found one other property in the broad vicinity that was the subject of special exception application, as follows:

S-1988 Service Organization, denied 4/14/1993.

S-2385 Athletic facilities, 4501 Olney-Laytonsville Rd., approved 6/9/1999.



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

June 19, 2009

MEMORANDUM

TO: Carlton Gilbert, Supervisor
Community-Based Planning Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning Division

FROM: Cherian Eapen, Planner/Coordinator
Transportation Planning Division *CE*

SUBJECT: Special Exception Modification No. S-717-B
Modification to an existing Group Home (Domiciliary Care Home)
Our House, Inc. ("Petitioner")
19715 Zion Road, Brookeville
Olney Policy Area

This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject request by Our House, Inc. to modify an existing special exception approval for a residential training facility (domiciliary care home) located at 19715 Zion Road in Brookeville.

The existing approved special exception (S-717-A) permits up to 81 beds (for residents) and 40 on-site staff at any one time on the property. As part of this modification request, the Petitioner proposes to increase the number of beds (for residents) at the facility from 16 to 24 and increase the number of staff at any one time at the facility from 11 to 13. In order to accommodate the increase in number of beds, the Petitioner is planning construction of a new dormitory building and other modifications on the property. The property is currently zoned RDT.

RECOMMENDATIONS

Transportation Planning staff recommends no conditions to support approval of the above special exception modification petition since the application meets the transportation-related requirements of the APF test. The proposed modification will not have an adverse effect on the transportation network in the immediate area.

DISCUSSION

Property Location, Vehicular Access and Pedestrian Facilities

The 137-acre Our House, Inc. property is located within the northeast quadrant of Olney-Laytonsville Road (MD 108) and Zion Road intersection in Brookeville. The property has frontage along MD 108 to the south, Zion Road to the west-southwest, and Brookeville Road to the north. Access to the property is from Zion Road, approximately 1,300 feet north of MD 108.

Currently, MD 108, Zion Road, and Brookeville Road are two-lane roadways with no paved shoulders. There are no pedestrian facilities along these roads. Since no off-site changes are proposed as part of this special exception modification request, pedestrian accessibility will not be impacted. The immediate area is not served by public transit.

The Mount Zion Local Park is located to the west of the property (with access from Brookeville Road).

Master Plan Roadways and Bikeway/Pedestrian Facilities

The 2005 Approved and Adopted *Olney Master Plan* describe the nearby master-planned roadways, bikeway and pedestrian facilities as follows:

1. Olney-Laytonsville Road (MD 108), as a four-lane divided major highway (M-60) with a minimum right-of-way width of 150 feet between Laytonsville to the northwest and Dr. Bird Road (MD 182) to the southeast and a shared use path (SP-36).
2. Zion Road, as a two-lane country road (CR-3) with a minimum right-of-way width of 70 feet between MD 108 to the south and Riggs Road to the north and a shared road bikeway facility (B-39).
3. Brookeville Road, as a two-lane rustic road (R-39) with a minimum right-of-way width of 70 feet between MD 108 to the west and Georgia Avenue (MD 97) to the east.

Local Area Transportation Review

The Our House facility is a supervised group home for young men, which currently has 16 residents with an average age of 17 to 18. During the day, students are given instruction on construction carpentry and in the evening, they are given instruction on high school curriculum. Approximately two-thirds of the students leave the facility during the day (8:00 a.m. – 3:30 p.m.) via an Our House van and the remaining one-third stay at the facility. None of the residents drive.

On weekdays, there are approximately 8-9 staff members at the facility between 7:30 a.m. and 4:00 p.m. and 3-4 staff members at the facility between 4:00 p.m. and 9:00 p.m. After 9:00 p.m., there are two staff members at the facility. On weekends, there are three staff members on-site. Staff members do not live at the facility.

The proposed new dormitory building will increase the number of beds (for residents) at the Our House facility from 16 to 24. Similarly, the number of staff at the facility will increase from 11 to 13.

The traffic statement dated February 4, 2009, submitted by the applicant's consultant (see Attachment No. 1) estimated that the proposed increase in the number of beds/staff will generate two additional peak-hour trips during the weekday morning peak period and five additional peak-hour trips during the evening peak period. This is summarized in Table 1.

**TABLE 1
SUMMARY OF TRIP GENERATION
OUR HOUSE DOMICILIARY CARE HOME FACILITY**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Total Existing Peak-Hour Trips	8	3	11	4	8	12
Additional Peak-Hour Trips (Estimated for the Proposed Special Exception Modification)	2	0	2	2	3	5
Total Peak-Hour Site Trips w/Special Exception Modification	10	3	13	6	11	17

Source: Integrated Transportation Solutions, Inc., Our House Special Exception Modification Traffic Statement; February 4, 2009.

A traffic study is not required for the above special exception modification since the expanded facility will generate less than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. In addition, the proposed increase to beds and staff members are well within the limit granted by the previous special exception (S-717-A). The traffic statement (as submitted) therefore satisfies the LATR requirements of the APF test.

Policy Area Mobility Review

To satisfy the PAMR requirements of the APF test as a use located within the Olney Policy Area, the proposed special exception modification portion of the development is required to mitigate 10% of its “new” peak-hour trips.

Applying the above percentage to the five evening peak-hour trips estimated to be generated by the proposed addition (see Table 1) result in a PAMR mitigation requirement of less than one trip. The proposed use therefore does not require mitigation under PAMR requirements of the APF test.

SE:CE:tc

- cc: Khalid Afzal
Cathy Conlon
Stuart Barr, Esq.
C. Craig Hedberg



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

TO: Carlton Gilbert, Development Review Division

VIA: Stephen D. Federline, Master Planner, Environmental Planning Division *SA*

FROM: ^{*OB*} Candy Bunnag, Planner Coordinator, Environmental Planning Division

DATE: July 24, 2009

SUBJECT: Our House, Special Exception Modification S717-B

STAFF RECOMMENDATION

Staff recommends approval of the special exception with the following conditions:

1. Impervious surfaces are limited to 2.4 percent over the transition area of the Patuxent River Primary Management Area (PMA) within the special exception area, as shown on the site plan dated June 25, 2009.
2. Approve the tree-save plan revised June 8, 2009 with the following modifications:
 - a. Show tree protection fencing and signs along the limits of disturbance that lie within the critical root zones of existing trees to be protected.
 - b. Remove the detail of an orange blaze fence and provide a different detail for a tree protection fence.

DISCUSSION

The subject property covers 137.18 acres within the Hawlings River subwatershed (Use IV-P streams), which is part of the Patuxent River watershed. Two streams traverse the property. The northern stream includes a pond, wetland, and a partially forested environmental buffer. The southern stream also has a wetland and its partly forested environmental buffer. An environmental buffer that includes a floodplain for an offsite stream and wetland area lies along part of the eastern property boundary.

The property is zoned RDT. Much of the property has rolling topography. The eastern portion of the property has some areas of steep slopes that drain towards the offsite floodplain, stream, and wetlands.

Outside the environmental buffers, the property is mostly in field cover. An area of tree cover, predominantly consisting of Bradford pear trees exists on the southern part of the property near the southern environmental buffer. The existing dormitory, barn, farmhouse, septic system, and other structures are located in the south central portion of the site.

The Patuxent River Primary Management Area (PMA)¹ covers the eastern, northern, and southern portions of the site. The PMA covers approximately 82.4 acres of the 137.18-acre site.

The special exception application does not cover the entire subject property. Only the eastern 40.32 acres of the property is subject to the special exception. Of the part of the property that is subject to the special exception application, 36.25 acres (90% of the subject property) lie within the PMA.

Forest Conservation

The proposed project qualifies for an exemption from the submission of a forest conservation plan under Section 22A-5(t), as a modification to existing developed property, of the County Forest Conservation Law. Environmental Planning staff approved the exemption (FCP exemption # 42008165E) with a condition for a tree save plan on April 29, 2008.

A tree-save plan was submitted with the special exception application. All existing forest is proposed for retention. Some clearing will occur within the existing stand of non-native, invasive Bradford pear trees. In addition, some individual trees will also be cleared. Individual native trees that are 24 inches and greater in diameter at breast height (dbh) located near existing and proposed structures are proposed to be protected. The tree-save plan is acceptable if appropriate details related to tree protection fencing and signs are incorporated.

It should be noted that the subject site includes an approved forest conservation bank. As part of the bank approval process, most of the environmental buffer areas were protected by Category I conservation easements. Nothing associated with this special exception request affects the area of the forest bank or the environmental buffers.

However, multiple items are still pending finalization to complete the bank approval process. Staff awaits documentation of recordation of the required documents, and submission and approval of a forest planting plan for those conservation easement areas that are currently unforested. The applicant has indicated that all outstanding items for the forest bank will be completed and submitted for staff review and approval shortly.

Environmental Guidelines

As noted above, Category I conservation easements cover most of the environmental buffers on the property. This includes environmental buffers on the subject site, both within and outside the special exception area. The protection of environmental buffers in

¹ The Patuxent River Primary Management Area (PMA) is a water quality protection and restoration area where land use activities are managed to protect and enhance water quality in the rivers and streams of the Patuxent River watershed of Montgomery County. The PMA is defined in the Planning Board's "Environmental Guidelines". The PMA lies 660 feet from a tributary of the Patuxent or Hawlings River, or 1320 feet from the mainstem of these two rivers.

Category I conservation easements is consistent with the Planning Board's "Environmental Guidelines".

Patuxent River Primary Management Area Guidelines

The "Environmental Guidelines" establish a Primary Management Area (PMA) for the Patuxent River watershed in Montgomery County. The guidelines identify land within the PMA that is outside the environmental buffer as a transition area and recommends that imperviousness in this area should not exceed 10 percent.

The proposed project will create an imperviousness of 2.37 percent for the part of the Special Exception area that is in the PMA's transition area. This is consistent with the "Environmental Guidelines".

Stormwater Management

Montgomery County Department of Permitting Services (DPS) has approved a stormwater management (SWM) concept for the proposed project (see DPS letter dated November 4, 2008, Attachment 1). The concept consists of three biofiltration facilities for water quality control and rooftop disconnects to provide groundwater recharge. Provision of channel protection volume structures is not required because the one-year post development peak discharge is no more than 2.0 cubic feet per second.

LEED Design Goals

As part of the project, the applicant proposes to design the new dormitory to achieve a Platinum rating by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) standards. Potential design features may include:

- Energy-saving insulating features
- Use of thermal mass to reduce demand for cooling and heating
- Manufacture of some of the building bricks on site
- Composting of kitchen and toilet waste
- Energy recovery from kitchen equipment and other waste heat
- Passive and active solar heating systems
- Recovery of rain water for irrigation of organic vegetable gardens
- Solar photovoltaic energy generation
- Structural insulated panels
- Pervious paving for parking areas
- Use of the construction site as a hands-on classroom for Our House residents

Staff supports the applicant's voluntary goal of meeting the highest LEED standard by including some of these proposed design features.

Special Exception Required Finding

In the Zoning Ordinance, there are required findings in Section 59-G-1.21(a) that apply to special exceptions. Required finding (6) reads as follows:

- (6) *Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

Staff believes the proposed expansion of the youth home (domiciliary care home) at this location will not result in a conflict with this required finding.

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MEMORANDUM, Site Plan Section

To: Carlton Gilbert, Senior Coordinator
Development Review Division

From: Molline Smith, Senior Planner *MCS*
Development Review Division

Via: Robert Kronenberg, Supervisor *RKB*
Development Review Division

Subject: S-717B OUR HOUSE

Date: 7/29/2009

The subject site is located in Olney MD south of Brooksville Road, and north Olney-Laytonsville Road (MD 108) on 137 acres of land within the RDT zone (parcel 1 & 2 of Mt. Zion). Based on the site's current condition and future needs, the Applicant has requested the addition of a new dormitory, basketball court, parking facility, and loading space with a dumpster. The following areas have been reviewed by the Department of Development Review (Site Plan), and have been determined to meet the standards for a safe, adequate and efficient development.

Landscape Areas

The landscape plan meets the internal landscaping requirements for the parking facilities. The proposed parking facility is 12,817 SF (121-feet in length) with 26% (3,360 SF) of internal landscape provided in the green spaces areas. Within this area deciduous shade trees (10) and evergreen shrubs (46) buffer and enclose the space. Entry and exit points are designated by two-way drive aisles (20-feet in width), and perpendicular parking spaces (34 spaces total) align the drive aisles. The handicap spaces (2) are located directly adjacent to the proposed 5-foot sidewalk (to the east). The bio-filtration system is edged with groundcover plantings (to the west). The lighting fixtures (4) are provided near the edge of pavement surrounding the parking facility.

The basketball court is located to the south of the parking facility. The proposed plantings specifically buffer the bio-filtration system (to the west). Shade trees (3), evergreen shrubs (20) and groundcover are proposed to screen this area from the adjoining use. A bench and trash receptacle are located on the opposite side of the basketball court (to the east), helping further guide players away from the bio-filtration system. However, these

amenities also provide convenient accommodations for the space. The lighting fixture (1) is located beside the trash receptacle (to the south).

Lighting

The lighting plan adequately and efficiently covers the main vehicular access to the site, as well as the parking, recreational and loading areas; in order to create a safe vehicular and pedestrian environment. The light fixtures directly adjacent to the parking facilities and basketball court are metal halide; full cutoff poles mounted at 20-feet above grade. The average footcandle level within the parking facility is 1.8 (with a range of 6.5 to 0.4). The lighting fixtures directly adjacent to the proposed dormitory are a combination of metal halide wall mounts and compact fluorescent exterior down lighting; both types will be installed at a minimum of 8-feet above grade.

RECOMMENDATION

Site Plan Staff recommends the following final comments for the Our House (special exception #S-717B):

Landscaping

1. The proposed plant materials shall be installed to meet the standards of the American Standards for Nursery Stock (AAN) with regard to the correct size and type as specified within the plant lists and planting plan.
2. An alternate plant list(s) should be provided within the plant list (sheet 3 of 3); to accommodate plant substitutions.
3. The proposed plantings shall be properly installed and maintained so as not to conflict with the public right of way, and/or cause damage to any existing public utilities.

Lighting

1. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
2. All onsite light fixtures must be full cut-off fixtures with house-side shields and refractive panels.
3. Illumination levels of the on-site light fixtures shall not exceed 0.1 footcandles (fc) at any property line abutting county roads.
4. The height of the light poles shall not exceed 20-feet, including the mounting base.

Development Program & Phasing

1. Proposed lighting and sidewalks must be installed six months after the construction of the new parking facility, recreational and loading areas. Shade tree planting may wait until the next growing season.

2. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
3. The development program must provide phasing of dedications, stormwater management, sediment and erosion control and other features.

Attachments:

- A. Revised Landscape Plan (dated 07-2009)
- B. Proposed Lighting Plan and Details (dated January 12, 2009)