



Special Exception – Board of Appeals, S-2815: Dr. Veena J. Alfred & AlfredHouse Eldercare, Inc.

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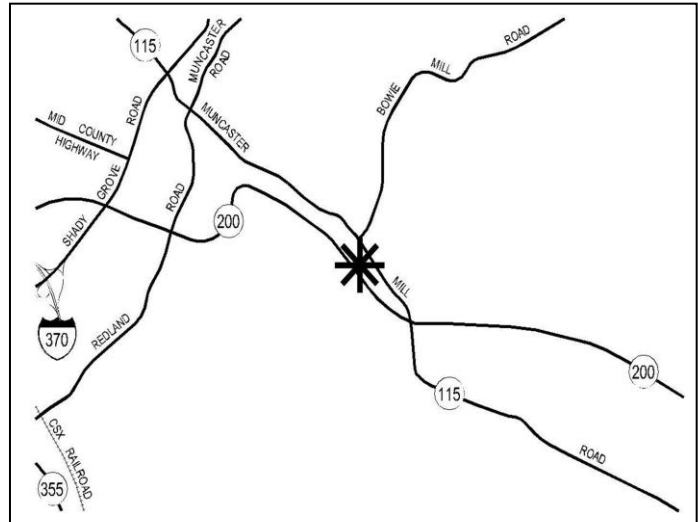
Completed: 01/06/12

Description

**B. Special Exception – Board of Appeals No. S-2815:
Dr. Veena J. Alfred & AlfredHouse Eldercare, Inc.**

- 6020 Needwood Road, Derwood, MD
- RE-1 Zone, 2004 Upper Rock Creek Area Master Plan, 2.5 acres, approximately.
- Construction of a two-story domiciliary care home for the care of elderly persons.
- Application Date: 6/6/11
- Public Hearing Date: 1/27/12

A Preliminary Forest Conservation Plan has also been filed, reviewed and recommended for approval.



Summary

Staff recommends Approval with Conditions.

Special Exception application S-2815 is a request by Dr. Veena J. Alfred and AlfredHouse Eldercare, Inc. to permit construction of a new two-story dormitory building that will provide services for a 34-bed domiciliary care home for elderly persons. The new assisted living facility will provide a residential type environment for persons who will receive room and board and certain related services. The two-story building (21,576 square feet) will face Needwood Road. The building will contain bedrooms, bathrooms, a kitchen facility, a dining room, common areas and administrative areas for staff. Staff worked with the applicant to minimize vehicular surface areas and consolidate parking between the existing house and the proposed building. As a result, imperviousness on-site was reduced, and additional areas of open space were preserved.

With the recommended conditions, the proposed use conforms to all applicable requirements and regulations for approval of a Special Exception for a domiciliary care home as specified in the Montgomery County Zoning Ordinance. The applicant has met the burden of proof by showing that the proposed assisted living facility would be operated without detriment to the neighborhood and would not adversely affect the public interest. The proposal is consistent with the Upper Rock Creek Master Plan and there are no unacceptable traffic impacts.

RECOMMENDATION

Staff recommends approval of Special Exception S-2815, subject to 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 thirty-nine (39) beds (34 in the new facility and 5 in the existing group home facility);
3. The maximum number of employees on-site at any one time must not exceed twelve (12), including the existing group home;
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.;
5. The applicant must obtain approval of a Preliminary Plan of Subdivision per Chapter 50 of the Montgomery County Code;
6. Prior to Preliminary Plan approval, the roadway improvements along Needwood Road including construction of a shared use path must be determined.

Site Description

The applicant currently operates a small group home for five elderly persons and two non-resident staff persons on the site as a use permitted by-right in the RE-1 zone, since 2005. The property is improved with a one-story rancher style home that currently provides services for the five elderly persons. The existing home contains seven bedrooms, three bathrooms, a living room, a dining room, a kitchen, a laundry room and a driveway area for parking and any deliveries. The subject property is a corner lot that contains approximately 2.5 acres of land. The legal description is Parcel P927 in the Magruders Hazard Subdivision. The site is zoned RE-1 and is located at the southwest intersection of Needwood Road and Muncaster Mill Road. The property has approximately 435 feet of frontage along Needwood Road and approximately 200 feet of frontage along Muncaster Mill Road. Existing access to the site is from Needwood Road.

The site is generally flat and consists of mature trees within the interior of the site as well as along the southern, western, and eastern boundaries of the site. The property is not located in a Special Exception Area (SPA). The subject property is approved as W-1 for its water category and has received approval for S-1 sewer category. According to the applicant, eight group homes for the elderly, serving approximately seventy-five persons, are currently operating in the Rockville, Derwood and Silver Spring areas of Montgomery County.

Neighborhood Description

The neighborhood within which the subject property is located is generally bounded by Muncaster Mill Road to the north, Bowie Mill Road to the east, and Rock Creek Regional Park to the south and west. Adjacent to the subject property to the west is a single-family detached home. A single-family dwelling is located across the street from the subject property as well. Large lot single-family homes are located in the area zoned RE-1 and the Intercounty Connector (ICC/MD Rt. 200) lies to the west of the property. The Montgomery Hospice at Casey House is located on Muncaster Mill Road, diagonal to the northeast and Magruder High School lies diagonal to the southwest of the property. A special exception (S-2045) was approved in 1994 for the Casey House.

Elements of Proposal

The new facility will provide a 34-bed home-type environment for persons who will receive room and board and certain related services such as bathing assistance and laundry service. The construction of the residential style building will consist of approximately 21,576 square feet, with an unfinished basement area. The proposed use will consist of ten non-residential staff members. The maximum height of the building at its highest peak will be approximately 26.7 feet. The proposed home will consist of bedrooms, bathrooms, a kitchen, dining room common area and administrative areas for staff. The elderly residents will reside full-time at the facility and the staff will provide care at the facility around the clock.

The existing small group home, with five residents and two non-resident staff will continue to operate on the property as a by-right small group home. The group home is setback approximately 79.5 feet from Needwood Road and approximately 18.9 feet from the adjoining right side lot line. As shown on the attached site plan, the new two-story building will be built near the center of the property. The proposed two-story building will be located approximately 51.5 feet from Needwood Road and approximately 142 feet from Muncaster Mill Road. The new building will be setback approximately 40.5 feet from the rear lot line. Access to the site will continue to be from Needwood Road via an asphalt driveway. The applicant is proposing a total of seventeen parking spaces which will accommodate the subject property's existing small group home, the new facility and also provide space for visitors to the site. As previously mentioned, staff worked with the applicant to minimize vehicular surface areas and to consolidate parking between the existing house and the proposed building. As a result, staff believes the site layout is safe, adequate and efficient. Additionally, the imperviousness on-site was reduced, additional areas of open space were preserved, and ultimately future maintenance costs for the paved surfaces were reduced. A sidewalk system provides adequate pedestrian access between the parking areas and the buildings.

Staff finds that the landscaping provided is safe, adequate and efficient. The landscape plan achieves several objectives. It provides screening and buffering along the eastern property boundary where a variety of evergreen trees are proposed. Additionally, foundation plantings around the perimeter of the building add scale and interest to the building. Landscaping is also used for bio-retention purposes throughout the site. The trash and recycling receptacles will be located on the west side of the proposed building at the end of the proposed parking lot between the existing and proposed buildings.

Master Plan

The 2004 Upper Rock Creek Area Master Plan is silent on the property proposed for Alfred House. Generally, the Plan's goal for the Residential Wedge areas in which the property is located is to "Keep the Upper Rock Creek watershed as a low-density housing resource compatible with the existing community." (p 12) The Plan focuses on several large undeveloped properties in the watershed and recommends them for cluster development in the Rural Neighborhood Cluster Zone as a means of fulfilling the land use goal in ways that also preserve sensitive natural and water resources in the watershed.

The Housing chapter of the plan balances the desirability of achieving countywide policies for encouraging the broadest possible range of housing choices for the full range of residents' ages and incomes with equally important policies for preservation of a low-density housing resource and protection of sensitive resources. The Housing chapter recognizes that adequate housing for the elderly is an important element of the overall goal. The Plan designates specific properties in the planning area as suitable for elderly housing projects or moderately priced dwelling units and acknowledges the possibility of including MPDUs in the Rural Neighborhood Cluster Zone. While the Master Plan does not discuss an elderly housing project on this property or in this part of the planning area, the proposed project will contribute to increased housing choice in this part of Montgomery County and will further both county policies for the provision of housing and overall land use goals of the Upper Rock Creek Area Master Plan.

The Plan also recommends a shared use path along Needwood Road between Redland and Muncaster Mill roads, which includes this property. Providing a portion of the path on this property conforms to the master plan recommendation. The decision on provision of this path can be made when planning staff and the Planning Board review a preliminary plan of subdivision for this property, which will be required.

Transportation

Area 3 transportation planning staff reviewed the materials submitted for the special exception request and recommends the following conditions as part of the APF test for transportation requirements related to approval of the subject special exception.

1. The development under the subject special exception application is limited to a domiciliary home with a total of 39 beds (34 in the new facility and 5 in the existing small group home).
2. The roadway improvements along Needwood Road including construction of a shared use path will be determined at the time of preliminary plan.

Based on the information contained in the Traffic Statement submitted by the applicant, the site would generate a minimum peak-hour trip, 1 or 2, during the weekday peak periods. Therefore, it is meeting

the Local Area Transportation Review (LATR) requirements because the site is generating less than 30 peak-hour trips with granting the subject special exception application.

The site is located in the Rural East Policy Area where there is no Policy Area Mobility Review (PAMR) trip mitigation requirement according to the County's Growth Policy.

The vehicular access point, commercial driveway, will be provided from Needwood Road. Needwood Road is identified as a primary residential street with 70-foot-wide right-of-way and Muncaster Mill Road (MD 115) is identified as an arterial with 80-foot-wide rights-of-way. Staff finds that the proposed access point and on-site vehicular and pedestrian circulation system shown on the site plan are adequate. The existing road system in the vicinity of the site would not be affected by the proposal.

Environment

Area 3 environmental planning staff recommends transmittal of the Special Exception with the following comments.

The approximate 2.5-acre property is located at 6020 Needwood Road, on Parcel P927, in the southwestern corner of the intersection of Muncaster Mill Road and Needwood Road, in Derwood. The subject property is zoned RE-1 and is covered by the *Upper Rock Creek Master Plan*, April 2004. The property is currently developed with a single family home which is in use as a small group home for five elderly persons and two non-resident staff persons. The site is accessed off Needwood Road via an asphalt driveway. The property was the subject of a forest conservation violation for 0.97 acres of unauthorized forest clearing. A Preliminary Forest Conservation Plan was prepared as part of a special exception application for a 34-bed domiciliary care home. The unauthorized forest clearing is accounted for in the Preliminary Forest Conservation Plan.

The proposed development will provide housing for elderly residents in need of an assisted living environment. The Applicant proposes to construct a new two-story building, associated parking lot, and stormwater management features. In addition, the Applicant proposes to maintain the existing home on the property as an elderly group home. All of the 0.97 acres of existing forest was cleared without authorization. This forest is counted as cleared in the forest conservation worksheet. There are twenty-two (22) large or specimen trees located on or adjacent to the property. The project proposes to account for the previously cleared 0.97 acres of forest, remove nine (9) specimen trees, and impact the critical root zones of seven (7) specimen trees.

This property is subject to the Montgomery County Forest Conservation Law, and a preliminary Forest Conservation Plan, including a variance request for the removal of nine (9) specimen trees, and impacts to the critical root zones of seven (7) specimen trees, has been recommended for approval with conditions as a separate Planning Board item. The Forest Conservation Plan proposes to account for 0.97 acres of previously unauthorized clearing, resulting in a forest planting requirement of 1.06 acres. The applicant proposes to satisfy the planting requirement at an approved off site forest mitigation bank.

The applicant submitted a variance request on November 8, 2011. The applicant proposes to remove eight (8) trees that are subject to the variance requirement, and to impact, but not remove, seven (7) others that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. Mitigation for the removal of specimen trees is included in the recommendation for conditional approval of the Preliminary Forest Conservation Plan, including the variance request.

The applicant meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Regulations. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for this site on February 16, 2010. The NRI/FSD identified all of the required environmental features on and adjacent to the property, as further described in the *Environmental Guidelines for Environmental Management of Development in Montgomery County*. The topography on the property is gently sloping to the west. There are no streams, wetlands, 100-year floodplain, stream buffers, highly erodible soils, or steep slopes located on the property. The site is located within the Upper Rock Creek watershed, which is classified by the State of Maryland as Use IV waters. The property is not located within a Special Protection Area (SPA), nor is it located within the Patuxent River Primary Management Area (PMA).

Special Exception Required Finding

In the Zoning Ordinance, there are required findings in Section 59-G-1.21(a). 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 finds that the operation of the proposed use that would be considered objectionable in the areas cited above, so long as County regulations regarding noise (Chapter 31B) and trash/dumpster pickup (Chapter 48-21) are followed. Noise generating concerns include an emergency generator and this is proposed to be located on a gravel utility pad located behind the existing building. This utility pad is located within 80 feet of the nearest, surrounding residential home to the west. Trash and recycling receptacles will be located on the west side of the proposed building, between the existing and proposed buildings, at the end of the parking lot. These receptacles will be approximately 150 feet from the nearest residential home to the south, and approximately 170 feet from the existing residential home to the west.

Community Concerns – Staff has not received any written or oral comments regarding the proposed domiciliary home. According to the applicant, a voluntary community meeting was held in November 2010 to show community members or interested parties the proposed use and concept plan for the domiciliary home.

Inherent and Non-inherent Adverse Effects

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 there are no non-inherent characteristics associated with the proposed use. 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. The proposed scale of the two-story building is designed in a manner that complements the surrounding residential characteristics. 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. As stated above, 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 RE-1 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 domiciliary home is consistent with the applicable Upper Rock Creek Area Master Plan which was adopted in 2004. The Master Plan identifies the property's RE-1 zoning and proposes no change.

- (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 proposed 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 (26.7 feet maximum) will be constructed with minimal impact on the natural environment.

- (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 request will not increase the number, intensity, or scope of special exception uses sufficiently to adversely affect or alter the predominantly residential nature of the area. Staff found one other property (Casey House) in the vicinity that was the subject of a special exception application.

- (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 domiciliary is 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.

A preliminary plan of subdivision is required. The subject site is adequately served by public facilities. The property is approved as W-1 for its water category and received approval for S-1 sewer category in June 2010. A stormwater management plan concept plan has been approved by the Department of Permitting Services (DPS). The subject property will undergo the subdivision process following review and decision on the Special Exception application.

- (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.

The proposed use will have no substantial impact on the transportation system serving the property. The property will provide safe access to Needwood Road. Staff finds that the proposed access point and on-site vehicular and pedestrian circulation system shown on the site plan are adequate. The existing road system in the vicinity of the site would not be affected by the proposal. No employees will reside at the property.

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 RE-1 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:

Minimum lot area	2 acres	109,335 sf. (2.5 acres)
Maximum lot coverage (.59-C-9.46)	15% of lot area	12.8%
Minimum lot width: at street line at building line	25 feet 125 feet	435 ft. (approx.) 435 ft. (approx.)
Minimum setbacks: Front - Needwood Road Front - Muncaster Mill Road Side (corner lot)	50 feet 50 feet 17 (one side)	51.6 ft. (approx.) 142 ft. (approx.) 153 ft. (approx.)
Maximum building height	50 feet	26. 7 ft. (approx.)
Minimum rear setback	35 feet	40.5 ft. (approx..)

- (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: 9 parking spaces are required for 34 proposed beds, 5 parking spaces are required for 10 employees for a total of 14 spaces

required. 17 spaces are provided. Of the parking spaces provided, one van accessible parking space is provided. The additional spaces are provided to accommodate the existing small group home with 5 residents and 2 non-resident staff which will continue to operate on the property, as a by-right small group home under Section 59-C-1.31 under the Zoning Ordinance.

- (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.*

This property is subject to the Montgomery County Forest Conservation Law, and a preliminary Forest Conservation Plan, including a variance request for the removal of nine (9) specimen trees, and impacts to the critical root zones of seven (7) specimen trees, has been recommended for approval with conditions as a separate Planning Board item. The Forest Conservation Plan proposes to account for 0.97 acres of previously unauthorized clearing, resulting in a forest planting requirement of 1.06 acres. The applicant proposes to satisfy the planting requirement at an approved off site forest mitigation bank.

The applicant submitted a variance request on November 8, 2011. The applicant proposes to remove eight (8) trees that are subject to the variance requirement, and to impact, but not remove, seven (7) others that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. Mitigation for the removal of specimen trees is included in the recommendation for conditional approval of the Preliminary Forest Conservation Plan, including the variance request.

The applicant meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Regulations. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for this site on February 16, 2010. The NRI/FSD identified all of the required environmental features on and adjacent to the property, as further described in the Environmental Guidelines for Environmental Management of Development in Montgomery County. The topography on the property is gently sloping to the west. There are no streams, wetlands, 100-year floodplain, stream buffers, highly erodible soils, or steep slopes located on the property.

- (e) **Water quality plan.**

The site is located within the Upper Rock Creek watershed, which is classified by the State of Maryland as Use IV waters. The property is not located within a Special Protection Area (SPA), nor is it located within the Patuxent River Primary Management Area (PMA).

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

- (f) **Signs.** *The applicant is proposing a free-standing sign for the domiciliary care facility. The proposed sign is proposed to be located at the northern corner of the property visible from the intersection of Muncaster Mill Road and Needwood Road. According to the attached sign design illustration, the proposed sign will be placed on a stone base and will measure, including the base, 3 feet 5 inches by 6 feet. The applicant intends to pursue a sign variance application following special exception determination.*

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

The proposal is designed to be architecturally compatible with other residential uses in both style and appearance. Buildings in the RE-1 zone may achieve a height of up to 50 feet. The domiciliary care is proposed to have a height of approximately 26.6 feet. The proposal is compatible with the character of the neighborhood and will continue to maintain the purpose of the RE-1 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 lighting plan adequately and efficiently covers the main vehicular access to the site, as well as the parking, and loading areas; in order to create a safe vehicular and pedestrian environment. The lighting fixtures directly adjacent to the proposed dormitory are a combination of metal halide wall mounts and compact fluorescent exterior down lighting. The attached plans show that the proposed 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 residential community due to bulk, traffic, noise or number of residents. The proposed domiciliary care home is designed to be architecturally compatible with other residential uses in both style and appearance. 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 residential activity will be relatively limited due to the physical condition of the residents. The project is further designed to blend with the natural environment as much as possible. The ICC lies to the west of the property at a lower grade than Needwood Road. According to the applicant, no staff members will be residents of the facility.

(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 subject property is residentially zoned RE-1.

- (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.

The subject property is zoned RE-1 and contains 109,335 square feet of land area (2.5 acres). The applicant proposes to establish a domiciliary care home with 34 beds, therefore, this application more than meets the requirement which requires for the

greater of two acres of land or 1,200 square feet per bed. Two acres (87,120 square feet) exceeds 1,200 square feet per bed (40,800 square feet).

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

The proposed domiciliary home will be setback approximately 153 feet from the adjoining residential property on the west side and will have an approximate 142-foot setback on the east side facing Muncaster Mill Road. The existing single-family home which is intended to continue its by-right small group home use has an existing side yard setback of 18.9 feet from the west side lot line. In an e-mail, the Department of Permitting Services (DPS) staff acknowledged that multiple uses may exist on a single property and that the Board of Appeals (BOA) should take into account all existing conditions, prior to ruling on the proposed special exception request.

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

The general development standards table on page 10 of this report outlines how development standards are met based on the submitted plans. As proposed, the site plan, including the proposed building, meets all applicable development standards identified in the RE-1 zone. There is no minimum green area requirement in the RE-1 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.

The special exception application is for 34 beds and 10 employees, therefore, the parking requirement is 14 spaces. This special exception request satisfies the parking requirements. As depicted on the special exception site plan, the applicant proposes a total of 17 parking spaces (3 handicapped and 14 standard). The additional spaces will accommodate the existing small group home and visitors. The applicant has stated that few, if any, residents will maintain vehicles on the site.

- (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 RE-1 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 thirty-four, within in the new facility, because the applicant does not have any expansion plans. 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, in 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.

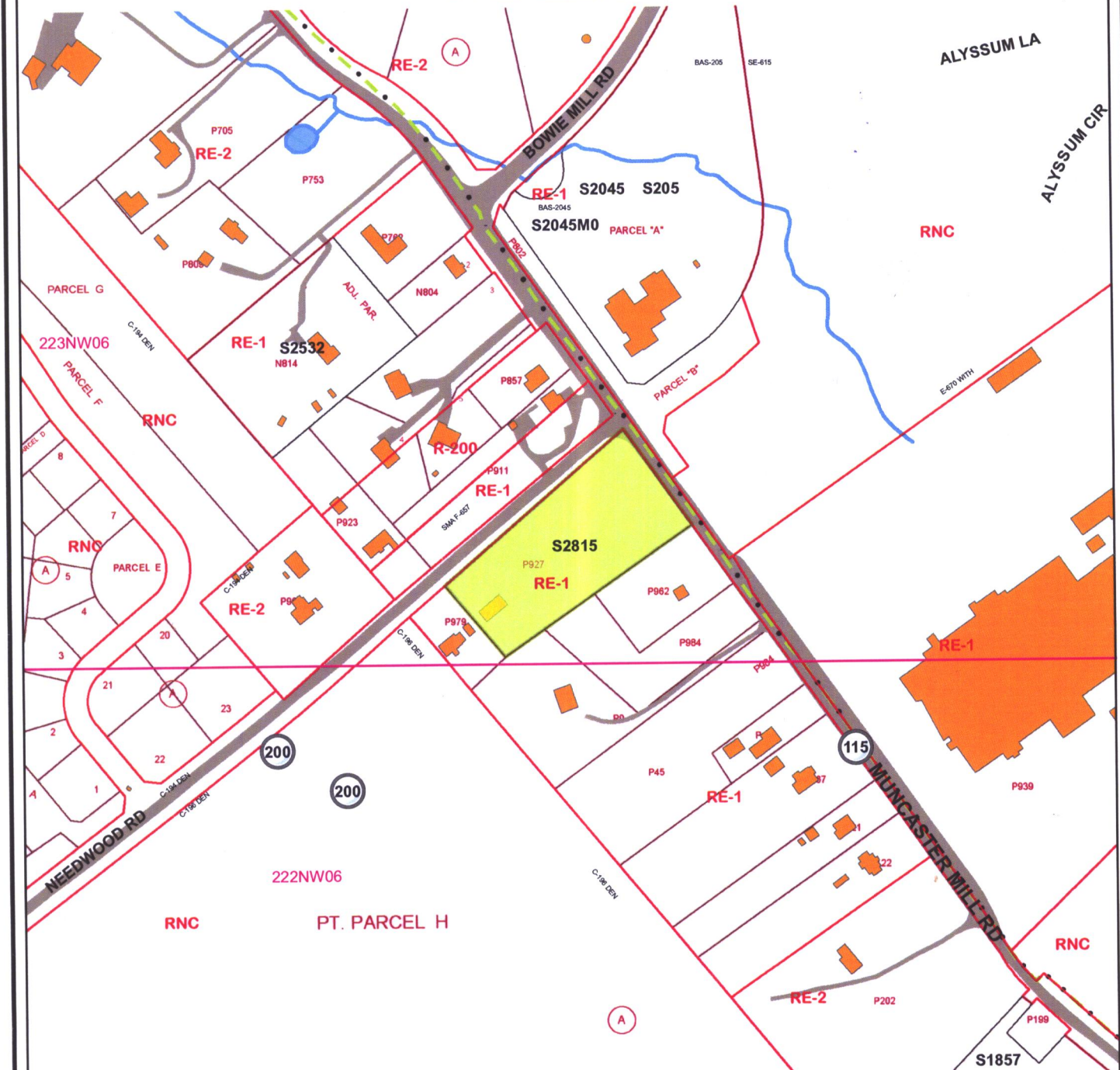
Conclusion

Staff recommends approval of Special Exception S-2815, subject to the conditions found at the beginning of the technical staff report.

Attachments

1. Vicinity Map
2. Aerial Neighborhood Map
3. Site Plan
4. Landscape Plan
5. Building Elevations
6. SWM Concept Approval Letter
7. Transportation Comments
8. DOT Comments
9. Environment Comments

General Location Map



LEGEND

-  Subject Site
-  Parcel
-  Building
-  Paved Area
-  Lake and Pond
-  Stream and River

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.

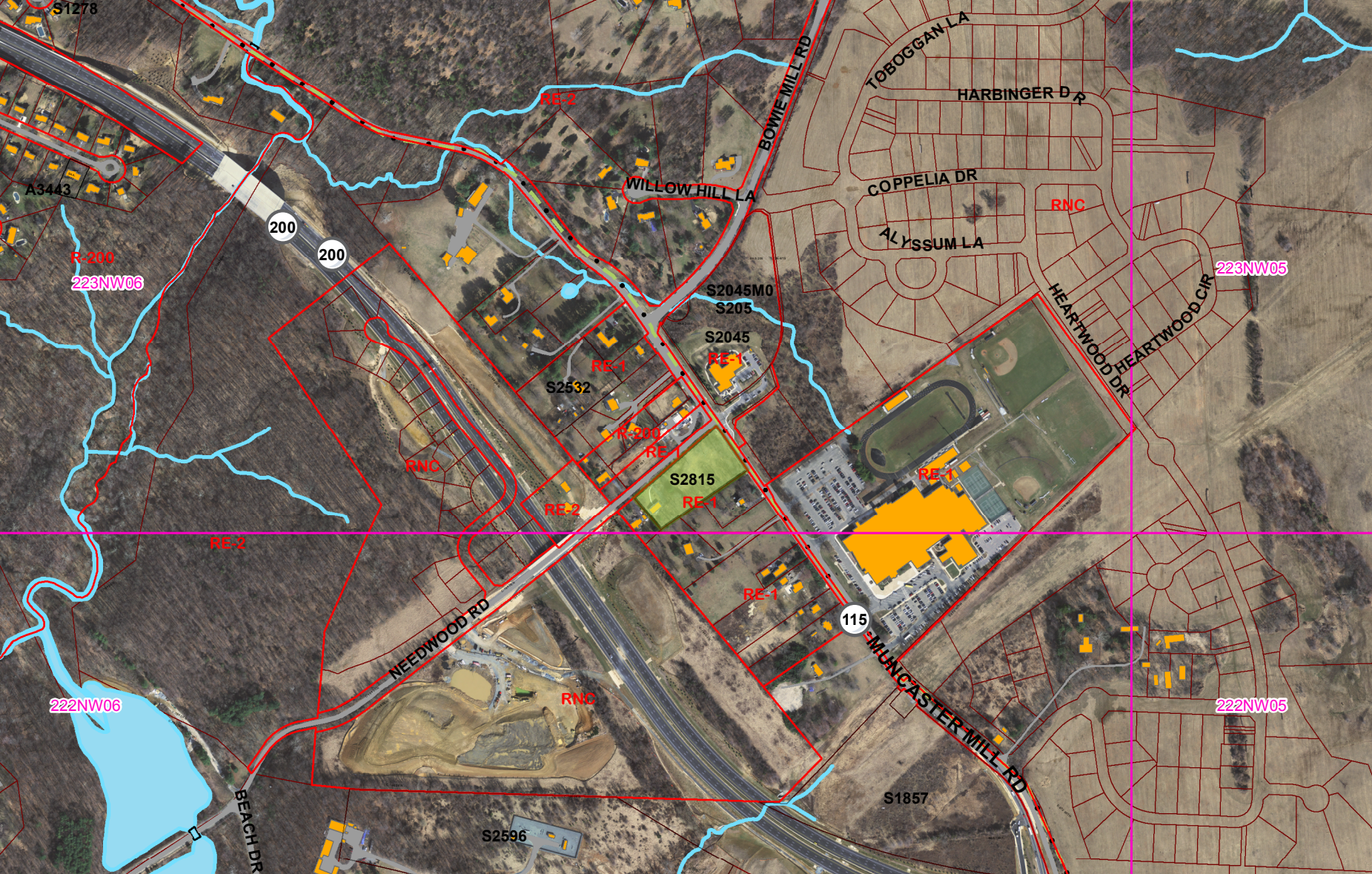
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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.

1 inch = 300 feet
Address: 5020 Needwood Road, Derwood, MD 20855

Key Map
NTS





S1278

A3443

R-200
223NW06

200

200

RE-2

WILLOW HILL LA

BOWTIE MILL RD

TOBOGGAN LA

HARBINGER DR

COPPELIA DR

ALYSSUM LA

RNC

223NW05

S2045M0
S205

S2045
RE-1

S2532
RE-1

R-200
RE-1

S2815
RE-1

RE-1

HEARTWOOD CIR

RE-2

NEEDWOOD RD

222NW06

RNC

RE-1

115

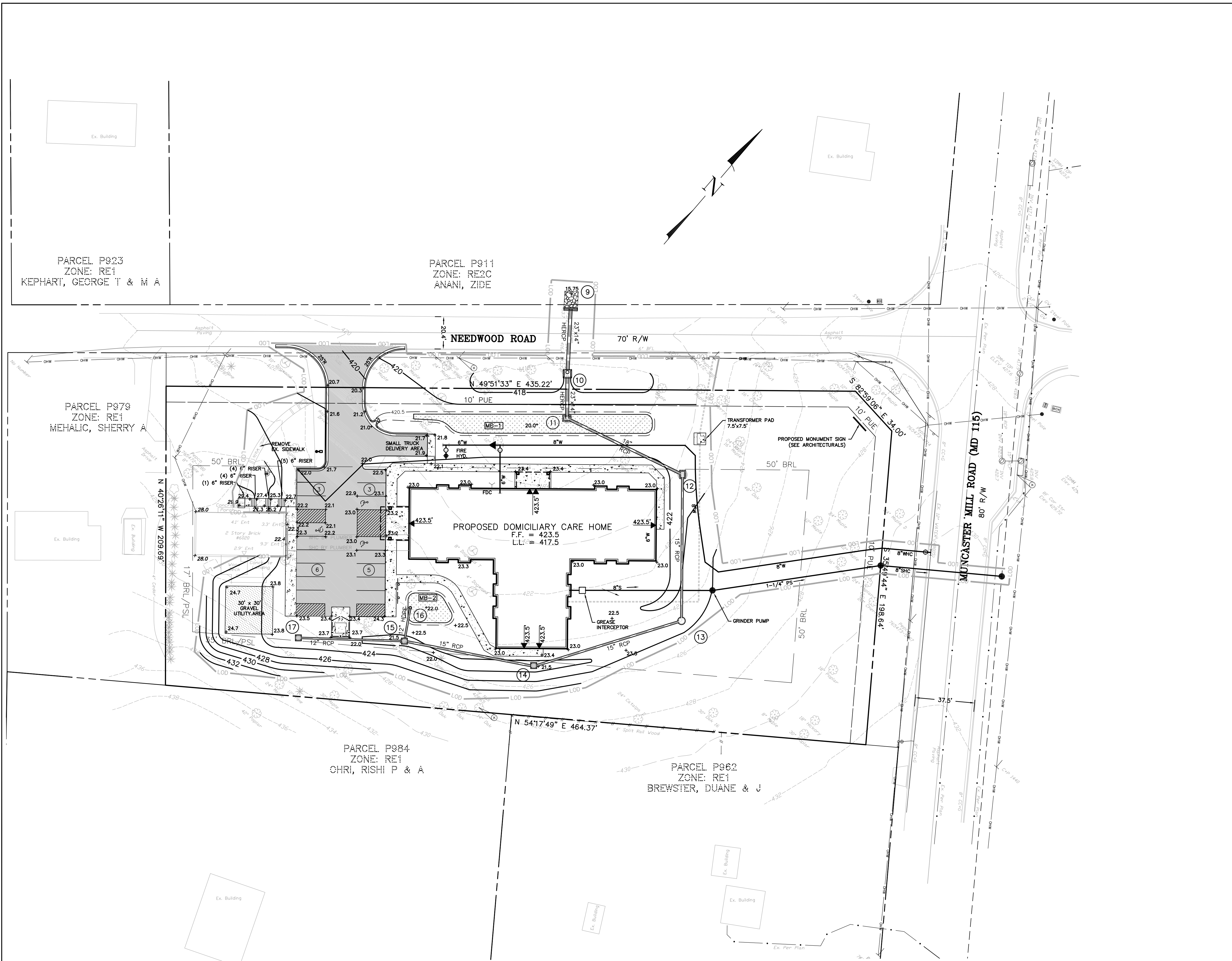
MUNCASTER MILL RD

222NW05

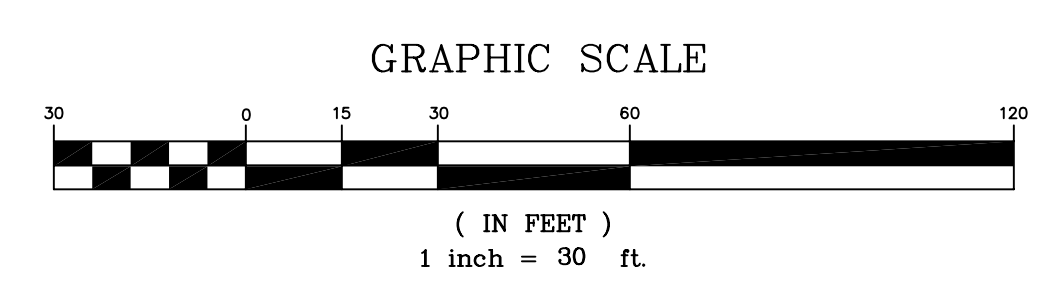
BEACH DR

S2596

S1857



Legend	
EXISTING	PROPOSED
	Paving
	Paving Milling
	Curb & Gutter
	Sign
	Utility Pole
	Lamp Post
	Post or Bollard
	Tree
	Electric
	Overhead Wires
	Sanitary Sewer
	Storm Drain
	Water Line
	Fire Hydrant
	Gas
	Telephone
	Buildings
	Concrete
	Special Paving See L/S Plans
	Spot Elevation
	Contour



Professional Certification:

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland, License No. 16905, Expiration Date: 4-21-2012

Stephen E. Crum, P.E.

NO.	DATE	DESCRIPTION	BY

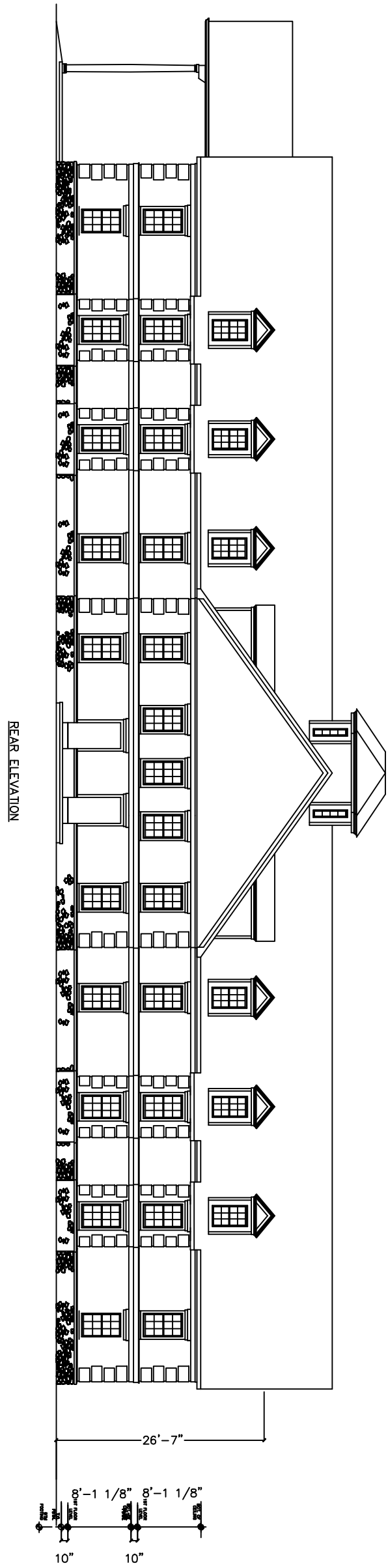
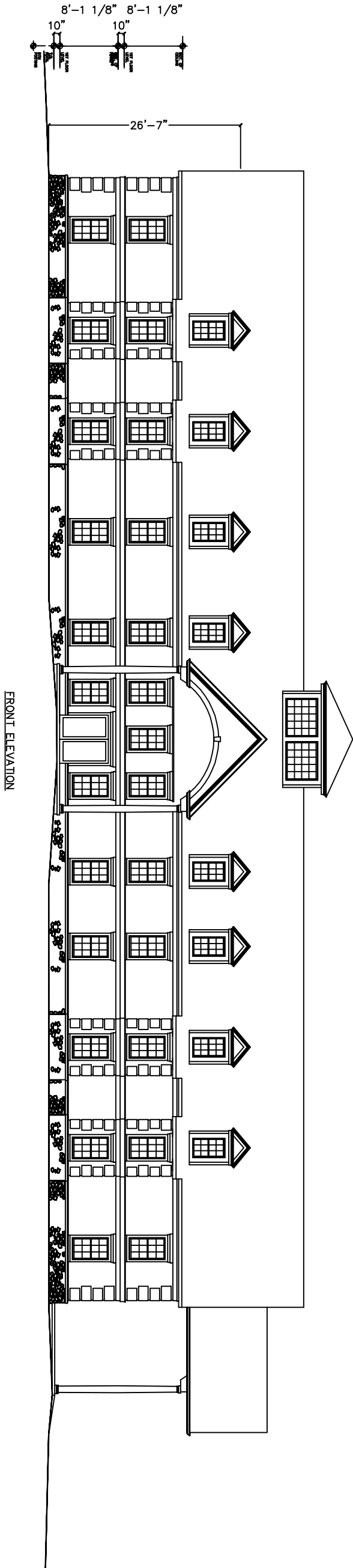
TAX MAP HT 122 SE-2
WSSC 223 NW 06

**SITE DEVELOPMENT PLAN FOR SPECIAL EXCEPTION
PARCEL P927
ALFRED HOUSE – NEEDWOOD ROAD**

8TH ELECTION DISTRICT – MONTGOMERY COUNTY – MARYLAND

	Macris, Hendricks & Glascock, P.A. Engineers ■ Planners Landscape Architects ■ Surveyors	Proj. Mgr.	Designer
		MWP	MWP
9220 Wightman Road, Suite 120 Montgomery Village, Maryland 20886-1279	Phone 301.670.0840 Fax 301.948.0693 www.mhga.com	Date	Scale
		11-10-11	1"=30'
Project No.		Sheet	
08.168.12		2 of 3	

I:\08168\dwg\SP_12_01.dwg, 24x36 SitePlan, 11/10/2011 11:42:16 AM, Copyright © 2011 Macris, Hendricks & Glascock, P.A.



In accordance with the Montgomery County Ordinance, the height of the building is measured to be the vertical distance from the average elevation of the finished ground surface along the front of the building to the mean height level between eaves ridge of a gable, hip, mansard or gambrel roof. The measured distance from the finished ground surface (423.3') to the mean height level between the eaves and ridge of the proposed building is 26'-7".

NAME:	
ADDRESS:	
LOT / BLOCK:	
SECTION:	

SHEET NO.	PAGE 1
SCALE	1/4" = 1'-0"
DRAWN BY	CWW
DATE	5/9/2011

CWEST
DESIGN / MANAGEMENT

PO BOX 80
GERRARDSTOWN WV 25420
Office: 301-938-0413
Cell: 301-938-0413
Fax: 304-229-2414

ALFRED HOUSE
18100 CASHELL RD
OLNEY MD
VEENA: 240-401-1753
OFF: 301-460-6997

REV. NO.	DATE	COMMENTS



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

November 30, 2011

Ken Jones
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886-1279

Re: Stormwater Management **CONCEPT** Request
for Alfred House
Preliminary Plan #: Pending
SM File #: 239070
Tract Size/Zone: 2.51 Ac. / RE-1
Total Concept Area: 2.51 Ac.
Parcel: P927
Watershed: Upper Rock Creek

Dear Mr. Jones:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **conditionally acceptable**. The stormwater management concept proposes to meet required stormwater management goals via 2 micro-bioretenion facilities.

The following **conditions** will need to be addressed **prior to** 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.
5. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
6. Safe and non-erosive conveyance of runoff from the site must be provided. Any outfall and conveyance improvements proposed on the neighboring property will require an easement or letter of permission from the property owner prior to submittal of the detailed plans.

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,



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

RRB: tla CN239070 Alfred House.mjg.doc

cc: C. Conlon
SM File # 239070

ESD Acres: 2
STRUCTURAL Acres: 0
WAIVED Acres: 0

December 13, 2011

MEMORANDUM

TO: Carlton Gilbert
Area 2 Division

FROM: Ki H. Kim, Transportation Planner-Coordinator
Area 3 Division

SUBJECT: AlfredHouse Eldercare
Special Exception Case Number: S-2815

This memorandum represents Transportation Planning staff's review and recommendation on the subject special exception application of the AlfredHouse Eldercare to be located at 6020 Needwood Road, Derwood in the rural East Policy Area.

RECOMMENDATION

Based on our review of the submitted traffic statement and site plan, Transportation Planning staff recommends the following condition as part of the APF test for transportation requirements related to approval of the subject special exception application.

1. The development under the subject special exception application is limited to a domiciliary home with a total of 39 beds.
2. The roadway improvements along Needwood Road including construction of a shared use path will be determined at the time of preliminary plan.

DISCUSSION

Based on the information contained in the Traffic Statement submitted by the applicant, the site would generate a minimum peak-hour trip, 1 or 2, during the weekdays peak periods. Therefore, it is meeting the Local Area Transportation Review (LATR) requirements because the site is generating less than 30 peak-hour trips with granting the subject special exception application.

The site is located in the Rural East Policy Area where there is no Policy Area Mobility Review (PAMR) trip mitigation requirement according to the County's Growth Policy.

The vehicular access point, commercial driveway, will be provided from Needwood Road. Needwood Road is identified as a primary residential street with 70-foot-wide right-of-way and Muncaster Mill Road (MD 115) is identified as an arterial with 80-foot-wide rights-of-way. Staff finds that the proposed access point and on-site vehicular and pedestrian circulation system shown on the site plan are adequate. The existing road system in the vicinity of the site would not be affected by the proposal.



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

January 5, 2012

Arthur Holmes, Jr.
Director

Mr. Carlton Gilbert, Planner/Coordinator
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Special Exception No. S-2815
Alfredhouse-Needwood

Dear Mr. Gilbert:

Thank you for the opportunity to review the April 4, 2011 dated Special Exception plan. We recommend a preliminary plan be required as a condition of approval of the Special Exception. The following comments are tentatively set forth for the subsequent submission of a preliminary plan:

1. Show all existing topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, utilities, rights of way and easements, etc.) on the preliminary plan.
2. Necessary dedication for future widening of Needwood Road and Muncaster Mill Road (MD 115) in accordance with the master plan. Additional right-of-way may be needed to accommodate the master planned bicycle facilities.
3. Storm drainage and/or flood plain studies, with computations. Analyze the capacity of the existing public storm drain system and the impact of the additional runoff.
4. Necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. Show the location of proposed driveway on the preliminary plan.
6. At the preliminary plan stage, submit a completed, executed MCDOT Sight Distances Evaluation certification form – for the proposed entrance on Needwood Road - for our review and approval.
7. Access and improvements along the Muncaster Mill Road (MD 115) site frontage. We recommend the applicant be required to construct the Master Planned bicycle facility across their Muncaster Mill Road (MD 115) site frontage; bicycle facility class to be affirmed at the preliminary plan stage.
8. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

Division of Traffic Engineering and Operations


100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov



Mr. Carlton Gilbert
Special Exception No. S-2815
January 5, 2012
Page 2

9. Modifications to the existing traffic signal may be necessary to implement the required roadway improvements. If modifications are necessary, they shall be the responsibility of the applicant.
10. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to the following improvements:
 - A. Improvements to the public right of way, if any are required, will be determined at the preliminary plan stage based on a review of the additional information requested earlier in this letter.
 - B. Across the Needwood Road site frontage, widen the pavement to eighteen (18) from centerline. Construct curb, gutter, and master planned shared use path with handicap ramps.
 - C. Street lights.
 - D. Street trees.
 - E. Enclosed storm drainage and/or engineered channel in all drainage easements.
 - F. Erosion and sediment control measures.
 - G. Permanent monuments and property line markers.

Thank you for the opportunity to review this pre-preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this project at david.adams@montgomerycountymd.gov or at (240) 777-2197.

Sincerely,


Gregory M. Leck, Manager
Development Review Team

M:/subd/gml/docs/ SE/S-2815, Alfredhouse-Needwood.doc

cc: Dr. Veena J. Alfred; Alfredhouse Eldercare, Inc.
David D. Freishtat; Shulman Rogers
Matthew Pohlhaus; Macris Hendricks & Glascock
Ed Axler; M-NCPPC Area 2
Cathy Conlon; M-NCPPC DARC
Scott Newill; MSHA AMD
Special Exception Folder

cc-e: Gail Tait-Nouri; MCDOT DTE
Bruce Mangum; MCDOT DTEO
David Adams; MCDOT DTEO



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

MEMORANDUM

TO: Carlton Gilbert, Area 2

VIA: Callum Murray, Area 3 Supervisor

FROM: Mary Jo Kishter, Area 3

DATE: December 14, 2011

SUBJECT: Special Exception S-2815
Alfred House Domiciliary Care Housing

STAFF RECOMMENDATION:

Planning staff recommends transmittal of the Special Exception with the following comments.

DISCUSSION

The 2.48-acre property is located at 6020 Needwood Road, on Parcel P927, in the southwestern corner of the intersection of Muncaster Mill Road and Needwood Road, in Derwood. The subject property is zoned RE-1 and is covered by the *Upper Rock Creek Master Plan*, April 2004. The property is currently developed with a single family home which is in use as a small group home for five elderly persons and two non-resident staff persons. The site is accessed off Needwood Road via an asphalt driveway. The property was the subject of a forest conservation violation for 0.97 acres of unauthorized forest clearing. A Preliminary Forest Conservation Plan was prepared as part of a special exception application for a 34-bed domiciliary care home. The unauthorized forest clearing is accounted for in the Preliminary Forest Conservation Plan.

The proposed development will provide housing for elderly residents in need of an assisted living environment. The Applicant proposes to construct a new two-story building, associated parking lot, and stormwater management features. In addition, the Applicant proposes to maintain the existing home on the property as an elderly group home. All of the 0.97 acres of existing forest was cleared without authorization. This forest is counted as cleared in the forest conservation worksheet. There are twenty-two (22) large or specimen trees located on or adjacent to the property. The project proposes to account for the previously cleared 0.97 acres of forest, remove nine (9) specimen trees, and impact the critical root zones of seven (7) specimen trees.

Forest Conservation

This property is subject to the Montgomery County Forest Conservation Law, and a preliminary Forest Conservation Plan, including a variance request for the removal of nine (9) specimen trees, and impacts to the critical root zones of seven (7) specimen trees, has been recommended for approval with conditions as a separate Planning Board item. The Forest Conservation Plan proposes to account for 0.97 acres of previously unauthorized clearing, resulting in a forest planting requirement of 1.06 acres. The applicant proposes to satisfy the

planting requirement at an approved off site forest mitigation bank.

The applicant submitted a variance request on November 8, 2011. The applicant proposes to remove eight (8) trees that are subject to the variance requirement, and to impact, but not remove, seven (7) others that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. Mitigation for the removal of specimen trees is included in the recommendation for conditional approval of the Preliminary Forest Conservation Plan, including the variance request.

Environmental Guidelines

The applicant meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Regulations. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for this site on February 16, 2010. The NRI/FSD identified all of the required environmental features on and adjacent to the property, as further described in the *Environmental Guidelines for Environmental Management of Development in Montgomery County*. The topography on the property is gently sloping to the west. There are no streams, wetlands, 100-year floodplain, stream buffers, highly erodible soils, or steep slopes located on the property. The site is located within the Upper Rock Creek watershed, which is classified by the State of Maryland as Use IV waters. The property is not located within a Special Protection Area (SPA), nor is it located within the Patuxent River Primary Management Area (PMA).

Special Exception Required Finding

In the Zoning Ordinance, there are required findings in Section 59-G-1.21(a). 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 finds nothing inherent in the operation of the proposed use that would be considered objectionable in the areas cited above, so long as County regulations regarding noise (Chapter 31B) and trash/dumpster pickup (Chapter 48-21) are followed. Noise generating concerns include an emergency generator and this is proposed to be located on a gravel utility pad located behind the existing building. This utility pad is located within 80 feet of the nearest, surrounding residential home to the west. Trash and recycling receptacles will be located on the west side of the proposed building, between the existing and proposed buildings, at the end of the parking lot. These receptacles will be approximately 150 feet from the nearest residential home to the south, and approximately 170 feet from the existing residential home to the west.