



**Colesville Senior Living, Special Exception, S-2881**

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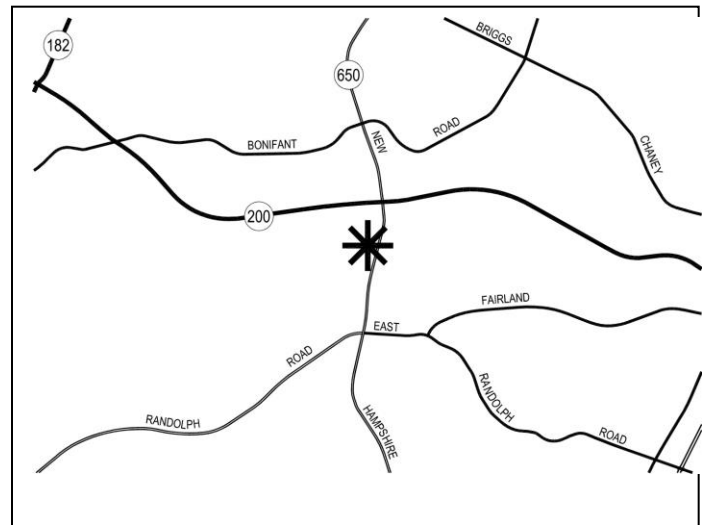
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**Completed: 06/12/15**

**Description**

- Request to construct a three-story domiciliary care facility for seniors consisting of 113 units (136 beds);
- Location: 13908 New Hampshire Avenue;
- R-200 Zone, 5.9 acres of land in the *1997 White Oak Master Plan*;
- Applicant: Columbia/Wegman Acquisitions, LLC;
- Filing Date: October 21, 2014.

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



**Summary**

*Staff recommends Approval with Conditions.*

*This application is being reviewed per the Zoning Ordinance in effect at the time when the application was filed.*

The Applicant, Columbia/Wegman Acquisitions, LLC, is requesting Special Exception approval pursuant to Zoning Ordinance Sections 59-G-1.2 and 59-G-2.37 in order to construct a 113-unit (136-bed) Domiciliary Care Home for assisted living and memory care residents. The proposed use will occupy a new three (3) story building with 88 units of assisted living for elderly residents in need of assistance with the routines of their daily life, and 25 units of memory care for residents suffering from Alzheimer’s disease or other forms of memory loss and dementia. The units in the memory care wing will have both private and semi-private suites to better serve the needs of the residents. The proposed building will be located on 5.9 acres of land area (identified as the “Property” in this staff report). If S-2881 is approved by the Board of Appeals, the proposed development will be subject to Preliminary Plan review by the Planning Board.

With the recommended conditions below, the proposed use satisfies all applicable requirements and regulations for approval of a Special Exception for a Domiciliary Care facility as specified in the Montgomery County Zoning Ordinance. The Applicant has met the burden of proof by showing that the proposed facility will be operated without detriment to the neighborhood and will not adversely affect the public interest. The proposal is consistent with the *White Oak Master Plan*.

## **RECOMMENDATION**

Staff recommends approval of Special Exception S-2881, subject to the following conditions:

1. The maximum allowable number of beds must not exceed one-hundred thirty-six (136);
2. Hours of operation are 24 hours per day, 7 days per week, and 365 days a year;
3. The maximum number of employees on-site at any one time must not exceed twenty-four (24);
4. The Applicant must obtain approval of a Preliminary Plan of Subdivision per Chapter 50 of the Montgomery County Code;
5. The Applicant must work with Planning Department and Maryland State Highway Administration (SHA) staff to identify whether the Orchard Way/Cambodian Temple Driveway or Hobbs Drive intersections with New Hampshire Avenue (MD 650) would be the best candidate for signalization and then conduct and submit a traffic signal warrant analysis for that intersection;
6. The Applicant must comply with the recommendations of the Intercounty Connector Limited Functional Master Plan Amendment. The Applicant must reconstruct the existing sidewalk along the New Hampshire Avenue frontage to be a 10-foot wide shared-use path with a green panel and street trees;
7. The Applicant must provide 4 bicycle parking spaces (i.e., 2 inverted-U bike racks or the equivalent approved by Staff that conforms to American Pedestrian and Bicycle Professionals Guidelines). The Applicant must install the bike racks in a weather protected area ideally in front of the main entrance;
8. The Applicant must submit a traffic statement at Preliminary Plan review to satisfy Local Area Transportation Review (LATR) and Transportation Policy Area Review (TPAR) tests;
9. Prior to issuance of Use and Occupancy Certificates for affected units, the Applicant must provide the following to Staff: Certification from the builder that noise-impacted lots are constructed in accordance with recommendations of an engineer who specializes in acoustical treatment;
10. The Applicant must modify the proposed signage to comply with Section 59-F or get a variance from the Sign Review Board.

## **SITE DESCRIPTION**

The Property, (outlined in red in the aerial photo below) is a 5.9-acre Parcel (P305), located at 13908 New Hampshire Avenue (MD 650) in the Bealles Manor Subdivision, just south of the ICC (MD 200). It is located on the western side of New Hampshire Avenue between Hobbs Drive and the existing Cambodian Temple. The Property is zoned R-200 and is vacant. The existing curb cut and gate serving the vacant lot at the southern end of the site will be removed.

The Property is approximately 366 feet wide by approximately 673 feet deep. Future site access is proposed via a right-in/right-out driveway at the northern end of the site. Since there is no median opening along the site frontage, drivers attempting to access the site from the south will have to travel northbound on New Hampshire Avenue past the site and make a U-turn at the Hobbs Drive median opening. Conversely, drivers seeking to exit the site in order to travel north must first travel southbound on New Hampshire Avenue and make a U-turn at the Orchard Way/Cambodian Temple Driveway median opening.

The Property is a partially wooded vacant site that lies in both the Paint Branch watershed and Northwest Branch watershed, but outside any Special Protection Areas. There are no streams, wetlands, floodplains, or environmental buffers on the site. The Property is approved as W-1 for its water category and has received approval for S-1 sewer category.



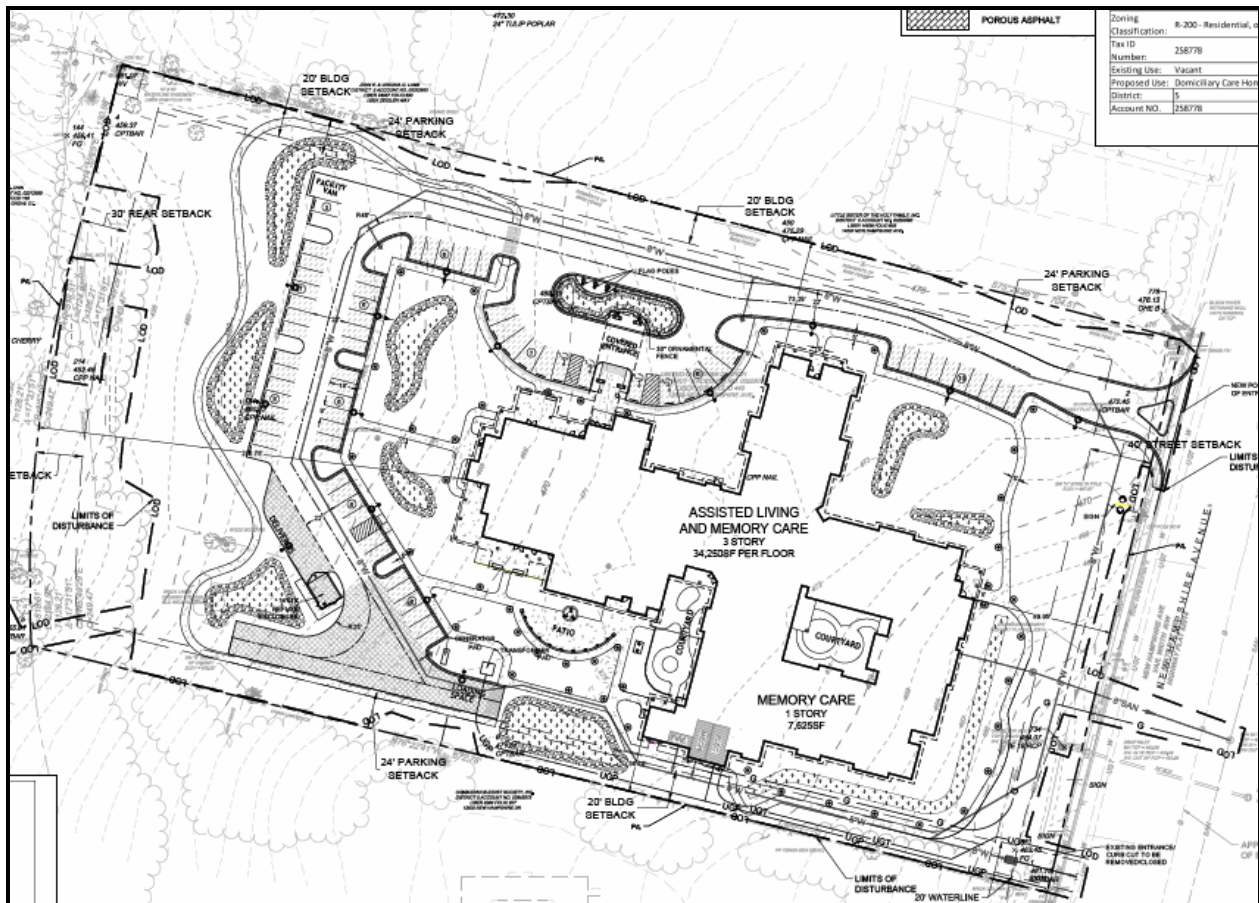
*Aerial Photo & Neighborhood Boundary*

Neighborhood Description

The neighborhood where the Property is located is generally bounded by Colesville Manor Drive to the north, New Hampshire Avenue (MD 650) to the east, Notley Road to the south, and Shannon Drive to the west. The community located immediately south of the Property consists of a church (Cambodian Temple). Single-family detached homes located in the R-200 Zone are adjacent to the Property to the north and west. Across New Hampshire Avenue are a church and several single-family several detached dwellings. To the south is a commercial center that provides shopping areas, various smaller retail facilities, medical services and other community services that are convenient and accessible.

## PROPOSED PROJECT

The proposed Colesville Senior Living facility, a 113-suite, three-story facility for seniors will be approximately 99,485 square feet, have 71 parking spaces with required drive aisles, loading/delivery areas and a refuse enclosure. All services and parking are located away from the frontage along New Hampshire Avenue. The main entrance will face the adjacent residential property to the north while keeping the services to the building (deliveries, refuse pick-up, and site mechanical equipment) at the southwest portion of the site where there are substantial setbacks and buffering to the west and the church to the south. The proposed project is designed to minimize the impact on the surrounding neighbors, as well as reduce impervious surfaces in order to lower storm sewer demands and provide larger green/environmental spaces. The facility will be open 24 hours a day, 7 days a week. There will be regular business hours for visitors or residents, and any business deliveries or services will be restricted to mid-day operations to avoid peak travel times. The facility will be staffed with a maximum of 50 full and part-time staff. The maximum shift will be approximately 24 employees at mid-day.



Site Plan

The elevations for this proposed 3-story Senior Residence are designed to be compatible with the surrounding neighborhood uses. The proposed building will have a maximum height of 41 feet. The use of lower roof areas helps break the mass of the building and provide a pedestrian scale as one travels around the building. The Memory Care wing of the building is a single-story element that has been placed along the frontage of the property. This gives the view from New Hampshire Avenue more

vertical appeal and provides a transition in height from the ground to the three (3) floors of elevation. According to the Applicant, the exterior finish materials proposed are a combination of painted lap-siding, painted board-and-batten siding, and brick accents around all elevations. The roof will be an Architectural Composition Roof in natural color of browns and grays.



*Elevations*



**Architectural Rendering**

### Landscaping

The property will be well screened with trees and shrubs. There are also on-site landscaping considerations provided for the use of the grounds by the residents and their families. Usable outdoor spaces including manicured lawns, courtyards and walkways are integrated into the landscape design for the enjoyment of the residents and provide a safe, home-like feel to the entire project.



**Landscape Rendering**

**MASTER PLAN**

The proposed facility is consistent with the 1997 *White Oak Master Plan*. The Master Plan contains no specific recommendations for this site.

The 1997 *Master Plan* envisioned the area outside of the identified commercial centers to remain residential in nature and recommended that infill developments follow the established residential pattern. In keeping with this vision, the Master Plan further recommended that “the land use and zoning goal in the White Oak Master Plan area is to ensure livable communities for the future by protecting and strengthening their positive attributes and encouraging development that will enhance the communities’ functions, sense of place and identity.” (p. 16)

The Master Plan recognized that special exception uses may be approved by the Board of Appeals if they meet the standards, requirements, and the general conditions set forth in the Zoning Ordinance, but may be denied if there is an excessive concentration of such uses in an area or if the uses are inconsistent with the Master Plan recommendations.

The Master Plan recommended that “excessive concentration of special exception uses and non-residential uses along major transportation corridors should be avoided (pg 24).” Specifically, the Master Plan recommended the following when evaluating special exception uses and their impact on the character and nature of the residential neighborhoods in which they are proposed (pg 24):



- Requiring new requests for special exception uses along major transportation corridors and in residential communities to be compatible with their surroundings. Front yard setback should be maintained.
- Avoiding front yard parking because of its commercial appearance. Side and rear parking should be screened from view of surrounding neighborhoods.
- Requiring new buildings or any modification or additions to existing buildings to be compatible with the character and scale of the adjoining neighborhood.
- Avoiding the placement of large impervious areas in the Paint Branch watershed due to its environmental sensitivity.

The Master Plan recognized the importance of providing elderly housing and care options within the Plan's area, stating that there will be a significant increase of persons over the age of 70 and limited number of housing opportunities for this segment of the population. The Plan recommended encouraging the provision of elderly housing facilities at appropriate locations in the planning area that could support the needs of this population, including locating such facilities along bus routes and near shopping and public facilities (p. 66). This Property is situated near several shopping facilities and is served by Metrobus routes and can therefore be considered a good location for elderly housing; however, it should be noted that the proposed use is for those individuals in need of assisted and/or memory care, and the residents will need to be accompanied with a licensed care giver or family member.

With regards to the location and design considerations, the four recommendations of the Master Plan are applicable to this Property. The proposed building will be pulled to the front of the site, fronting on New Hampshire Avenue with parking, and outdoor gathering areas to the back of the building. Similarly, the architecture is consistent in scale and design with many multi-family and townhouse developments in and around the White Oak Master Plan area.

The Property is not within an SPA, and therefore, no maximum impervious area limits exist. The development proposal shows the minimum amount of pavement necessary to adequately and safely circulate vehicles, residents and pedestrians, while the building footprint is compact and multi-level to minimize the on-site imperviousness.

## **TRANSPORTATION**

### Master Plan Roadways and Bikeways

As recommended in the 1997 *White Oak Master Plan*, 2005 *Countywide Bikeways Functional Master Plan*, and 2009 *Intercounty Connector (ICC) Limited Functional Master Plan Amendment*, the master-planned roadways and bikeways in the vicinity of the site are listed below:

1. New Hampshire Avenue (MD 650) is designated as a six-lane divided major highway (M-12) within a 120-foot right-of-way (ROW). The *White Oak Master Plan* recommends accommodating bicycles with a signed shared roadway (SR-30). On-street bicycle lanes with route signage have already been striped on both sides of New Hampshire Avenue from the ICC (MD 200) south to Randolph Road. The *ICC Limited Functional Master Plan* recommends a shared-use path along the west side of New Hampshire Avenue (DB-41).

2. Notley Road (west of New Hampshire Avenue) is designated as a two-lane undivided primary residential street, P-7, within a 70-foot ROW. There are no recommended master plan bikeways along Notley Road.

Notley Road (east of New Hampshire Avenue), Orchard Way, Hobbs Drive and Colesville Manor are not listed in the *White Oak Master Plan*. They are all substandard (narrow, two-lane and un-striped) residential streets that serve their respective neighborhoods.

#### Master Plan Transitway

The 2013 *Countywide Transit Corridors Functional Master Plan* recommends the Bus Rapid Transit (BRT) Corridor 5, "New Hampshire Avenue" along New Hampshire Avenue from the DC City Line north to the future Colesville Park and Ride Lot (near Notley Road). The nearest BRT stations would be located near the intersections of New Hampshire Avenue with Notley Road and Randolph Road and can be accommodated within the 120-feet of ROW.

#### Available Transit Service

Metrobus route Z2 is the currently the only bus route operating along New Hampshire Avenue near the property frontage. Buses typically run approximately every 25 to 40 minutes depending on time of day and direction on weekdays only. There are no transit routes on any other roadways within the immediate vicinity of the site.

The nearest bus stops are located at the New Hampshire Avenue intersections with Bonifant Road/Good Hope Road (just north of the Intercounty Connector) and Randolph Road (south of the site). Because transit is not available on the weekends for the single bus route adjacent to the site, the Applicant should coordinate a carpooling program for employees who do not have access to a personal vehicle and are scheduled to work on the weekends.

#### Pedestrian and Bicycle Facilities

The existing sidewalks in the study area include the following:

- Substandard with no green panel along both sides of New Hampshire Avenue.
- None along Notley Road, Orchard Way, Hobbs Drive, and Colesville Manor Drive.

The Applicant is not currently proposing to change the existing sidewalk configuration along the site frontage on New Hampshire Avenue. However, lead-in sidewalks and internal handicap ramps are shown on the plans. The *Intercounty Connector Limited Functional Master Plan Amendment* recommends a 10-foot wide shared-use path to be constructed along the western side of New Hampshire Avenue from Randolph Road to the Intercounty Connector.

Bike racks are not currently proposed by the Applicant. Per the old Zoning Ordinance, 4 bicycle parking spaces or 2 inverted-U bike racks are required, based on 1 bicycle parking space for every 20 vehicular parking spaces (Applicant is proposing 71 parking spaces). These bicycle parking spaces are recommended in a weather protected area ideally in front of the main entrance.

Local Area Transportation Review

The table below shows in detail the number of peak-hour trips generated by the proposed facility during both the weekday AM (busiest one hour between 6:30-9:30 AM) and PM (busiest one hour between 4:00-7:00 PM) peak hours, as well as the methodology for how the trips were calculated. It is anticipated that virtually none of the residents would drive a vehicle on a daily basis and a large share of the staff/visitor-generated traffic would occur in the off peak hours based on typical operations for such facility.

***Trip Generation for Colesville Senior Housing Facility S-2881***

Land Use	Size	AM Peak Hour **			PM Peak Hour **			Daily *
		Enter	Exit	Total	Enter	Exit	Total	
Assisted Living / Memory Care	113 Units (136 Beds)	14	8	22	10	12	22	183

Notes: \* Daily traffic volumes determined by using a trip generation rate of 1.62 trips per unit which was observed on the busiest day of the week (Friday) at a similar facility in Rochester, NY (99 units).  
 \*\* Peak hour volumes were determined based on observed visitors and staff arrivals/departures at a similar facility in Rochester, NY and then scaled from 99 units to 113 units to account for the proposed larger facility. The enter/exit split was assumed as 65%/35% for the weekday AM peak hour and 44%/56% for the PM peak hour, based on data published in the ITE *Trip Generation Manual, 9<sup>th</sup> Edition* for the Assisted Living (#254) land use category.

As shown in the table above, the proposed 136-bed facility is projected to generate 22 trips during the weekday AM peak hour and 22 trips during the PM peak hour. Therefore, the LATR traffic study threshold of 30 peak hour trips is not met and a traffic study is not required to satisfy the LATR test.

There were concerns raised by several citizens about the potential for increased U-turn movements at the median breaks on New Hampshire Avenue at Hobbs Drive and Orchard Way/Cambodian Temple Driveway. According to analysis conducted by staff, it is estimated that of the 14 entering vehicles in the AM peak hour (shown in the table above), approximately 5 will make a U-turn at Hobbs Drive in order to access the site. During the PM peak hour approximately 6 out of 10 entering vehicles will make the northbound U-turn movement at Hobbs Drive. Of the 8 exiting vehicles during the AM peak hour approximately 3 vehicles will travel southbound and make a U-turn at Orchard Way/Buddhist Temple Driveway to head northbound on New Hampshire Avenue, while during the PM peak hour approximately 7 of 12 exiting vehicles will make this maneuver. These U-turn estimations were based on the percentage split of vehicles traveling northbound and southbound on New Hampshire Avenue which were extrapolated from the most recent traffic counts for the segment of roadway just north of the intersection with Randolph Road. The left-turn lanes on New Hampshire Avenue at both Hobbs Drive and Orchard Way/Buddhist Temple Driveway intersections have adequate length to handle any existing or future U-turn movements.

Citizens also raised concerns regarding the difficulty of finding gaps in traffic to turn left onto and from New Hampshire Avenue at the Orchard Way/Cambodian Temple Driveway and Hobbs Drive intersections. Given the large size of the intersections and sight distance difficulties (due to the crest in the road) for left-turning vehicles, many drivers entering New Hampshire Avenue pull half-way across the intersection (past three lanes of through traffic) and find themselves stranded in the middle with little to no queue space and high volumes of traffic traveling by in both directions. Transportation staff visited the area surrounding the site and confirmed the left-turning difficulties expressed by the citizens.

Staff believes that traffic generated by the site, as well as the combined effect of both S-2881 and S-2882 applications (particularly at Orchard Way/Cambodian Temple Driveway), will exacerbate the problems drivers experience trying to find acceptable gaps in traffic. Therefore, staff recommends that the Applicant work with Planning Department and SHA staff to determine the higher priority intersection for signalization and then conduct and submit a traffic signal warrant analysis at Preliminary Plan review.

#### Transportation Policy Area Review

A Transportation Policy Area Review (TPAR) payment of 50% of the Department of Permitting Service's (DPS) development impact tax payment will be required to satisfy the TPAR test.

### **ENVIRONMENT**

#### Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420150350) on October 14, 2014. There is approximately 0.60 acres of forest on-site. The site lies in both the Paint Branch watershed and Northwest Branch watershed, but outside any Special Protection Areas. There are no streams, wetlands, floodplains, or environmental buffers on the site. The proposed project is in compliance with the *Environmental Guidelines*.

#### Forest Conservation

The proposed project is subject to the Montgomery County Forest Conservation law (Chapter 22A of the Code). Recommendations on the Amended Preliminary Conservation Plan are covered in a separate memo.

#### Noise

The site is located on the west side of MD 650 (New Hampshire Avenue) and is exposed to traffic noise from both trucks and passenger cars. A noise analysis is necessary to determine the projected interior noise levels requiring mitigation for residential units. This facility does not provide any external activity spaces adjacent to MD 650 and the building will shield all other proposed external activity areas. The Montgomery County "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development" stipulate a 60 dBA Ldn maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas.

**COMMUNITY COMMENTS** - This Application was submitted and noticed in accordance with all required procedures. The Application met posting requirements with two signs. The Greater Colesville Citizens Association (GCCA) submitted a letter in support of special exception S-2881. (Attachment 1)

Staff also received a letter from an adjacent neighbor who supports the application because the Applicant addressed their concerns about storm water drainage across their property. (Attachment 2)

**59-G-1.2.1 Standard for evaluation.**

Inherent and non-inherent characteristics

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 associated with 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; (6) noise associated with garbage pick-up and normal deliveries to individual residents.

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, or environmental impacts at the proposed location. Staff finds that the physical and operational characteristics of the proposed use are no different than what is normally associated with housing for the elderly facilities. The Property is located along New Hampshire Avenue with good access to major transportation routes as well as adequate accessibility to public transportation, medical services, shopping areas, recreational and other community services. Adequate parking will be available to visitors and employees of the residence. The Property will be extensively landscaped with screening from the surrounding uses. Trash removal will occur 1-2 times per week during business hours between 7:00 a.m. and 7:00 p.m. and food deliveries will take place in the afternoon. The impacts of this special exception are inherent to a Domiciliary Care Home use (building, parking, lighting, deliveries, visitors, etc.). Additionally, the residence is designed to be compatible with the surrounding area and a good transitional use between New Hampshire Avenue and the single-family houses to the north and west, with minimal impacts to all surrounding uses.

Given the submitted plans, and the Applicant's statement of operations and other submitted documentation, Staff does not find any non-inherent adverse effects 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, a domiciliary care home, is allowed by special exception in the R-200 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 of approval, the proposed use satisfies the standards and requirements prescribed in Section 59-G-2, including the compatibility requirements of Section 59-G-2.37.*

- (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 development is consistent with the 1997 White Oak Master Plan. The Master Plan contains no specific recommendations for this site, however, it provides guidance relating to the compatibility of special exception use along major roadway corridors that abut residential properties, as well as infill residential development. The 1997 Master Plan envisioned the area outside of the identified commercial centers to remain residential in nature and recommended that infill developments follow the established residential pattern. In keeping with this vision, the Master Plan further recommended that "the land use and zoning goal in the White Oak Master Plan area is to ensure livable communities for the future by protecting and strengthening their positive attributes and encouraging development that will enhance the communities' functions, sense of place and identity." (p. 16). Although the proposed use is an infill residential development, it protects and strengthens the positive attributes (low-scale single-family detached houses) of the neighborhood. The proposed facility transitions from a one-story to a three-story residential style structure, which will be compatible with the established pattern and character of the residential land uses around it.*

- (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 facility will be in harmony with the general character of the surrounding neighborhood considering population density, design, scale and bulk of the proposed new structure. Traffic impacts will be minimal. There are no similar uses in the immediate area. Adequate parking will be provided for residents and visitors.*

- (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.

*The proposed use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood. The proposed facility is designed in a manner that is compatible with the one-family residential neighborhood. Staff finds that the physical and operational characteristics of the proposed use are no different than what is normally associated with housing for the elderly facilities. Outdoor activities by residents will be limited. The grounds will be well landscaped; parking areas will be screened from neighboring properties by the use of evergreen vegetation along the perimeter and the use of foundation plantings to soften the building/ground connection.*

- (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 proposed 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. There will be limited outdoor activity and there will be no use of the property that will generate noise in an obtrusive manner.*

- (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 proposed use 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.*

- (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.

*Due to its compatible design, minimal on-site activity, and minimal peak hour traffic impacts, the proposed use 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.

- (A) If the special exception use requires approval of a preliminary plan of subdivision, the Planning Board must determine the adequacy of public facilities in its subdivision review. In that case, approval of a preliminary plan of subdivision must be a condition of granting the special exception.

*If the proposed special exception is approved, a preliminary plan of subdivision will be required.*

- (B) If the special exception:
- (i) does not require approval of a new preliminary plan of subdivision; and
  - (ii) the determination of adequate public facilities for the site is not currently valid for an impact that is the same as or greater than the special exception's impact; then the Board of Appeals or the Hearing Examiner must determine the adequacy of public facilities when it considers the special exception application. The Board of Appeals or the Hearing Examiner must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application was submitted.

*Not Applicable.*

- (C) With regard to public roads, the Board or the Hearing Examiner must further find that the proposed development will not reduce the safety of vehicular or pedestrian traffic.

*Staff is concerned about the potential for increased U-turn movements at the median breaks on New Hampshire Avenue at Hobbs Drive and Orchard Way/Cambodian Temple Driveway and Notley Road. As noted in the conditions of approval, at the time of Preliminary Plan, the Applicant must work with the Planning Department and Maryland State Highway Administration (SHA) staff to identify whether the Orchard Way/Cambodian Temple Driveway or Notley Road intersections with New Hampshire Avenue (MD 650) would be the best candidate for signalization and then conduct and submit a traffic signal warrant analysis for that intersection.*

### **59-G-1.23 General Development Standards**

- (a) **Development Standards.** Special exceptions are 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 Property is zoned R-200. Since the Property is not being developed with TDRs, the R-90 standards apply. Staff finds that the proposed three-story building would comply with all development standards as shown in the following table:*



**Development Standards Table**

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	20,000 sq. ft.	5.97 acres
Minimum Lot Width		
--at front building line	75 ft.	303 ft.
--at street line	25 ft.	366 ft.
Minimum Setback from Street	40 ft.	90 ft.
Minimum Setback from Adjoining Lot		
--side lot lines	12 ft.	30 ft.
--sum of both sides	25 ft.	103 ft.
--rear lot line	30 ft.	278 ft.
Maximum building height	50 ft.	3 stories at 41 ft. (max.)
Maximum Building Coverage	25%	18%

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

*The proposed development is in compliance with Section 59-E, which, for domiciliary care home, requires one off-street parking space per four beds and one space per two employees on the largest work shift. Therefore the proposed use requires 34 parking spaces for residents (136 beds) and 12 parking spaces for 24 employees, for a total of 46 spaces. Per the site plan submitted by the Applicant, 71 surface spaces are provided for the residents and visitors. Of the parking spaces provided, five are ADA accessible.*

- (c) **Minimum frontage.** *Not applicable to the proposed special exception use.*

- (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 is subject to the Montgomery County Forest Conservation law (Chapter 22A of the Code). Recommendations on the Amended Preliminary Conservation Plan are covered in a separate memo.*

- (e) **Water quality plan.** *Not Applicable; The Property is not in a SPA. A Stormwater Management Concept Plan has been approved by Montgomery County (see Attachment 3).*

- (f) **Signs.** The display of a sign must comply with Article 59-F.

*The signage shown on the plans and details included with the application does not comply with the requirements of Article 59-F. The Applicant will need to request a sign variance from the Sign Review Board to display the proposed signage.*

- (g) **Building compatibility in residential zones.** Any structure that is constructed, reconstructed, or altered under a special exception in a residential zone must be well related to the surrounding area in its siting, landscaping, scale, bulk, height, materials, and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.

*The proposed use is in a residential zone. The proposed 3-story building has been designed to be residential in appearance. The proposed building's scale, bulk and height is compatible with the character of the neighborhood. The use of lower roof areas helps break the mass of the building and provides a pedestrian scale as one travels around the building.*

- (h) **Lighting in residential zones.** All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety: (1) Luminaries must incorporate a glare and spill light control device to minimize glare and light trespass; (2) Lighting levels along the side and rear lot lines must not exceed 0.1 foot candles.

*The proposed yard lighting has been designed to be unobtrusive and consistent with the residential use of the property. There will be shielding provided to the light fixtures so that the lighting levels at the property line will be nearly zero. Security lighting will remain on all night around the building, but it will be downward directed lighting that will be mounted 10 feet above ground level on the face of the building. Lighting levels along the side and rear lot lines will not exceed 0.1 foot candles.*

#### **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 proposed 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 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. 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 zoned R-200.*

- (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 R-200 and the lot size is approximately 260,378 square feet (5.9 acres). The applicant is proposing 136 beds, which is within the maximum density allowed on the site per the requirement of minimum 1,200 square feet per bed (based on the lot size of 5.9 acres, the maximum number of beds permitted on the site is 217 beds).*

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

*The proposed building will be setback approximately 73 feet from the north property line and approximately 30 feet from the south property line.*

- (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 proposed building meets all applicable development standards identified in the R-200 Zone as shown on page 17 of this report, General Development Standards Table.*

- (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 proposed facility with 136 beds and 24 employees, therefore, will require a total of 46 parking spaces. The proposed facility will provide a total of 71 parking spaces (5 handicapped and 66 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.*

- (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.

*The proposed application is for 136 beds; no expansion is proposed in the current application.*

- (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.*

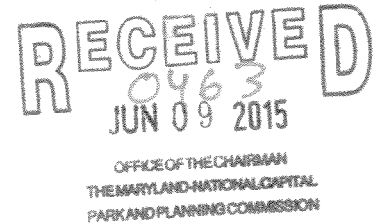
## **CONCLUSION**

Staff recommends approval of Special Exception S-2881, subject to the conditions found at the beginning of the technical staff report.

## **ATTACHMENTS**

1. Letter from GCCA
2. Letter from Adjacent Neighbor
3. Stormwater Management (SWM)
4. Notice of Public Hearing

Greater Colesville Citizens Association  
PO Box 4087  
Colesville, MD 20914  
June 7, 2015



Montgomery County Planning Board  
Mr. Casey Anderson, Chair  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: June 25, 2015 Worksession. Special Exception S-2881, 13908 New Hampshire Ave,  
Colesville, MD 20904.

Dear Chairman Anderson:

The Greater Colesville Citizens Association (GCCA) has had a presentation from the applicant for Special Exception S-2881. GCCA is supportive of the proposed senior housing project.

Unlike S-2882 on the south side of the Cambodian Temple, we feel the bulk of the proposed senior housing facility is compatible with the surrounding housing. It is three stories high and much shorter in length.

Our major concern has been the stormwater run-off to the west. The three properties on the west already had problems with drainage during heavy rains the property at 332 Greenspring Lane has extensive flooding problems. We proposed modifications to the plan in order to (1) drain more water east and (2) replace the two proposed out falls with a single pipe and tie it into an existing drain on the west side of property at 332 Greenspring Lane. The plan before you includes the first modification. The second design modification would require accessing the Greenspring Lane property and installing an underground pipe from the subject property to that drain. While this design will not completely eliminate the drainage problems, it will go a long way in that direction. The applicant has agreed to work toward this objective after the special exception has been granted. The property owner, Mr. Ed Jackson, has agreed conditionally to grant an easement to undertake the work. While this is a private understanding to this revised design, the final design and agreement will be undertaken after approval of the special exception when the detailed engineering work will be completed. We thank the applicant for working with the community to address the stormwater run-off problems.

Thank you for the opportunity to work with staff to improve the site layout.

Sincerely

Daniel L. Wilhelm  
GCCA President

**From:** Edward L. Jackson [<mailto:3EdwardL@verizon.net>]  
**Sent:** Saturday, February 14, 2015 10:49 AM  
**To:** 'Bill Vest'; 'Musico, William'; Greg Elmore  
**Cc:** Sierra Henderson; 'Luke Fetcho'; 'Dan Wilhelm'  
**Subject:** RE: Colesville Senior Living

Bill

I have discussed the revised concept plan developed by the Timmons Group with my wife. The concept plan is in support of a special exception S-2881, for the Columbia/Wegman Acquisitions, LLC. The concept plan addresses our concerns about storm water drainage across our property. Subject to the final survey, design, and acceptable terms, we would provide an easement to install a below ground pipe at the edge of our property to connect from the proposed senior housing facility at 13908 New Hampshire Avenue to the existing drain on the west edge of our property.

Thank you! Bill and Luke for the courtesy you have shown us during this phase of the project design.

Ed and Thelma Jackson.



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

March 2, 2015

Mr. Bill Vest, PE  
Timmons Group  
20098 Ashbrook Pl., Suite 195  
Ashburn, VA 20147

Re: Stormwater Management **CONCEPT** Request  
for Collesville Senior Living Facility  
Preliminary Plan #: NA  
SM File #: 270875  
Tract Size/Zone: 5.977  
Total Concept Area: 5.24  
Lots/Block: NA  
Parcel(s): 305  
Watershed: Anacostia

Dear Mr. Vest:

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 proposes to meet required stormwater management goals via 8 Landscape Infiltration or 8 Micro-Bioretenention facilities and 1 Bio-Swaile.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review. Concept demonstrated ESD to the MEP for use of either Landscaped Infiltration and or Bioretention facilities. The Landscape Infiltration facility use is conditional on adequate infiltrations rates, to be verified during the detailed plan review.
2. Both public storm drain connections must receive approval for connections and show adequate capacity of storm drain facilities from Montgomery County for the Pleasant Grove Ct. connection and Maryland State Highway Administration for the connection in New Hampshire Ave. The proposed private storm drain connection through 332 Greenspring Lane (Lot 29 Block C) to Pleasant Grove Ct. must receive written permission from property owner for construction of private storm drain.
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.





Mr. Bill Vest  
March 2, 2015  
Page 2 of 2

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.

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 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 Bill Musico, PE at 240-777-6340.

Sincerely,



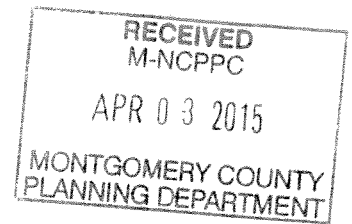
Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: me WJM

cc: C. Conlon  
SM File # 270875

ESD Acres:	5.24
STRUCTURAL Acres:	0.00
WAIVED Acres:	0.00

BOARD OF APPEALS  
for  
MONTGOMERY COUNTY  
(240) 777-6600



<http://www.montgomerycountymd.gov/content/council/boa/index.asp>

Office of Zoning and Administrative Hearings  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850

Phone (240) 777-6660; Fax (240) 777-6665

CASE NO. S-2881

PETITION OF COLUMBIA/WEGMAN ACQUISITIONS, LLC

**NOTICE OF RESCHEDULED HEARING**  
**and MOTION TO AMEND**

The public hearing on this case was previously scheduled for Tuesday, March 10, 2015. At the request of Jody S. Kline, attorney for the Petitioner, a Notice of Indefinite Postponement of Public Hearing was sent to all parties on February 6, 2015, to allow Petitioner additional time to address issues concerning storm water management concept approval raised by the Staff of the Montgomery County Planning Department. By letter dated March 17, 2015, Mr. Kline requested a new hearing date of **Friday, July 10, 2015, at 9:30 a.m.**, or as soon thereafter as this matter can be heard. The hearing will be held in the Stella B. Werner Council Office Building, Second Floor, Davidson Memorial Hearing Room, at 100 Maryland Avenue, Rockville, Maryland.

The subject application seeks a special exception pursuant to Section 59-G-2.37 (*Domiciliary Care*) of the Zoning Ordinance to permit:

- 1) A 136-bed domiciliary care facility for assisted living residents and memory care residents.
- 2) Construction of a three-story building with approximately 99,485 square feet in area on approximately 5.977 acres. The facility will consist of 113 suites.
- 3) The facility will be open 24 hours a day, 7 days a week, and 365 days a year. Families are encouraged to visit whenever possible, and will not be restricted by hours of operation. There will be regular business hours for any guests or potential residents, and any business deliveries or services will be restricted to mid-day operations to avoid peak travel times and serve heavy times for staff and caregivers.
- 4) Staffing: maximum of 50 full and part-time staff. The maximum shift will be around 24 employees at mid-day. The major shifts changes are 5 am, 2 pm; and 9 pm.
- 5) Parking: 72 parking spaces with required drive aisles, loading/delivery areas and refuse enclosure. All services and parking are located away from the frontage along New Hampshire Avenue.

Continued

Mr. Kline has also requested to amend the Petition by submitting the following plans:

- 1) Existing Plan (Sheet: Exhibit O)
- 2) Site Plan (Sheet: Exhibit J)
- 3) Grading Plan (Sheet: Exhibit K)
- 4) Erosion (PH-1) Plan (Sheet: Exhibit R)
- 5) Landscape Plan (Sheet: Exhibit F)
- 6) Landscape Plan (Sheet: Exhibit F – detail)
- 7) Landscape Notes and Details (Sheet: Exhibit F, Sheet 1)
- 8) Landscape Notes and Details (Sheet: Exhibit F, Sheet 2)

The motion to amend the petition requests permission either to change what the Petitioner is seeking in its special exception petition or to provide additional evidence. Granting the motion merely allows the Petitioner to make the requested changes to the petition and to provide additional evidence, but does not, in any way, approve the petition itself or express an opinion as to the merits of the petition or the proposed changes.

The Hearing Examiner will take the motion to amend under consideration for a period of ten days from the date of this notice, until **April 10, 2015**. Any person who objects to permitting the Petitioner to change its special exception request or provide additional evidence are requested to so indicate in writing, no later than **April 10, 2015**. If no objection is received by that time, the motion will be considered granted. Additional notification will be provided, either at the public hearing or by mail, only if an objection is received.

Anyone desiring to represent a group or association at the hearing must submit a pre-hearing statement in writing, no later than ten days before the hearing, indicating the name of the group, the name of the person(s) giving testimony, approximately how long the testimony will take and a statement of the grounds for the group's position. The pre-hearing statement must specifically identify any expert witnesses and summarize their testimony, must be accompanied by any reports or documents intended to be introduced at the hearing and should be sent to the address listed above. An individual wishing to give testimony does not require a pre-hearing statement unless that individual is represented by counsel. In compliance with Maryland requirements regarding the practice of law, groups or associations must have counsel unless their witnesses are members of the group or association who will offer testimony in narrative form (*i.e.*, there is no need for an attorney to conduct a direct examination).

In addition to all other requirements, any party represented by counsel must submit electronic copies of their final plans, photographs, statements of operations, pre-hearing statements, and expert reports ten days before the hearing, unless they demonstrate that this requirement would create practical difficulties. Amended electronic copies must also be submitted of any plans, photographs, statements of operations or expert reports that are modified during or after the hearing. Electronic copies must be submitted on compact discs, in Microsoft WORD format for text documents, in PDF format for plans and other non-text documents, and in JPG or PDF format for photographs.