



**Arden Courts of Germantown, Residential Care Facility Conditional Use No. CU 2017-02**

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**Completed: 10/21/16**

**Description**

**Arden Courts of Germantown: Conditional Use No. CU 2017-02**

B. Request for a Residential Care Facility consisting of 64 beds for seniors needing memory care; located at 19115 Liberty Mill Road, at the southeast corner of the intersection of Liberty Mill Road and Dawson Farm Road; 3.09 acres of a 3.62- acre site; R-200 Zone; 1989 Germantown Master Plan.

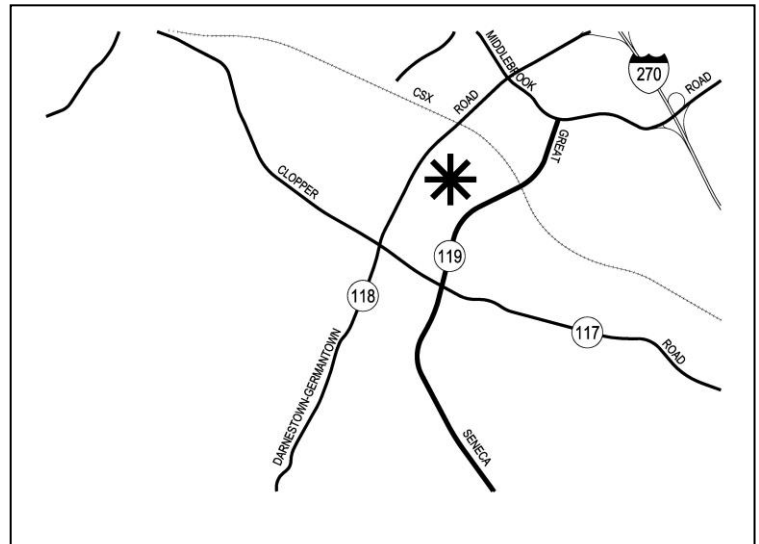
**Staff Recommendation: Approval with conditions**

**Submittal Date:** July 20, 2016

**Applicant:** Arden Courts of Germantown MD, LLC

**Review Basis:** Chapter 59

*Action needed for Hearing Examiner hearing on November 14, 2016*



**SUMMARY**

- Staff recommends approval with conditions.
- A Preliminary Forest Conservation Plan (No. CU2017-02) associated with this application has been filed, reviewed, and recommended for approval with conditions in a separate staff report.
- The Application satisfies the requirements for approval under Chapter 59, the Montgomery County Zoning Ordinance.
- If the conditional use is approved, a Preliminary Plan will be required.

## **STAFF RECOMMENDATION**

Staff recommends approval of Conditional Use CU 2017-02, subject to the following conditions:

- 1) No more than 64 residents may reside at the facility.
- 2) The living units must not have full kitchens.
- 3) Physical improvements to the Subject Property are limited to those shown on the Conditional Use Site Plan, Landscaping Plan and Lighting Plan that are part of the submitted Application.
- 4) This approval is limited to no more than 35 employees on Site at any one time.
- 5) Employee arrival and departure times must be staggered so that fewer than 30 employees arrive and depart the site within any one hour.
- 6) The Applicant must satisfy the applicable transportation “policy area review” test at the time of preliminary plan review.
- 7) The Applicant must dedicate approximately 17 to 19 additional feet of right-of-way along Liberty Mill Road at the time of preliminary plan review.
- 8) The architecture of the building must be consistent with the architectural renderings submitted with the conditional use application, dated September 7, 2016.
- 9) Prior to the release of Use and Occupancy certificates the Applicant must meet all applicable Federal, State and County certificate, licensure, and regulatory requirements.
- 10) The Applicant must obtain approval of a Preliminary Plan of Subdivision per Chapter 50 of the Montgomery County Code.

## **PROJECT DESCRIPTION**

### **Introduction**

On July 20, 2016, Arden Courts of Germantown MD, LLC (“Applicant”), submitted Conditional Use Application CU 2017-02, Arden Courts of Germantown, requesting to develop a Residential Care Facility with up to 64 beds for seniors needing assisted and memory care (“Application”). The Application will redevelop a 3.09 -acre portion of a 3.62 site, with the remainder of the site (approximately 0.53 acres) being reserved for the existing single-family home which will remain.

### **Site Description**

The property is located at 19115 Liberty Mill Road, which is a 3.62 acre, rectangular shaped parcel (“Subject Property”, “Property”, “or Site”) located in the southeast corner of the intersection of Liberty Mill Road and Dawson Farm Road. The Property consists of a single unrecorded parcel that is shown as Parcel 515 on Tax Map EU31, and is currently improved with two-story, 2,584 square-foot detached house with: an attached garage, a detached garage, several sheds and a looped driveway. The Property has two driveway aprons that provide access onto Liberty Mill Road, which is a functional primary residential street with a 70- foot wide right-of-way that extends along the western boundary of the Site. The remainder of the Property is comprised of lawn areas with trees and other vegetation along the perimeter. There is no vehicular access to the Site from Dawson Farm Road. Dawson Farm Road is a divided four lane arterial road with a treed median within a 100-foot right-of-way, and located on the northern boundary of the Site.

The Property slopes approximately four percent from its northeast corner down to the southeast corner. There are no streams or wetlands present on the Property, however there is a small segment of stream valley buffer in the lower southeast corner of the Property that extends from an off-site stream. A Natural Resources Inventory/Forest Stand Delineation No.420161070 (Attachment 5) was approved for the Site on February 5, 2016. There are no observed rare, threatened or endangered species on the Site. The Subject Property is located within the Great Seneca Creek watershed. A 30-inch WSSC sewer main within a 40-foot WSSC sewer easement and a 24-inch public storm drain line extends along the southeast property line, and on a portion of the Site fronting Liberty Mill Road.

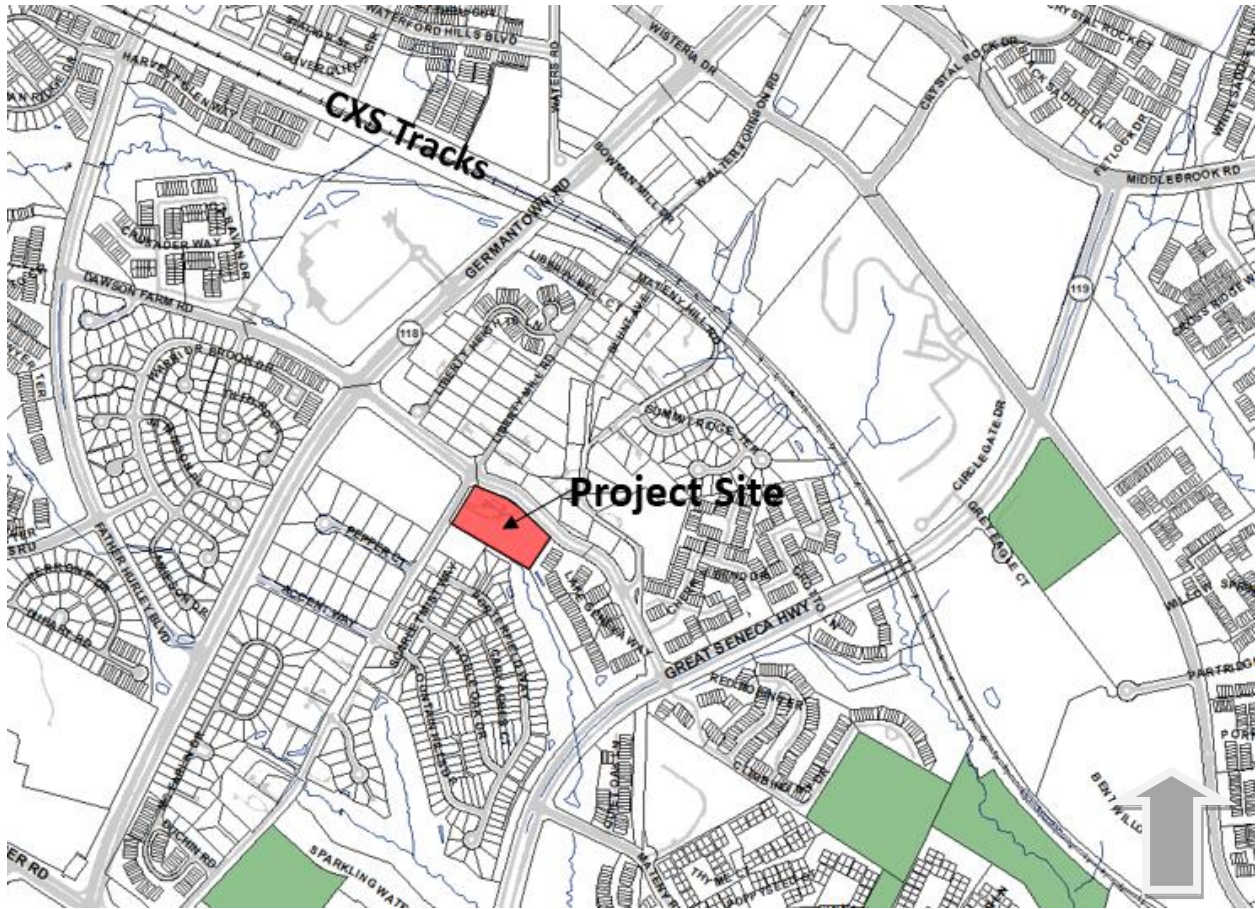


Figure 1: Vicinity Map

### Neighborhood Description

Staff agrees with the Neighborhood boundaries delineated in the Applicant’s Land Planning Report. The Neighborhood is generally bound by Germantown Road (MD118) to the northwest, Accent Way and Fountain Hills Drive to the southwest, Great Seneca Highway to the southeast, and by single-family detached properties located directly across from Dawson Farm Road to the northeast (see Figure 2 below). All of the properties in the Neighborhood are classified in the R-200 Zone. The nearest structures to the Site within the Neighborhood are the Fountain Hills townhouses to the southeast, two single-family detached homes to the south, a one-story vacant commercial building (former post office), to the southwest, and the Germantown Elementary School, directly across Liberty Mill Road, to the west. The rest of the Neighborhood is primarily residential with a mix of two and three-story single-family detached houses and townhouses.

There is only one other approved conditional use (Special Exception No. S-2471) within the defined Neighborhood boundary. Special Exception No. S-2471 was approved by the Board of Appeals on June 18, 2008 and authorizes the construction and operation of a child day care facility with no more than 40 children on the property located at 19002 Mateney Hill Road. However, this child day care facility special exception was revoked by the Board of Appeals on September 25, 2013, and never implemented.

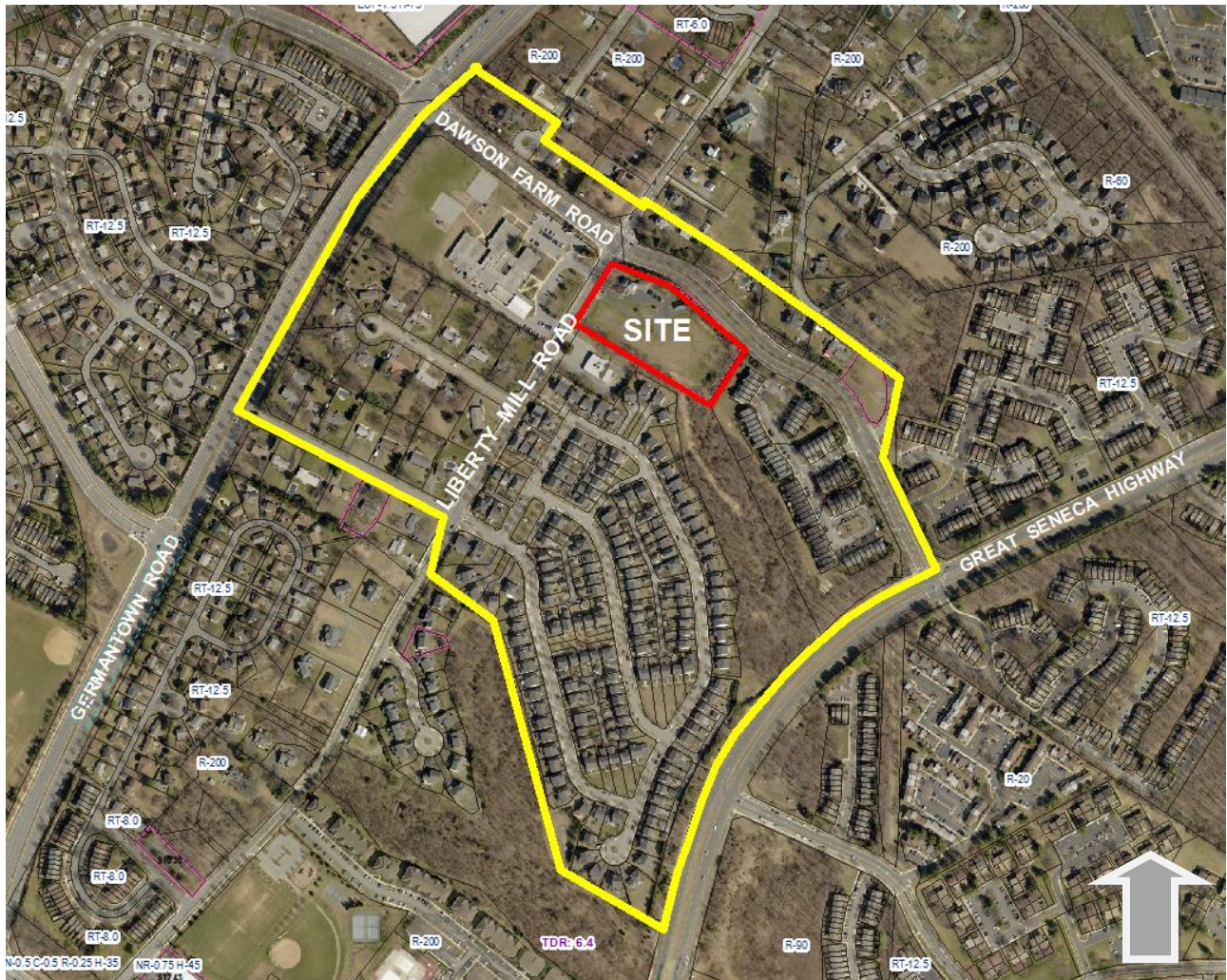


Figure 2: Neighborhood Boundary Map

### Zoning

The Subject Property is Zoned R-200 and is an unplatted parcel. The R-200 zoning classification was most recently confirmed by the 1989 Germantown Master Plan.

## **Proposed Use**

The Application is for a Residential Care Facility (over 16 persons) in a 31,000 square-foot facility with a total of 64 beds and a total of 44 parking spaces for staff and visitors. The facility will provide care for primarily elderly individuals suffering from Alzheimer's disease as well as other forms of memory loss and dementia.

The Site will be improved with a one-story structure, having four internal "neighborhoods" connected to a central core area. Each neighborhood will have 16 private rooms with a half bathroom, a communal dining room, living room, pantry, central bathing rooms and a laundry facility. A central core area or "town center" will include a community center, a health center, studio, and a beauty/barber shop. The town center provides opportunities for larger gatherings and activities such as exercise, religious services, entertainment, and non-resident spaces including; administrative offices, a central kitchen, conference room, reception area, staff lounge, maintenance/storage areas and mechanical/electrical rooms. Residents will also have secure outdoor areas with walking paths, raised gardens and a variety of seating and gathering areas. In addition to the courtyard area that extends along the north side of the building, there is a courtyard located between the two neighborhoods located on the west side of the building and another courtyard located between the two neighborhoods located on the east of the building. All of the courtyards can be accessed from the end of each neighborhood wing or from the town center area. Because of the security concerns for residents with dementia, the outdoor resident areas are enclosed by a six-foot, six-inch high privacy fence, with an internal system of pathways to be used for recreation for the residents.

The proposed facility will be open 24 hours per day, seven days a week, and open to visitors of residents at any time of the day. Most visitors however, will likely visit during non-peak hours and weekends. No staff will live on-site. The facility will employ approximately 35 employees, divided between three shifts:

- Shift 1 – Approximately 20 employees from 7:00 a.m. to 3:00 p.m.
- Shift 2 – Approximately 10 employees from 3:00 p.m. to 11:00 p.m.
- Shift 3 – Approximately 5 employees from 11:00 p.m. to 7:00 a.m.

It is anticipated that Shift 1 will have staggered arrival and departure times to mitigate the Project's traffic impact during peak hours. The daytime staff will be reduced to 10 employees on the weekends (from 20 during the weekdays).



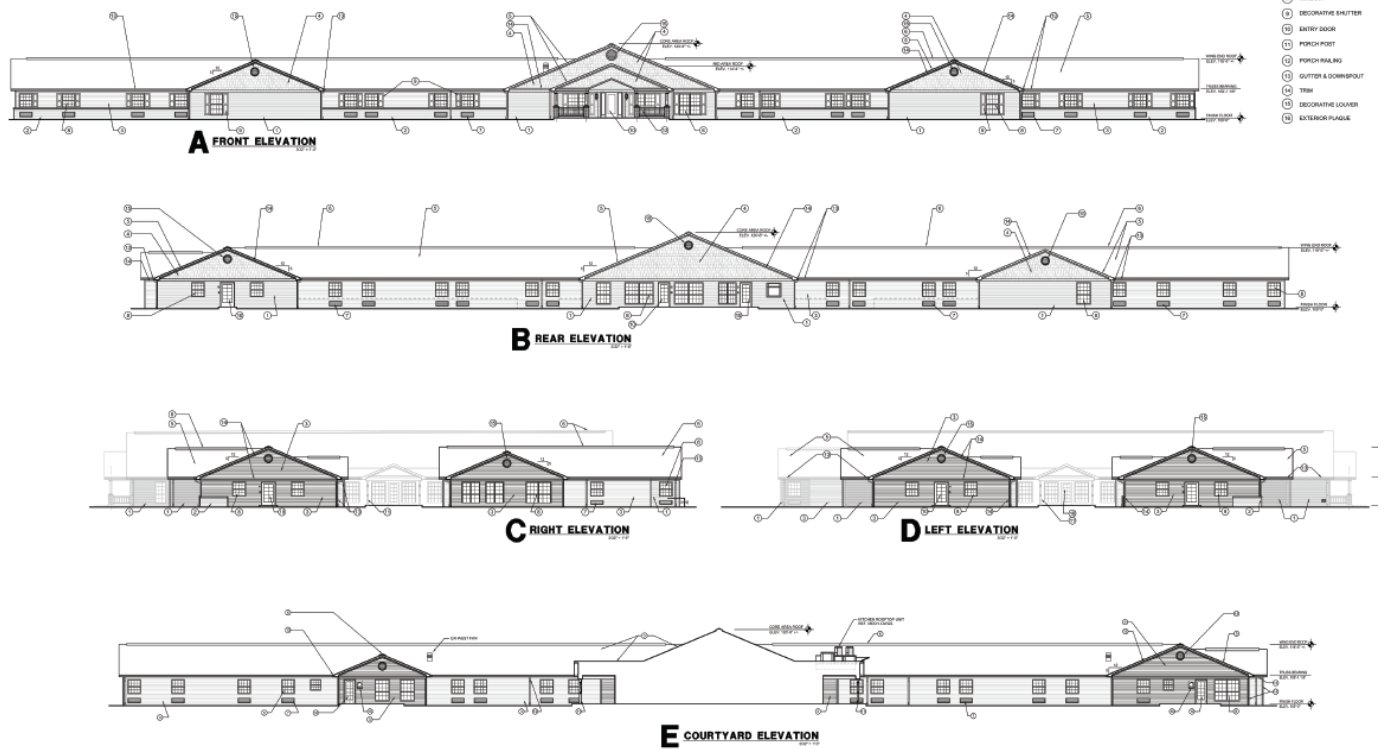
Figure 3: Conditional Use Plan



Figure 4: Birdseye view of the proposed facility from southwest



**Figure 5: Cross Sections of the Site and Adjacent Properties**



**Figure 6: Building Elevations**



## ANALYSIS

### Master Plan

The Property is within the boundary of the *1989 Germantown Master Plan* (“Master Plan” or “Plan”). The Master Plan locates the Property within the Clopper Village CL-2 Analysis Area, a 7-acre area that includes the former Germantown Post Office location and the Subject Property. The Clopper Village Land Use and Zoning Recommendations (table 10, page 61), recommends residential uses under the R-200 Zone, up to 13 units, and the area is a suitable location for child day-care center by special exception. The Plan, on page 63, also provides the following recommendations relevant to this Application:

- *“This Master Plan recommends that this area retain its R-200 zoning.”*

The Property retains its R-200 zoning classification.

- *“Because of its location in a residential area and adjacent to an arterial road it would be suitable for a child or elderly day-care center, religious facility or other similar use. The existing post office site and building might well be able to be converted into a child day-care center.”*

A Residential Care Facility is similar to an elderly day-care center, one of the recommended uses for the CL-2 Analysis Area.

- *“The property is not suitable for special exception uses that are not compatible with the existing single-family detached character of this area. Retail or similar uses should be located at other, more appropriate locations.”*

The proposed use is analogous to an elderly day-care center, which is recommended in the Master Plan. Compatibility with the existing single-family detached character of the area is also noted as a key consideration. The proposed one-story Residential Care Facility is residential in character and compatible with the existing single-family detached development in the area. The three gable ends on the wings of the building help to articulate the roofline, and visually breaks up the mass of the building. The building elevations feature brick veneer and siding, and residential-style windows with divided panes. A minimum 12-foot wide landscape buffer will be provided along the southern property line where single family detached homes located, and a minimum 20-foot wide landscape buffer wide buffer will be provided along the eastern property line

where townhouses are located. Therefore, the proposed facility will be compatible with the surrounding residential development.

### Housing Diversity

The Master Plan notes that *“although Germantown’s elderly population is modest, it is expected to increase as Germantown continues to grow and its population matures and housing opportunities are broadened.”* (p. 141). The Plan further notes that *“housing for the elderly will be needed in Germantown, as will nursing homes. Programs and day-care centers for the elderly parents of Germantown residents may also be needed.”* (p. 141). The proposed Residential Care Facility will help to meet the demand for a greater range of housing options in the area, in particular for the elderly.

### **Transportation**

#### Master-Planned Roadway and Bikeways

In accordance with the *1989 Germantown Master Plan* and the *2005 Countywide Bikeways Functional Master Plan*, Dawson Farm Road is recommended as a four-lane divided arterial, A-254, with a 100-foot wide right-of-way and no bikeway. The existing right-of-way is 100 feet.

Liberty Mill Road functions as a primary residential street with a 70-foot wide right-of-way. The Applicant proposes to dedicate at Preliminary Plan between 17 and 19 feet of additional right-of-way for a total of 70 feet from the opposite right-of-way line.

#### Pedestrian and Bicycle Facilities

The Applicant’s plan has handicap ramps at the curb cut from Liberty Mill Road and a seven-foot wide lead-in sidewalk from Liberty Mill Road. Liberty Mill Road has existing 5-foot wide sidewalks with 3-foot green panels on both sides. Dawson Farm Road has an existing 8-foot wide bike path with a 7-foot tree panel on the west side and a 5-foot wide sidewalk with a 6-foot tree panel on the east side. The intersection of Liberty Mill Road and Dawson Farm Road has handicap ramps at all corners and crosswalks across all intersection approaches.

#### Public Transit Service

Ride-On Route 71 operates along Dawson Farm Road between the Shady Grove Metrorail Station and the Kingsview Park & Ride Lot in Germantown with half hour headways on weekdays only. The nearest bus stop is located at the intersection of Liberty Mill Road and Dawson Farm Road.

### Local Area Transportation Review

According to the Statement in Support of Conditional Use Application, the Applicant proposes a memory care residential facility with the following schedule of its staff arrival and departure times:

- Shift 1 with anticipated 20 employees some who arrive as early as 7:00 a.m. and departing as early as 3:00 p.m. Arrival and departure times will be staggered to mitigate the Project's traffic impact. Some of these 20 employees will arrive as late as 9:00 a.m. and stay as late as 6:00 to 8:00 p.m. The 7:00-to-9:00-a.m. arrival times are within the weekday morning peak period (6:30 to 9:30 a.m.), and the 6:00-to-7:00-p.m. departure times are within the weekday evening peak period (4:00 to 7:00 p.m.).
- Shift 2 with 10 employees arriving at 3:00 p.m. and departing at 11:00 p.m. that are both outside the weekday peak periods.
- Overnight Shift 3 with five employees arriving at 11:00 p.m. and departing at 7:00 a.m. The 7:00 a.m. departure time is within the weekday morning peak period (6:30 to 9:30 a.m.) and overlaps with Shift 1's arrival time.

Using the Institute of Transportation Engineer's (ITE) trip generation rates, an assisted living facility with 64 beds generates 12 peak-hour trips within the weekday morning peak period and 22 peak-hour trips within the evening peak period. ITE's projection of 12 morning peak-hour trips is representative of this site's operation because the Applicant proposes to stagger the arrival of 20 employees for Shift 1 by spreading out their arrivals between 7:00 and 9:00 a.m. In addition to the arriving Shift 1 employees, five Shift 3 employees are proposed to depart after 7:00 a.m. ITE's estimate of 22 evening peak-hour trips is less than if all 20 employees on Shift 1 stay as late as 6:00 to 7:00 p.m.

The Applicant is not required to submit a traffic study to satisfy the LATR test because the proposed land use generates fewer than 30 peak-hour trips within the weekday morning and evening peak periods.

The Germantown Elementary School is located on the opposite side of Liberty Mill Road from the proposed Property. The arrival and departure schedule of the proposed memory care residential facility will not conflict with the school's schedule. The school's starting time is 9:25 a.m. which is after the arrival of the employees on Shift 1. The school's closing time is 3:45 p.m. which is after the arrival of Shift 2 employees.

### Transportation Policy Area Review (TPAR)

At the time of Preliminary Plan, the policy area review component of the transportation Adequate Public Facilities test must be satisfied.

Currently under the 2012-2016 Subdivision Staging Policy, the Transportation Policy Area Review (TPAR) test is satisfied by making a TPAR payment of 25 percent of the transportation/development impact tax to the Montgomery County Department of Permitting Services because the transit test is inadequate (while the roadway test is adequate) in the Germantown West Policy Area. The transportation/development impact tax is based on the rate per unit of this multi-family senior residential building.

### **Environment**

The Application meets the requirements of Chapter 22A of the Montgomery County code. Staff approved a Natural Resources Inventory/Forest Stand Delineation for the Property on February 5, 2016 (NRI/FSD No. 420161070). The Property has no forest, however there is a small segment of stream valley buffer (SVB) in the lower southeast corner that extends from an off-site stream.

Development of this Property generates a 0.56-acre afforestation planting requirement. This afforestation requirement will be met by planting 0.07-acre of the on-site SVB and purchasing credits in an off-site forest mitigation bank for the remaining 0.49-acres. Although the 0.07-acre afforestation planting is smaller than the minimum size to be considered forest, this area is immediately adjacent to off-site forest in an SVB protected in a Category I Conservation Easement and thereby increases the overall size of protected forest in this SVB.

### Forest Conservation Variance

A Preliminary Forest Conservation Plan (PFCP) and associated variance request was submitted with the Conditional Use application. The Applicant proposes to impact the critical root zones (CRZ) of two (2) of the three (3) specimen trees specimen trees that are 30 inches or greater DBH, that are considered high priority for retention: a 55-inch Red Maple and a 33-inch Dawn Redwood. Stress reduction measures shown on the PFCP include root pruning and tree protection fencing. The specimen trees can be saved. Additional measures may be recommended by the Certified Arborist at the preconstruction meeting.

### **Community Outreach**

Although not required by the Zoning Ordinance, the Applicant conducted a pre-submission community meeting with the neighborhood on May 16, 2016, with the Principal of Germantown Elementary School on June 3, 2016, and with two representatives with

Montgomery County Public Schools on June 14, 2016. Additionally, the Applicant held a meeting with the Germantown Alliance on September 22, 2016. Concerns from the above meetings are summarized below:

- Traffic generated by the Project, particularly whether it would interfere with the start and dismissal times at Germantown Elementary School.
- Safety of children walking to school during construction of the Project.
- Delivery traffic, noise, lighting and compatibility with the neighborhood.
- Why the access to the Property could not be from Dawson Farm Road instead of Liberty Mill Road.
- Concern for the Dawn Redwood tree near the existing house.

Staff believes that the Applicant has addressed the above concerns. As noted in the Applicant's Traffic Statement, the proposed development will generate fewer than 30 peak hour trips during the morning and evening peak periods. MCPS representatives have commented that the start and dismissal times for the School do not overlap with the peak periods of traffic generation by the Project. The school's starting time is 9:25 a.m., that is after the arrival of the staff on Shift 1, and closing time is 3:45 p.m., that is after the arrival of the staff on Shift 2. The Department of Permitting Services will review and approve plans for interim sidewalk and street conditions to ensure pedestrian safety during construction of the Project.

There will be little impact on the surrounding neighborhood from noise, delivery traffic and lighting. Trash pickup occurs only once or twice per week and is located approximately 180 feet away from the nearest residential property to the south. Smaller box trucks will deliver food three or four times per week. Partial or full cut off light fixtures minimizes lighting along the boundaries of the Property.

The only access to the Site is from Liberty Mill Road. It would be difficult to have access to the Site from Dawson Farm Road because there is a median in this roadway and also because there is also a downward slope from the roadway to the Site. Minor impact is proposed for the Dawn Redwood tree located near the existing house. Approximately 16 percent of the critical root zone of the tree will be impacted, and it is fully expected that the tree will rebound from this construction impact and remain in healthy condition.

## FINDINGS

### Conditions for Granting a Conditional Use

#### Section 7.3.1.E Necessary Findings

*To approve a conditional use application, the Hearing Examiner must find that the proposed development:*

**Section 59.7.1.E.1.a.** *satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;*

A Natural Resources Inventory/Forest Stand Delineation was approved for the Subject Property on February 5, 2016. This is an unrecorded parcel and there are no other previous approvals for the site.

**Section 7.1.E.1.b.** *satisfies the requirements of the zone, use standards under Division 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6;*

#### Use Standards for a Residential Care Facility (Over 16 Persons) in Article 59-3

A Residential Care Facility (Over 16 Persons) is allowed as a Conditional Use in the R-200 Zone. Section 3.3.2.E.2.c.ii contains the specific use standards for this type of facility.

The use standards applicable to this application are:

- (a) The facility may provide ancillary services such as transportation, common dining room and kitchen, meeting or activity rooms, convenience commercial area or other services or facilities for the enjoyment, service or care of the residents. Any such service may be restricted by the Hearing Examiner.*

The Application proposes to provide a number of ancillary services as described on page 6 of this report. Staff does not recommend any particular restrictions.

- (d) Where facility size is based on the number of beds, not dwelling units, the following lot area is required:*

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

(i) *In RE-2, RE-2C, RE-1, and R-200 Zone: 1,200 square feet per bed;*

The Application requests 64 beds. At 1,200 square feet per bed, a lot area of 76,800 square feet (1.76 acres) is required. The Property is 3.62 acres, (3.09 acres for the residential care facility) satisfying the requirement for 1,200 square feet per bed.

(e) *The minimum side setback is 20 feet.*

The side setbacks are 29 feet to the west and 80 feet to the south for the one-story building.

(i) *Height, density, coverage, and parking standards must be compatible with surrounding uses; the Hearing Examiner may modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.*

The proposed height of the one-story facility is 25 feet which is compatible with the nearby two-story single-family homes and the two to three-story townhomes. The density and coverage of the facility are well below what is allowed in the Zoning Ordinance. The proposed lot area for the facility is 134,647 square feet, resulting in an allowable residential density of 112 beds, well above the 64 beds that is proposed. Proposed lot coverage is 23 percent, with the maximum allowable lot coverage being 25 percent. Parking is located at the furthest point away from the residential properties as possible. The 44-space parking lot will be screened and lighted in a manner that is compatible with the surrounding neighborhood.

Development Standards under Article 59-4

Section 4.4.7.B, R-200, Standard Method Development Standards

Table 1

	Required /Allowed	Proposed
<b>1. Lot and Density</b>		
<b>Lot (min)</b>		
Lot area	20,000 SF	134,647 SF
Lot width at front building line	100'	304' (Liberty Mill Road) 388' (Dawson Farm Road)
Lot width at front lot line	25'	150' (Liberty Mill Road) 383' (Dawson Farm Road)
<b>Density (max)</b>		
Density (1,200 SF per bed)	112	64
<b>Coverage (max)</b>		
Lot	25%	23%
<b>2. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
Front setback	40'	189' (Liberty Mill Road) 42' (Dawson Farm Road)
Side setback	20'	29' (West) 80' (South)
Rear setback	30'	30'
<b>3. Height</b>		
<b>Height (max)</b>		
Principal Building	50'	25'
<b>4. Form</b>		
<b>Allowed building elements</b>		
Porch/Stoop	yes	yes

General Development Requirements under Article 59-6

The Application has been reviewed for conformance with Article 6, General Development Requirements of the Zoning Ordinance. Specifically, Staff has found the following Divisions apply in order to ensure the compatibility of the proposed conditional use: Division 6.2 Parking, Queuing and Loading; Division 6.4. General Landscaping and Outdoor Lighting; Division 6.5.



Screening, and Division 6.7. Signs. Unless otherwise noted, any sub-sections not listed were considered not applicable to the Application.

## **Division 6.2. Parking, Loading, and Queuing**

### *Section 6.2.4. Parking Requirements*

The Applicant proposes to provide more than the required number of parking spaces. For vehicle parking, 0.25 parking spaces per bed, plus 0.5 spaces per employee are required. The number of employees is based on the time when the maximum number of employees is present. In sum, 32 spaces are required for this Residential Care Facility, and the Applicant plans to provide 44 spaces.

Bicycle parking is not required for this use, but the Applicant plans to provide four bike spaces near the main entrance to the facility.

### *Section 6.2.5. Vehicle Parking Design Standards*

Based on the submitted site plan, the Application satisfies the applicable general vehicle parking design standards under Section 6.2.5. This Section also provides specifications for off-street parking facilities for a conditional use in a Residential Detached zone:

#### *Section 6.2.5.K. Facilities for Conditional uses in Residential Detached Zones*

*Any off-street parking facility for a conditional use that is located in a Residential Detached Zone where 3 or more parking spaces are provided must satisfy the following standards:*

1. *Location*

*Each parking facility must be located to maintain a residential character and a pedestrian-friendly street.*

Parking is located on the front side of the Property off of Liberty Mill Road, and is oriented opposite the former post office site. A landscaped buffer will provide a natural screen for the two homes located along the southern boundary of the property, minimizing views of the driveway turnaround and loading area.

2. *Setbacks*

a. *The minimum rear parking setback equals the minimum rear setback required for the detached house.*

Not applicable.

- b. *The minimum side parking setback equals 2 times the minimum side setback required for the detached house.*

The minimum side setback in the R-200 Zone is 12 feet, so the parking must be setback at least 24 feet. The parking and driveway turnaround is setback at least 24 feet from the southern boundary line.

*Section 6.2.8. Loading Design Standards*

Residential Care Facilities fall into the Group Living use group, and are required to provide one off-street loading space per 25,001 – 250,000 square feet of gross floor area. The proposed facility will provide one loading space in compliance with this standard.

*Table 2*

<b>Parking and Loading Requirements</b>	<b>Required/Allowed</b>	<b>Proposed</b>
<b>Parking setback</b>		
Parking setback rear	30'	N/A (no rear parking provided)
Parking setback side	24'	34' (north) 24' (south)
<b>Parking Standards</b>		
Parking – 0.25 spaces per bed (64 beds)	16 spaces	
Parking – 0.50 spaces per employee (31 employees)	16 spaces	
<b>Total spaces</b>	32	44
Accessible parking spaces	2	2
<b>Bicycle parking</b>	N/A	4
<b>Loading spaces</b>	1	1

*Section 6.2.9. Parking Lot Landscaping and Outdoor Lighting*

*Section 6.2.9.C. Parking Lot Requirements for 10 or More Spaces*

*1. Landscape Area*

- a. *A surface parking lot must have landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5 percent of the total area of the surface parking lot.*

The proposed parking lot contains the required landscaped islands by providing 118 minimum square feet, and comprising 10% (1,504 square feet) of the total area of the surface parking lot.

2. *Tree Canopy*

*Each parking lot must maintain a minimum tree canopy of 25% coverage at 20 years of growth, as defined by the Planning Board's Trees Technical Manual, as amended.*

The Landscape Plan shows that the minimum tree canopy coverage is met. The parking lot will have a tree canopy of approximately 25.1% coverage at 20 years of growth.

3. *Perimeter Planting*

*a. The perimeter planting area for a property that abuts any other zoned property, right-of-way, or an Agricultural, Rural Residential, or Residential Detached zone property that is improved with a civic and institutional, commercial, industrial, or miscellaneous use must:*

*i. be a minimum of 6 feet wide*

*ii. contain a hedge or low wall a minimum of 3 feet high, and*

*iii. have a canopy tree planted every 30 feet on center; unless*

*iv. the property abuts another parking lot, in which case a perimeter planting area is not required.*

The proposed parking lot contains the required landscaped islands, tree canopy, and perimeter planting. (See table 3 below)

Table 3

	Required/Permitted	Proposed
<b>1. Landscaped Area</b>		
a. Minimum Landscape Island Area	100 SF minimum 5% of total parking lot area	<b>118 SF min.</b> 10% (1,504 SF)
b. Maximum Parking Spaces Between Islands	20 Spaces	12
c. SWM Facility in Landscaped Area	Permitted	None provided
<b>2. Tree Canopy</b>		
a. Minimum Tree Canopy	25% of Parking Area in 20 Years	25.1%
(Parking Area = 17, 241SF 20 – Year Tree Canopy Area	4, 310 SF	4,333 SF
<b>3. Parking Lot Perimeter Planting</b>		
a. Planting Area Abutting a Residential Detached Zoned Property, Improved with a Vacant Commercial Use		
i. Minimum Width	10'	16'
ii. Minimum Fence Height	6'	6'-6"
ii. Canopy Trees	30' o.c. (length = 218.7')	7
iv. Understory Trees	2 per Canopy Tree (14)	15

**Division 6.4. General Landscaping and Outdoor Lighting**

*Section 6.4.4. General Outdoor Lighting Requirements*

*A. Design Requirements*

*1. Fixture (Luminaire)*

*To direct light downward and minimize the amount of light spill, any outdoor lighting fixture must be a full or partial cutoff fixture.*

The proposed pole lighting fixtures will be full or partial cutoff fixtures with neighbor friendly optics.

2. *Fixture Height*

A freestanding lighting fixture may be a maximum height of 40 feet in a parking lot with a minimum of 100 spaces, otherwise a freestanding lighting fixture may be a maximum height of 30 feet within a surface parking area and may be a maximum height of 15 feet within a non-vehicular pedestrian area. A freestanding light fixture located within 35 feet of the lot line of any detached house building type that is not located in a Commercial/Residential or Employment zone may be a maximum height of 15 feet. The height of a freestanding lighting fixture must be measured from the finished grade.

The lighting fixture height is within the allowed limits. The two nearest freestanding lot fixtures are located approximately 40 feet from the residential property line to the south, and are 16 feet in height.

3. *Light Source (Lamp)*

*A light source must use only incandescent, fluorescent, light-emitting diode (LED), metal halide, or color-corrected high-pressure sodium, unless the applicable deciding body approves an alternate light source based on new technology.*

The Applicant has specified LED-type lighting for the project.

*Section 6.4.4.E. Conditional Uses*

*Outdoor lighting for a conditional use must be directed, shielded, or screened to ensure that the illumination is 0.1 footcandles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or Employment Zone.*

The Site Lighting Analysis Plan shows that all lighting levels along the perimeter of the Site will be 0.1 footcandles or less.

**Division 6.5. Screening Requirements**

The screening requirements are applicable along the Property's southern and eastern lot lines because the abutting lots are located in a Residential Detached zone and improved with residential uses. The landscape plan illustrates that the planting bed proposed along the southern lot line satisfies the planting requirement prescribed in Section 6.5.3.C.7. (Option B) for a conditional use in a Residential Detached zone.

Table 4. General Building with a Non-Industrial Use; Conditional Use in the Agricultural, Rural Residential, or Residential Detached Zones; and Conditional Use in a Detached House or Duplex in Any Other Zone.

	<b>Option A</b>	<b>Option B</b>
<b>Dimensions (min)</b>		
Depth	8'	12'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	2	4
Shrubs (minimum per 100')		
Large	6	8
Medium	8	12
Small	8	--
Wall, Fence or Berm (min)	4' fence or wall	--

## Division 6.7. Signs

### Section 6.7.8. Residential Zones

#### B. Additional Sign Area

##### 1. Subdivision and Multi-Unit Development Location Sign

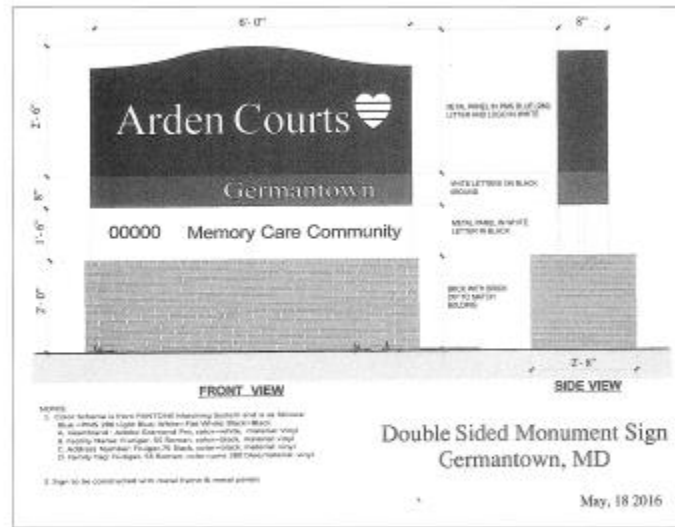
Additional sign area is allowed for a permanent location sign erected at any entrance to a subdivision or Multi-Unit development if the sign is a ground sign or wall sign located at an entrance to the subdivision or building.

- a. 2 signs are allowed for each entrance.
- b. The maximum sign area is 40 square feet per sign.
- c. If the driveway entrance to the subdivision or development is located in the right-of-way, a revocable permit issued jointly by the Sign Review

Board and the appropriate transportation jurisdiction must be obtained to erect the sign.

- d. The maximum height of a sign is 26 feet.
- e. The sign may be illuminated (see Section 6.7.6.E).

A Residential Care Facility (over 16 persons) meets the definition of a multi-unit development and Section 6.7.8.B.1. allows for 2 signs for each entrance, with a maximum sign height of 26 feet, and a maximum sign area of 40 square feet per sign. The Applicant meets this requirement in proposing one 6-foot, 8-inch high freestanding monument sign, comprising approximately 29 square feet, at the Liberty Mill Driveway entrance.



**MONUMENT SIGN**  
NTS  
NOTE: SEPARATE PERMIT REQUIRED FOR SIGN CONSTRUCTION. SIGN SHALL CONFORM TO THE REQUIREMENTS OF 58-8.7

**Sec 7.3.1.E.1.c. substantially conforms with the recommendations of the applicable master plan.**

As discussed on page nine of this report, the proposed Residential Care Facility substantially conforms with the recommendations of the 1989 Germantown Master Plan. The facility will increase the housing diversity in the neighborhood by providing housing for residents who are in need of memory care. The location of the proposed facility at the intersection of Liberty Mill Road and Dawson Farm Road is consistent with the Plan’s recommendation for a child or elderly day-care center, religious facility or other similar use in this Analysis Area. A Residential Care Facility is analogous to an elderly day-care, one of the recommended uses for the CL-2 Analysis Area. Compatibility with the existing single-family detached character is also noted as a key

consideration. The proposed facility is a one-story structure with a gable-type roof featuring brick and siding construction, very similar to the character of many homes in the area.

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

The proposed site design and operational limitations, building architecture, and conditions of approval will ensure that the proposed residential care facility will not negatively impact the character of the surrounding neighborhood in a manner inconsistent with the Master Plan. The proposed site design, building height and placement, and landscape screening serve to minimize impacts to the existing surrounding residential development. Traffic impacts on the surrounding community will also be minimal. The facility is expected to generate nine trips in the morning peak hour and 14 trips in the evening peak hour. Trash and recycle pickup is to occur one to two times per week during daylight hours outside of rush hour times. In addition, these operations will take place just west of the building, away from the residential properties and along the southern boundary of the Site. Food deliveries will be made approximately three or four times a week via a small box truck to the facility's loading area located in front of the building.

**Section 7.3.1.E.1.e.** *will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominately residential nature of the area; a conditional use application that conforms with the recommendations of a master plan does not alter the nature of the area.*

As described on page 9 of this report, the conditional use substantially conforms with the recommendations of the Master Plan, and therefore is presumed not to alter the residential nature of the area. There is one other approved conditional use (special exception use) in the defined neighborhood. Special Exception No. S-2471 was approved by the Board of Appeals on June 18, 2008 and authorized the construction and operation of child day care facility with no more than 40 children at the property located at 19002 Mateney Hill Road. However, this child day care facility special exception was revoked by the Board of Appeals on September 25, 2013, and never implemented. The subject Application will not increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominately residential nature of the area.



**Section 7.3.1.E.1.f.** *will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:*

- i. If a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, or storm drainage; or*
- ii. If a preliminary plan of subdivision is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage.*

Because the Property is not a recorded lot, a Preliminary Plan of Subdivision and record plat will be required prior to issuance of any building permits. The Applicant will submit a Preliminary Plan to create a lot of record for the Project (as well as a lot of record for the existing single-family home on the Property). Planning Board review will determine if Adequate Public Services and Facilities exist to support the proposed use of the Property as a residential care facility.

**Section 7.3.1.E.1.g.** *will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:*

- iii. The use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;*
- iv. Traffic, noise, odors, dust, illumination or lack of parking; or*
- v. The health, safety or welfare of neighboring residents, visitors or employees.*

Inherent effects associated with a Residential Care Facility for more than 16 persons are: (1) buildings and related outdoor recreational areas or facilities; (2) parking facilities; (3) lighting; (4) vehicular trips to and from the site by employees, visitors, residents, delivery vehicles and waste removal; (5) noise generated by equipment for the facility and by occasional outdoor activities of residents and their visitors; and (6) driveway impacts.

Non-inherent adverse effects may result from a situation unique to the physical location, operation, or size of a proposed use. There is one non-inherent effect related to the Property rather than the Project – the proximity of Germantown Elementary School across Liberty Mill Road. However, while this is a non-inherent effect, it is not an adverse non-inherent effect. The primary concerns raised during community meetings and by the Principal of the school relate to traffic and potential interference of trips to and from the Project with the school's start and dismissal times. Shift times for the facility's staff will not overlap with the school's start and dismissal times. The drop-off for the school start time of 9:25 am typically runs from 8:50 to 9:25 am, and cars begin lining up for pick-up at 3:45 pm, typically ends at 4:10 pm. The Project's morning shift change occurs at 7 am, and the afternoon shift change occurs at 3:00 pm, both times outside of the school's drop-off and pick-up times. The school's Principal also expressed concern regarding the safety of children walking to school during construction of the Project. Safety concerns during construction of the facility will be reviewed and addressed as part of the permitting process prior to construction on the Site. There is no expected undue harm to the neighborhood either as a result of any non-inherent adverse effect, or a combination of inherent or non-inherent adverse effects.

The proposed residential care facility will not disturb the use, peaceful enjoyment, economic value, or development potential of abutting and confronting properties or the general neighborhood. The proposed building, parking areas and outdoor areas are adequately setback and screened with landscaping from Liberty Mill Road, Dawson Farm Road, and the surrounding properties. The architecture, orientation of the building, and extensive landscape screening will ensure that the proposed facility will not disturb the use or peaceful enjoyment of neighbors.

The proposed facility will not cause undue harm to the neighborhood as a result of traffic, noise, odors, dust, illumination, or a lack of parking. The Applicant's Traffic Statement indicates that the facility will generate less than 30 trips in the morning and evening peak periods, and that the traffic generated will be acceptable without mitigation. Any noise, odors and dust associated with the residential care facility will be similar to those of other like facilities. Noises will be minimized by the building design, building placement and screening. Loading and waste collection will occur on the front and west sides of the facility, approximately 180 feet away from the nearest residential property to the south. Two of the outdoor areas for residents and visitors are semi-enclosed by the building design, and a third outdoor area is located between the building and Dawson Farm Road.

As demonstrated on the Site Lighting Analysis Plan, lighting for the Property will be 0.1 footcandles at the perimeter of the Site. The facility will provide more than the number of minimum parking spaces required for the use in the Zoning Ordinance. A total of 44 parking will be provided, and 32 parking spaces are required. Bicycle parking will also be provided near the main entrance.

There will be no undue harm to the health, safety, or welfare of neighboring residents, visitors, or employees. The Conditional Use meets all applicable development standards, and has adequate and safe circulation in and around the site.

**Section 7.3.1.E.2.** *Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.*

The proposed building will be compatible with the character of the surrounding residential neighborhood. The building's exterior will be faced with a combination of brick and siding, reflecting the materials used on many nearby homes. The proposed one-story building has a peaked roof with gables and four wings (internal neighborhoods) which serve to visually reduce the scale and mass of the structure.

**Section 7.3.1.E.3.** *The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require conditional use approval.*

Staff recommends approval with conditions.

## **CONCLUSION**

The proposed Residential Care Facility complies with the general conditions and standards for a conditional use. The proposed use is consistent with the goals and recommendations of the *1989 Germantown Master Plan*, and it will not alter the character of the surrounding neighborhood. The conditional use will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval with conditions.

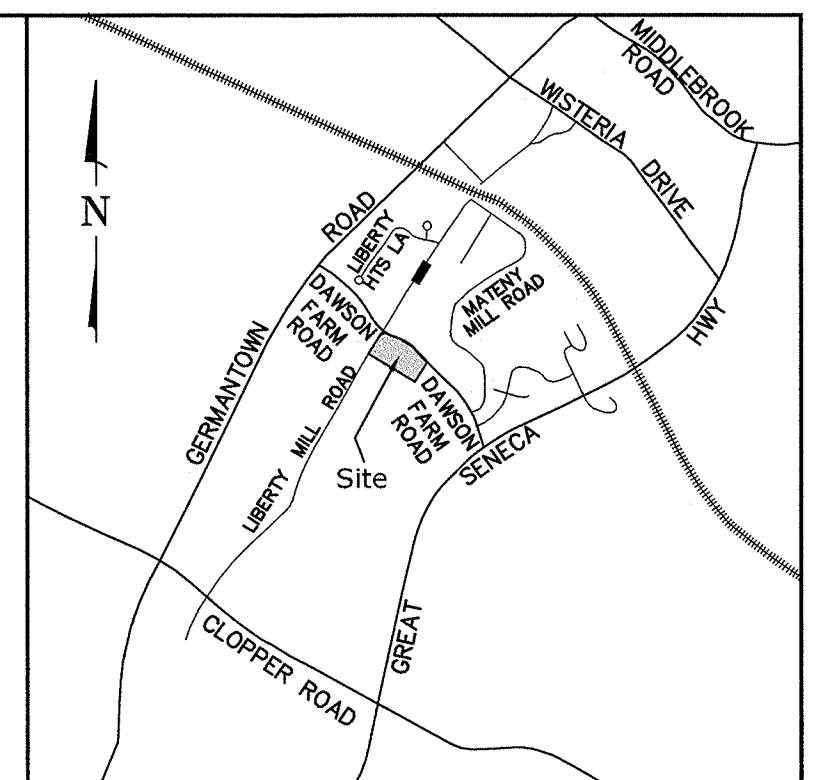
## **ATTACHMENTS**

1. Conditional use plan
2. Landscape plan
3. Lighting plan
4. Applicant's transportation statement
5. Natural Resources Inventory/Forest Stand Delineation No. 420161070, dated 2/5/16
6. Tree variance approval letter dated 9/23/16

SITE NOTES

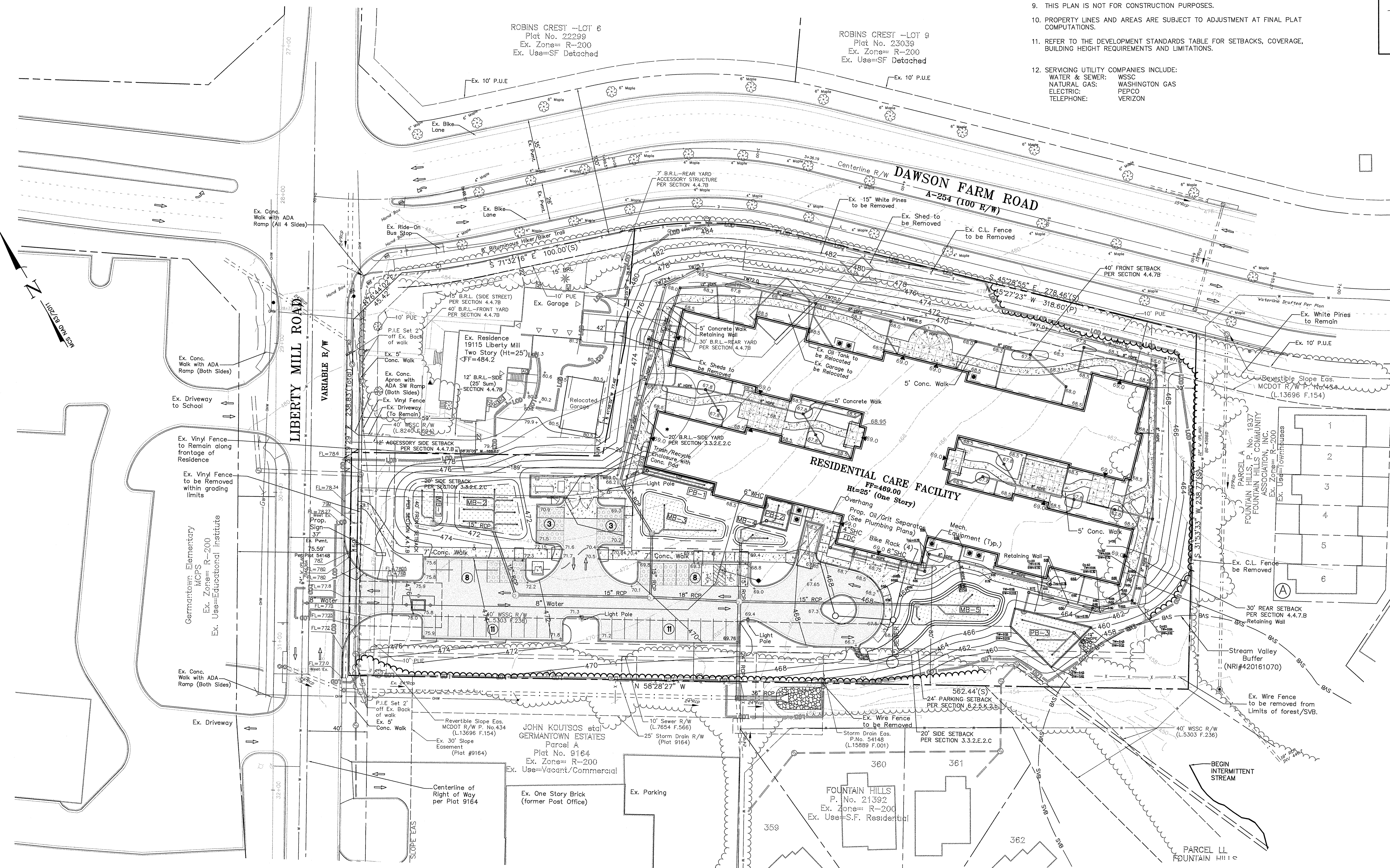
1. THE TOPOGRAPHY SHOWN IS TAKEN FROM A FIELD RUN SURVEY PREPARED BY MACRIS, HENDRICKS & GLASCOCK, P.A. IN JANUARY 2016 WITH 2' CONTOUR INTERVALS (VERTICAL DATUM BASED ON NGVD 29 FROM WASHINGTON SUBURBAN SANITARY COMMISSION STATION NO. 19526) AND SUPPLEMENTED WITH AVAILABLE UTILITY RECORDS.
2. BOUNDARY INFORMATION IS BASED ON A BOUNDARY SURVEY PREPARED BY MACRIS, HENDRICKS & GLASCOCK, P.A. SUPPLEMENTED WITH RECORDED DEEDS & PLATS.
3. WATER AND SEWER CATEGORIES ARE W-1 AND S-1, RESPECTIVELY.
4. NUMBER OF LOTS PROPOSED BY THIS PLAN: 2 LOTS. THE PROPERTY IS ZONED R-200. THE PROPOSED LAND USE IS RESIDENTIAL CARE FACILITY AND SINGLE-FAMILY DETACHED RESIDENTIAL. THE SINGLE-FAMILY DETACHED RESIDENTIAL UNIT IS EXISTING AND WILL REMAIN.
5. A NATURAL RESOURCES INVENTORY MAP/FOREST STAND DELINEATION PLAN (#420161070) WAS APPROVED FOR THIS PROPERTY 02-05-2016.
6. A STORMWATER MANAGEMENT CONCEPT (SM FILE #281967) FOR THIS PROPERTY WAS SUBMITTED TO MCDPS ON 5/16/16.
7. THIS SITE IS WITHIN THE GERMANTOWN MASTER PLAN AREA (APPROVED AND ADOPTED JULY 1989).
8. THE SITE IS TRIBUTARY TO THE SENECA CREEK WATERSHED. THE STATE OF MARYLAND HAS DESIGNATED THIS PORTION OF THE WATERSHED AS CLASS III.
9. THIS PLAN IS NOT FOR CONSTRUCTION PURPOSES.
10. PROPERTY LINES AND AREAS ARE SUBJECT TO ADJUSTMENT AT FINAL PLAT COMPUTATIONS.
11. REFER TO THE DEVELOPMENT STANDARDS TABLE FOR SETBACKS, COVERAGE, BUILDING HEIGHT REQUIREMENTS AND LIMITATIONS.
12. SERVICING UTILITY COMPANIES INCLUDE:  
WATER & SEWER: WSSC  
NATURAL GAS: WASHINGTON GAS ELECTRIC  
TELEPHONE: VERIZON

EXISTING	LEGEND	PROPOSED
	ASPHALT PAVING	
	CONCRETE	
	CURB & GUTTER	
	SIGN	
	UTILITY POLE	
	LIGHT POLE	
	ELECTRIC	
	SEWER	
	STORM DRAIN	
	WATER LINE	
	FIRE HYDRANT	
	GAS	
	TELEPHONE	
	BUILDINGS	
	FENCE	
	LIMITS OF DISTURBANCE	
	BUILDING RESTRICTION LINE	



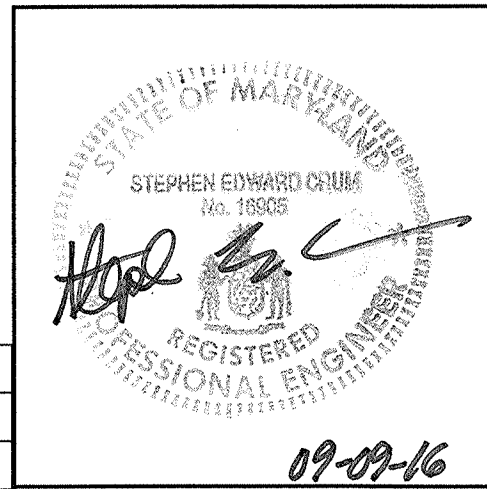
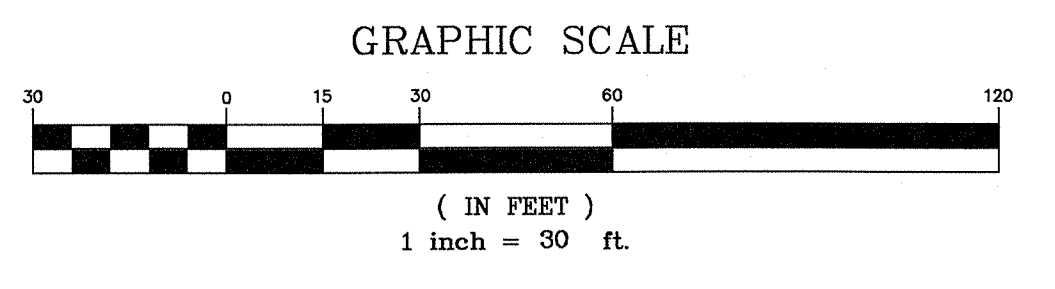
R-200 DEVELOPMENT STANDARDS: RESIDENTIAL CARE FACILITY

	PERMITTED/REQUIRED	PROVIDED
MINIMUM LOT AREA: 59-4.4.7.B	20,000 SF	134,647 SF
MINIMUM LOT AREA (RESIDENTIAL CARE FACILITY, CONDITIONAL USE) 59-3.3.2.E.2.c.ii.d.2.i LOT AREA REQUIRED: (1,200 SF X 64 BEDS)	76,800 SF	64 TOTAL BEDS 134,647 SF
LOT WIDTH AT FRONT BUILDING LINE: 59-4.4.7.B	100'	304' (LIBERTY MILL) 388' (DAWSON FARM)
LOT WIDTH AT FRONT LOT LINE: 59-4.4.7.B	25'	150' (LIBERTY MILL) 383' (DAWSON FARM)
MAXIMUM LOT COVERAGE: 59-4.4.7.B.1	25%	23%
MINIMUM FRONT SETBACK: 59-4.4.7.B.2	40'	189' (LIBERTY MILL) 42' (DAWSON FARM)
MINIMUM SIDE SETBACK: 59-3.3.2.E.2.c.ii.e	20 FEET	29 FEET (WEST) 80 FEET (SOUTH)
MINIMUM REAR SETBACK: PRINCIPAL BUILDING 59-4.4.7.B.2	30 FEET	30 FEET
MAXIMUM BUILDING HEIGHT: PRINCIPAL BUILDING 59-4.7.B.3	50 FEET	25 FEET
MINIMUM REAR PARKING SETBACK: 59-6.2.5.K.2.g (No parking provided in rear yard)	30 FEET	N/A
MINIMUM SIDE PARKING SETBACK: 59-6.2.5.K.2.b	24 FEET	34 FEET (NORTH) 24 FEET (SOUTH)
NOTE: ALL DEVELOPMENT STANDARDS SHOWN ARE BASED UPON THE NEW LOT OF RECORD TO BE CREATED FOR THE RESIDENTIAL CARE FACILITY CONDITIONAL USE.		
PARKING STANDARDS	PERMITTED/REQUIRED	PROVIDED
VEHICLE PARKING: 59-6.2.4.B 0.25 SPACES PER BED (64 BEDS)	16 SPACES	44 SPACES
0.50 SPACES PER EMPLOYEE (31 EMPLOYEES)	16 SPACES	2 SPACES
TOTAL	32 SPACES	44 SPACES
ACCESSIBLE PARKING SPACES	2 SPACES	2 SPACES
BICYCLE PARKING	N/A	4 SPACES
PER SECTION 59-6.2.4.C BICYCLE PARKING SPACES FOR A RESIDENTIAL CARE FACILITY ARE BASED UPON THE NUMBER OF DWELLING UNITS; NO "DWELLING UNITS" ARE BEING PROPOSED. HOWEVER MNC&P STAFF HAS REQUESTED AND APPLICANT IS PROVIDING TWO BICYCLE RACKS, FOR ACCOMMODATION OF 4 BICYCLE PARKING SPACES.		
LOADING SPACES 59-6.2.8.B.2	1 SPACE	1 SPACE
1 NO REAR PARKING SPACES PROVIDED		



Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work. The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

APPLICANT/CONTRACT PURCHASER  
Arden Courts of Germantown MD, LLC  
7361 Colhoun Place, Suite 300  
Rockville, Maryland 20855  
Phone: (410) 453-8537  
Contact: Bryan Palmer



TAX MAP EU341

CONDITIONAL USE- SITE PLAN  
CHESTNUT RIDGE  
**ARDEN COURTS-GERMANTOWN**  
Liber 36179 Folio 283  
9TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

**MHG** Macris, Hendricks & Glascock, P.A.  
Engineers • Planners  
Landscape Architects • Surveyors

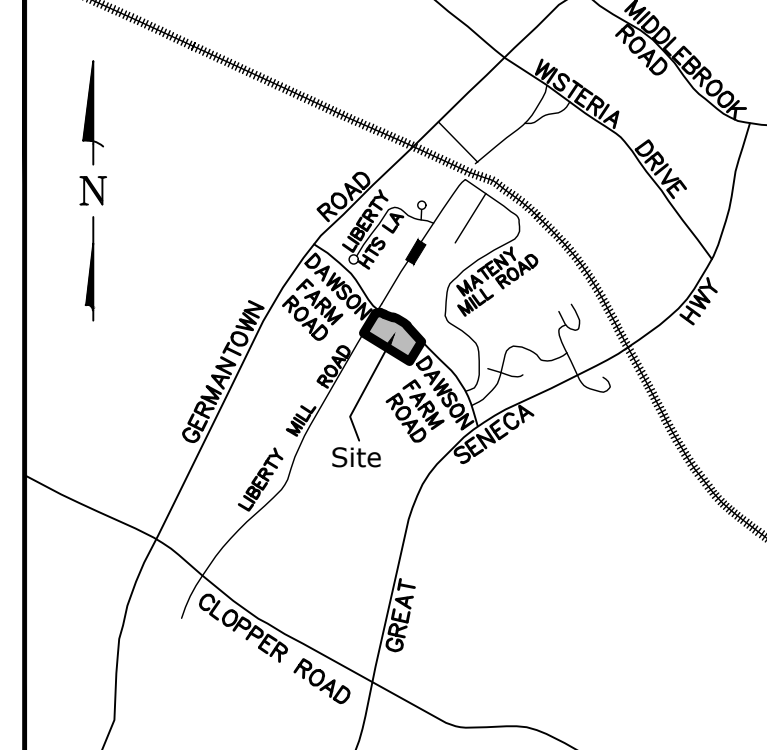
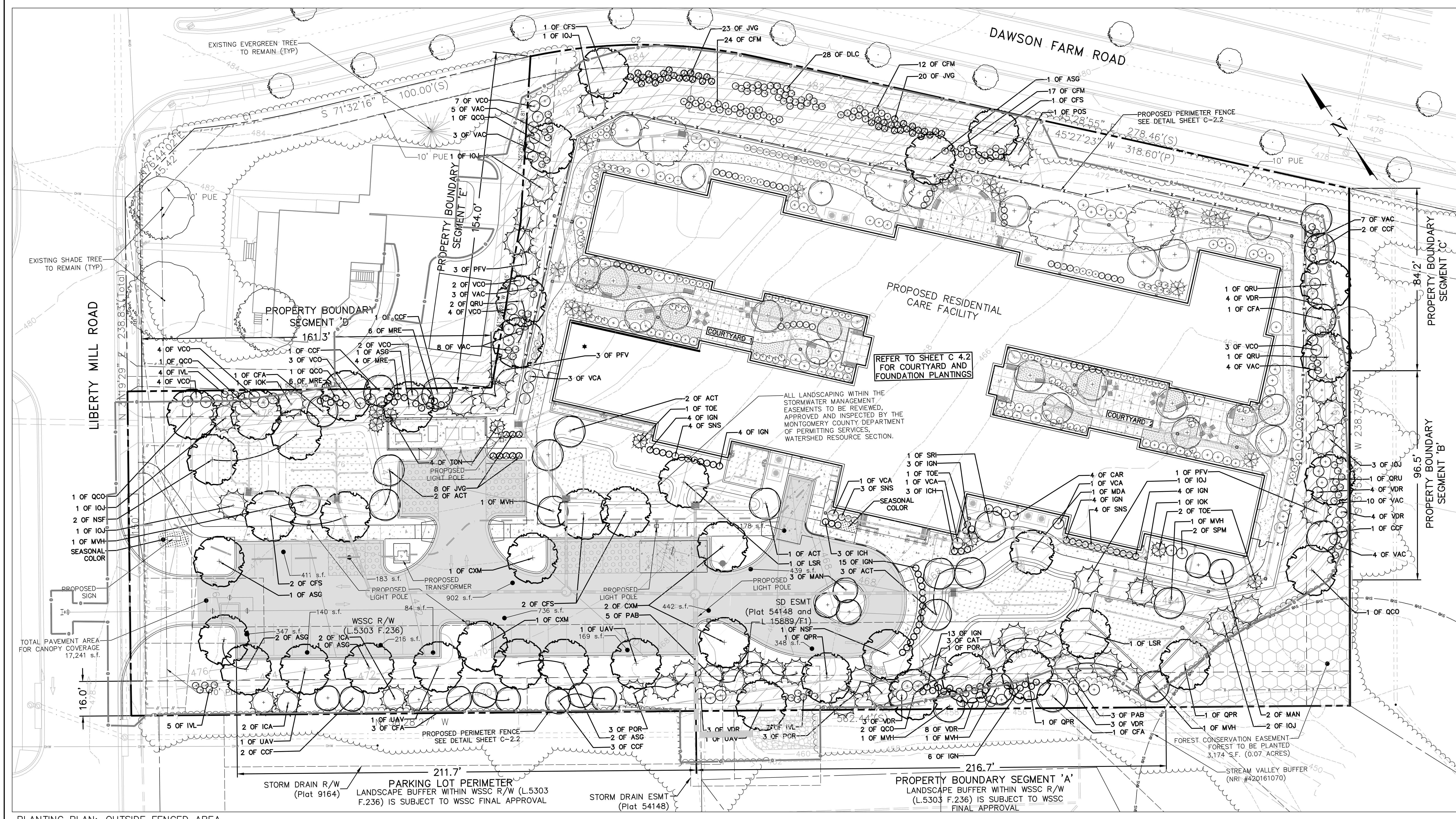
Professional Certification  
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland License No. 16905, Expiration Date: 04/21/2018

09-09-16	Resubmit to BOA/MNCPPC
07-14-16	Submit to BOA/MNCPPC

Proj. Mgr. BJD	Designer BJD
Date 9/09/16	Scale 1"=30'
Project No. 2015.244.11	Sheet 1 of 1

9220 Wightman Road, Suite 120  
Montgomery Village, Maryland 20886-1279  
Phone 301.670.0840  
Fax 301.948.0693  
www.mhgap.com

C 2.1  
WSSC 226N13



VICINITY MAP  
SCALE 1" = 2,000'

**LEGEND**

- PROPOSED SHADE TREES
- PROPOSED ORNAMENTAL TREES
- PROPOSED EVERGREEN TREES
- PROPOSED DECIDUOUS SHRUBS
- PROPOSED EVERGREEN SHRUBS
- PROPOSED SEASONAL COLOR
- PROPOSED SWM PLANTING AREA (SEE SESC/SWM PLANS)
- PROPOSED SEED MIX FOR STEEP SLOPES
- FOREST TO BE PLANTED (SEE FOREST CONSERVATION PLAN)
- PROPOSED PERIMETER FENCE
- PROPOSED LIGHT POLE
- EXISTING TREES TO REMAIN
- TOTAL PARKING LOT AREA SUBJECT TO 25% SHADING REQUIREMENT
- PARKING LOT AREA TO BE SHADED BY 20-YEAR TREE CANOPY

**NOTES:**  
 1. SEE SHEET C 4.3 FOR PLANT SCHEDULES  
 2. BIO-RETENTION FACILITY PLANTINGS ARE CONCEPTUAL ONLY, AND ARE SUBJECT TO APPROVAL BY THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES.

PLANTING PLAN: OUTSIDE FENCED AREA  
SCALE 1" = 20'

**TABLE 1: Parking Lot Requirements for 10 or More Spaces (Section 6.2.9.C)**

	REQUIRED/PERMITTED	PROVIDED
<b>1. Landscaped Area</b>		
a. Minimum Landscaped Island Area (Parking Area for Landscaping = 15,076 s.f.)	100 s.f. min.	118 s.f. min.
b. Maximum Parking Spaces between Islands	5% of total parking lot area (754 s.f.)	10.0% (1,504 s.f.)
c. SWM Facility in Landscaped Area	20	11
d. SWM Facility in Landscaped Area	Permitted	None provided
<b>2. Tree Canopy</b>		
a. Minimum Tree Canopy (Pavement Area for Canopy Shading = 17,241 s.f.)	25% of Parking Area in 20 years	25.1%
b. 20-year Tree Canopy Area	4,310 s.f.	4,333 s.f.
<b>3. Parking Lot Perimeter Planting</b>		
a. Planting Area Abutting a Residential-Detached-zoned Property, Improved with a Vacant Commercial Use		
i. Minimum Width	10'	16'
ii. Fence Height	6'-6"	6'-6"
iii. Canopy Trees	30' o.c. (length = 211.7'; 7 trees)	7
iv. Understory Trees	2 per Canopy Tree (14)	15

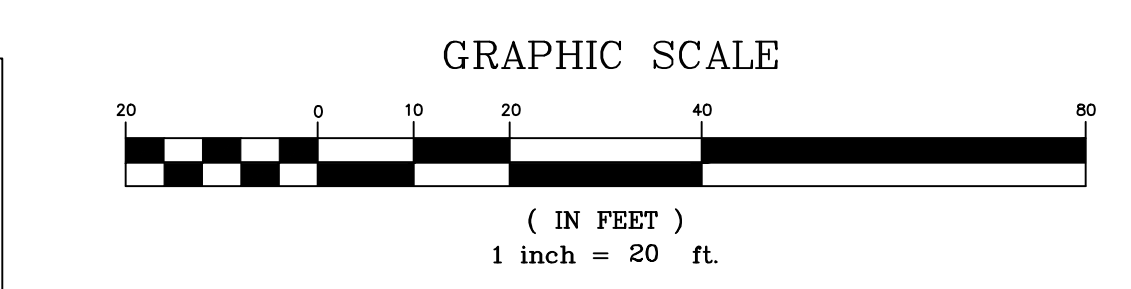
**LANDSCAPING REQUIREMENTS**  
2014 Montgomery County Zoning Ordinance  
Sections 6.2.9.C and 6.5.3.C

**TABLE 2: Property Boundary Screening Requirements (Section 6.5.3.C) Conditional Use in a Residential Detached Zone (R-200)**

Conditional Use in a Residential Detached Zone (R-200)	REQUIRED / PERMITTED	PROVIDED
<b>Option B</b>		
1. Planting Strip Depth	12'	
2. Trees (Minimum per 100')		
a. Canopy	2	SEE TABLE 3 BELOW
b. Understory or Evergreen	4	
3. Shrubs (Minimum per 100')		
a. Large	8	
b. Medium	12	
c. Small	None	
1. Wall, Fence or Berm	None	

**TREE CANOPY COVERAGE FOR PARKING LOT AREA (Zoning Ordinance Sec. 6.2.9.C.2)**

KEY	BOTANICAL NAME	COMMON NAME	20 YEAR CANOPY (DIA. IN FT)
ACT	Amelanchier canadensis 'Trazam'	Tradition Serviceberry	20
ASG	Acer saccharum 'Green Mountain'	Green Mountain Sugar Maple	30
CFS	Carpinus caroliniana 'Firespire'	Firespire Hornbeam	39
CXM	Celtis x 'Magnifica'	Magnifica Hackberry	40
LSR	Liquidambar styraciflua 'Rotundiloba'	Frutless Sweetgum	30
NSF	Nyssa sylvatica 'NXSXF'	Form Black Gum	30
QPR	Quercus prinus	Chestnut Oak	35
UAV	Ulmus Americana 'Valley Forge'	Valley Forge Elm	26



**TABLE 3: Planting Requirements by Segment**

Segment	Length (ft)	Min. Width Provided (ft)	Shade Trees Required	Proposed Shade Trees	Understory Trees Required	Proposed Understory Trees	Large Shrubs Required	Proposed Large Shrubs	Medium Shrubs Required	Proposed Medium Shrubs
A*	216.7	12	5	5	9	10	17	17	26	26
B*	96.5	20	2	2	4	5	8	8	12	14
C	84.2	20	2	2	4	4	7	7	11	11
D	161.3	12	4	4	7	7	13	13	20	20
E	154.0	12	3	3	6	6	13	13	19	19

\* Plants are proposed only for the portion of the boundary segment that is not contiguous with a Forest Conservation Easement, which contains additional trees to provide screening.

Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work. The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

APPLICANT/CONTRACT PURCHASER  
Arden Courts of Germantown MD, LLC  
7361 Calhoun Place, Suite 300  
Rockville, Maryland 20855  
Phone: (410) 453-8537  
Contact: Bryan Palmer

TAX MAP EU341  
WSSC 226NW13

**CONDITIONAL USE - LANDSCAPE PLAN**  
CHESTNUT RIDGE  
**ARDEN COURTS-GERMANTOWN**  
Liber 36179 Folio 283  
9TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

**MHG** Macris, Hendricks & Glascock, P.A.  
Engineers, Planners, Landscape Architects, Surveyors  
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Phone: 301.670.0840  
Fax: 301.948.0893  
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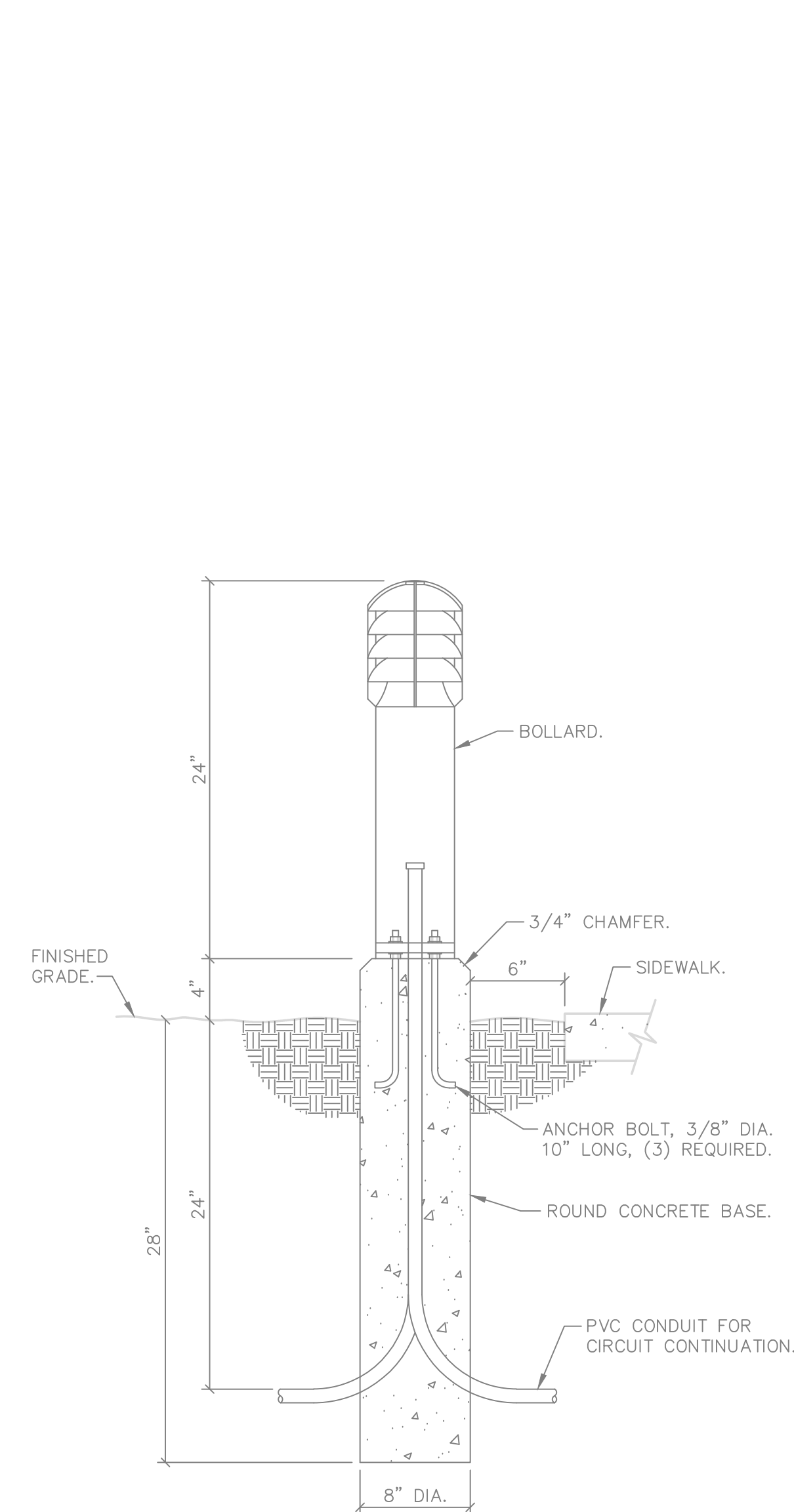
Proj. Mgr. BJD  
Designer GSH  
Date 10/03/16  
Scale 1"=20'  
Project No. 15.244.11  
Sheet 1 of 4

NO.	DATE	DESCRIPTION	BY
10-03-16	Rev. Plantings, Southern PL, per citizen request		
09-09-16	Resubmit to BOA/MNCPCC		
07-14-16	Submit to BOA/MNCPCC		

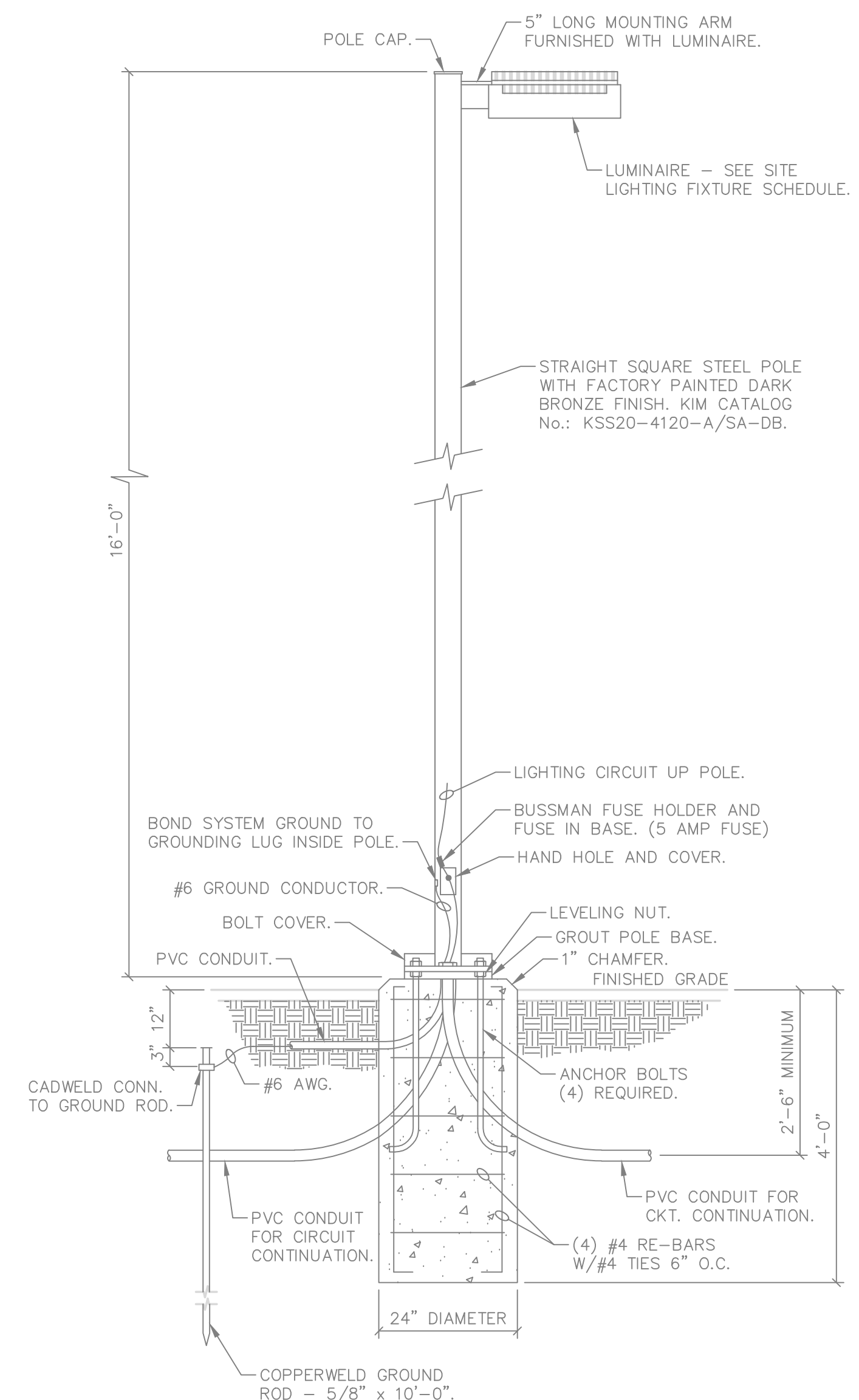
DATE	PURPOSE	NO.
06/09/16	CONDITIONAL USE APP	7
09/06/16	Resub BOAIMNCPFC	

SITE LIGHTING FIXTURE SCHEDULE

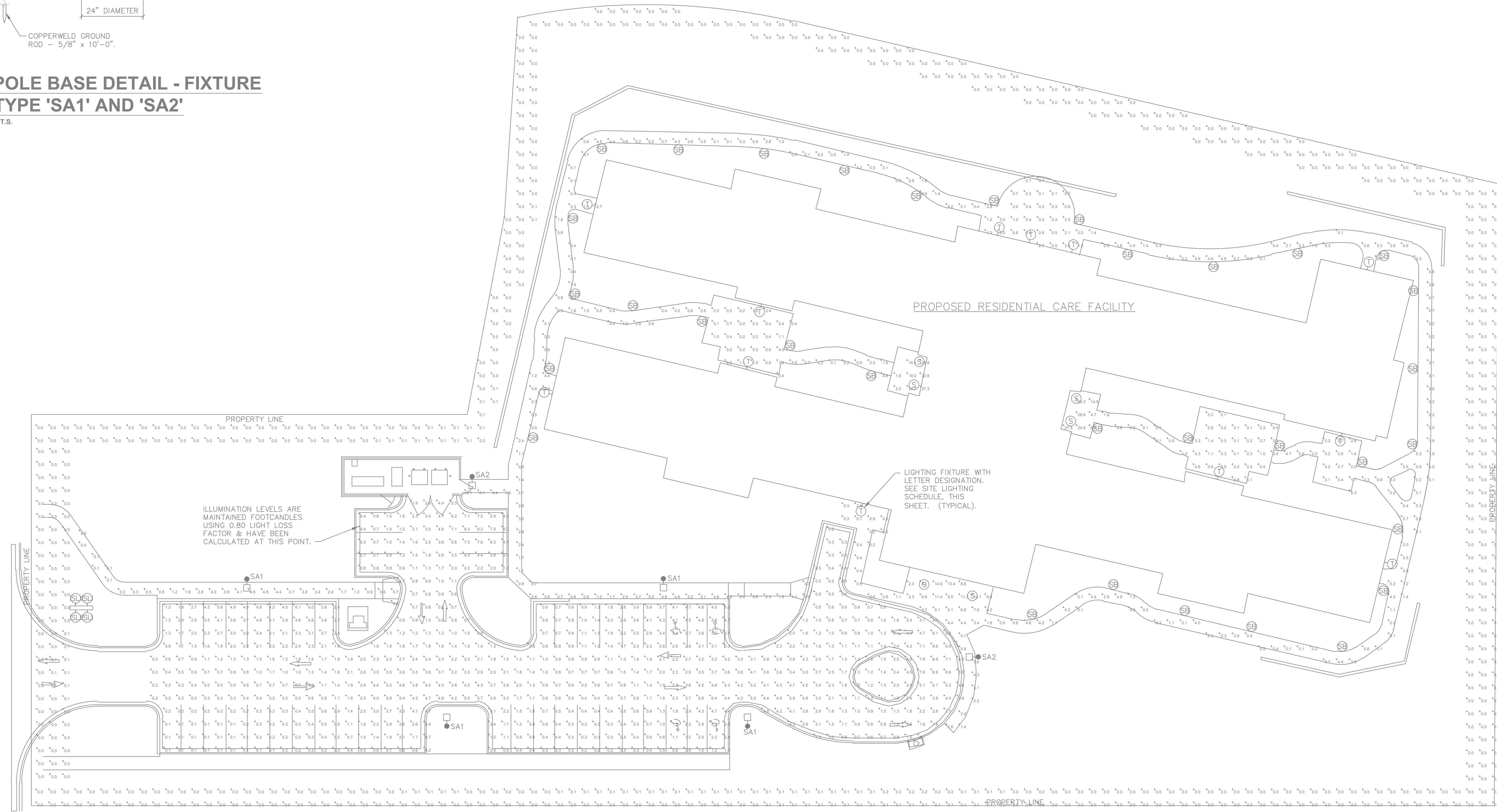
LETTER DESIG.	MANUFACTURER	CATALOG NUMBER	VOLTAGE	LAMPS		MOUNTING	FINISH TRIM	TOTAL VA	REMARKS
				NO.	TYPE				
SA1	KIM	ARX0934K-70UV-DB-NFO	UNIVERSAL	-	LED W/ UNIT	CONCRETE BASE - SEE DETAIL C/SL-1.	DARK BRONZE	121	W/ NEIGHBOR FRIENDLY OPTICS
SA2	KIM	ARX0944K-70UV-DB-NFO	UNIVERSAL	-	LED W/ UNIT	CONCRETE BASE - SEE DETAIL C/SL-1.	DARK BRONZE	121	W/ NEIGHBOR FRIENDLY OPTICS
SB	HADCO	RD6-H-KF-10-N-A	120-277	-	LED W/ UNIT	CONCRETE BASE - SEE DETAIL B/SL-1.	DARK BRONZE	27	
SL	LUMENPULSE	L01 R0-24V-48-30K-WW-TS2_5-NO	120-277	-	LED W/ UNIT	CONCRETE BASE - SEE DETAIL B/SL-1.	DARK BRONZE	27	
S	PHILIPS	P6R020Z10UVB-P6R0827-P6RDCL	UNIVERSAL	-	LED W/ UNIT	RECESSED	CLEAR SPECULAR	21	
T	BROWNLEE LIGHTING	7317-BZ-B12LED-ND	120	-	LED W/ UNIT	WALL	BRONZE	12	



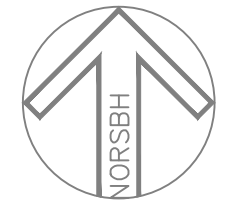
**C LIGHTING FIXTURE TYPE 'SB' MOUNTING DETAIL**  
N.T.S.



**B POLE BASE DETAIL - FIXTURE TYPE 'SA1' AND 'SA2'**  
N.T.S.



**A SITE LIGHTING ANALYSIS PLAN**  
1" = 20'-0"



**ARDEN COURTS**  
HCR MANOCARE  
194115 LIBERTY MILL ROAD  
GERMANTOWN, MARYLAND



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. 23008  
Expiration Date: 03-02-2017

**LKArchitecture**



LK Architecture Inc. ©  
345 Riverview Wichita, KS 67203  
T 316.268.0230 F 316.268.0205  
CONTACT: Kevin Spurgeon  
PROJECT NUMBER:  
**16161**  
SHEET TITLE:  
SITE LIGHTING ANALYSIS  
PLAN, SCHEDULES &  
DETAILS  
SHEET NUMBER:  
**SL-1**



June 8, 2016

Mr. Rich Weaver  
Supervisor  
Regulatory Review  
Planning Division, M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

RE: Traffic Study Exemption Statement for Arden Courts of Germantown  
Montgomery County, Maryland

Dear Mr. Weaver:

This letter serves as a Traffic Study Exemption Statement for the proposed development of Arden Courts of Germantown, a 64 bed residential care (assisted living) facility for individuals suffering from various forms of memory loss including dementia and Alzheimer's disease. The Property is located at 19115 Liberty Mill Road west of Dawson Farm Road in the Germantown West Policy area of Montgomery County, Maryland. Currently the property is developed with one single family home. The property will be subdivided into two lots, with the single family house on one lot and the other lot will be occupied by Arden Courts of Germantown.

Using the Institute of Transportation Engineers (ITE) Trip Generation Report 9<sup>th</sup> Edition trip generation rates for assisted living facilities, the proposed development will generate a total of 9 AM peak hour trips and 14 PM peak hour trips, see attached Table 1. The existing single family home has been occupied for more than twelve years and will remain on the property. Therefore, the trip generation from this dwelling has not been included in this analysis.

The 2013 Maryland National Capital Park and Planning Commission (MNCPPC) Local Area Transportation Review and Transit Policy Area Review (LATR/TPAR) Guidelines state that if development generates equal to or less than 30 peak hour vehicle trips the development qualifies for an exemption from the LATR requirements and, if a development results in three (3) peak hour vehicle trips or less, then the development also qualifies for an exemption from the TPAR requirements.

As shown in Table 1, the proposed 64 bed residential care (assisted living) facility will generate less than 30 peak hour trips. Therefore, in accordance with the 2013 MNCPPC LATR/TPAR



guidelines this application is not subject to the LATR requirements, but is subject to the TPAR requirements. The TPAR test for Germantown West Policy Area is inadequate for Transit and therefore this project will be subject to a TPAR payment of 25 percent of the Impact Tax.

If you have any questions or require clarification during your review of the trip generation table, please call me at (301) 971-3415 or email me at [amrandall@mjwells.com](mailto:amrandall@mjwells.com)

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy Randall".

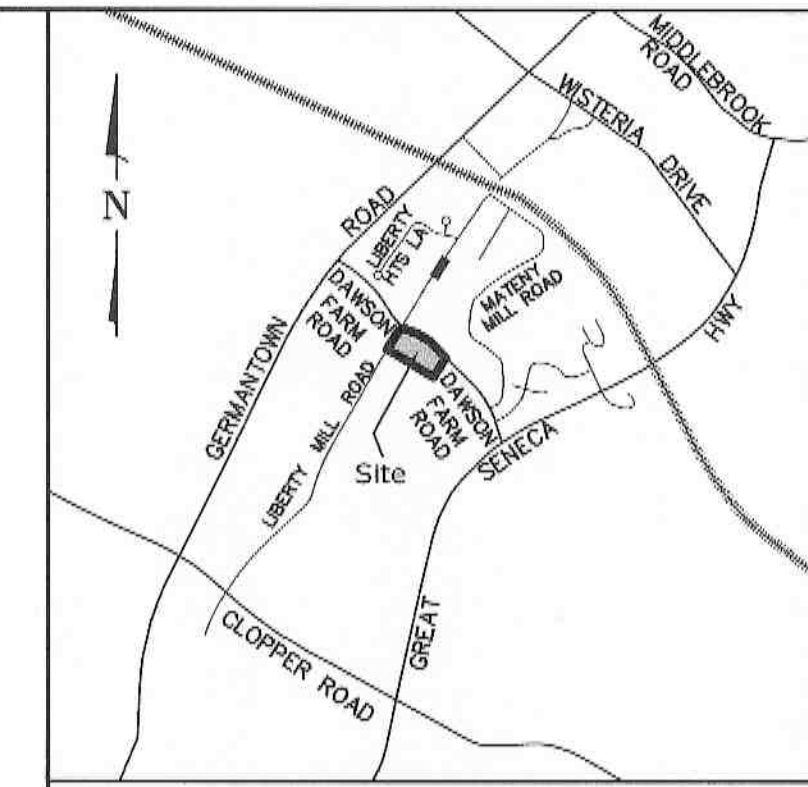
Nancy Randall AICP, PTP  
Principal Associate

CC Heather Dlhopsky  
Bryan Palmer

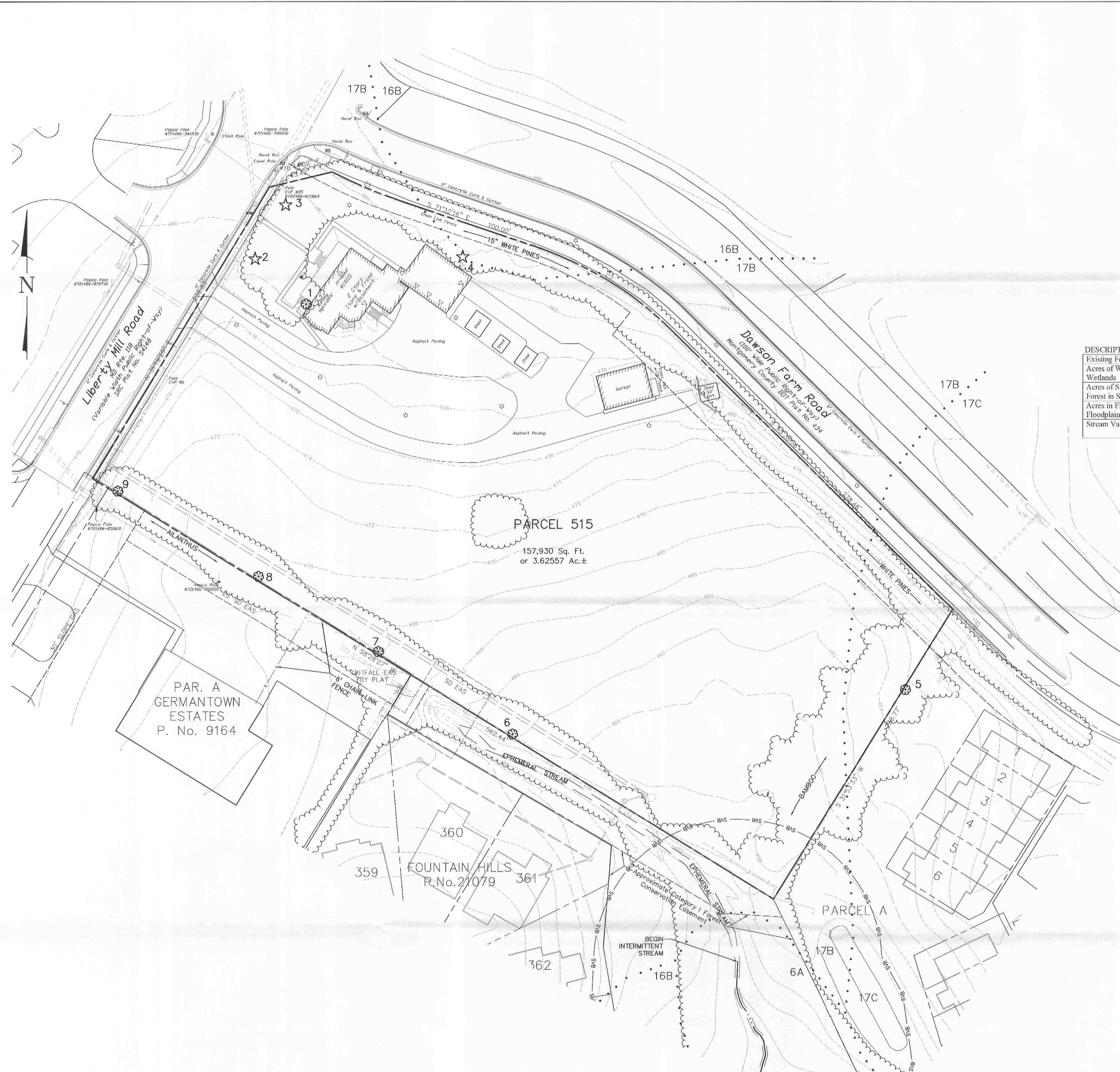
**Table 1**  
**Arden Courts**  
**Site Trip Generation**

Land Use	Rate Source	Land Use Code	Amount	Units	In	AM Peak Hour Out	Total	In	PM Peak Hour Out	Total
Assisted Living Facilities	ITE	254	64	Beds	6	3	9	6	8	14

Notes: Trip generation is based on Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition.



VICINITY MAP  
SCALE 1" = 2,000'



**LEGEND**

- SIGNIFICANT TREE
- SPECIMEN TREE
- EDGE OF TREE CANOPY
- STREAM VALLEY BUFFER
- STREAM CENTER LINE
- SUBJECT SITE PROPERTY BOUNDARY
- OTHER PROPERTY BOUNDARY
- EX. FENCE
- OVERHEAD WIRES
- EXISTING SEWER
- EXISTING STORM DRAIN
- EXISTING LIGHT
- SOIL BOUNDARY

**RESOURCE DATA TABLE**

DESCRIPTION	SIZE
Existing Forest	0.00 Acres
Acres of Wetlands/Acres of Forest in Wetlands	0.00/0.00 Acres
Acres of Stream Valley Buffers/Acres of Forest in Stream Valley Buffers	0.07/0.00 Acres
Acres in Floodplain/Acres of Forest in Floodplain	0.00/0.00 Acres
Stream Valley Buffer Length (linear feet)	70 Feet
Average Width (per side)	100 Feet

**SOIL KEY**

16B	Brinklow-Blocktown channery silt loams, 3 to 8 percent slopes Not hydric, not highly erodible
17B	Ocoquan loam, 3 to 8 percent slopes Not hydric, not highly erodible
17C	Ocoquan loam, 8 to 15 percent slopes Not hydric, not highly erodible
6A	Baile silt loam, 0 to 3 percent slopes Hydric, not highly erodible, Off-site

- NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION NOTES**
- Total site area = 3.63 acres (157,930 s.f.) and consists of Parcel 515, Liber 36179, Follo 283. The property is located at 19115 Liberty Mill Road in Germantown, at the southwest corner of the intersection with Dawson Farm Road.
  - 2' contour topography on site is by Macris Hendricks and Glascock, P.A. 2' topography on adjacent properties is from M-NCPPC, WSSC quadrant 226NW13, dated August 4, 2014.
  - Boundary information from deeds of record.
  - Soils on-site are mapped as Brinklow-Blocktown Channery silt loams (mapping unit 16B) and Ocoquan loam (mapping unit 17B and 17C) according to the on-line Web Soil Survey of the USDA Natural Resources Conservation Service.
  - The site drains to Gunners Branch. This portion of the Great Seneca Creek watershed is designated as Class I-P waters by the state of Maryland.
  - No seeps, springs, wetlands or floodplains exist on site. No stream exists on site, but a stream valley buffer extends into the site from an intermittent stream that begins near the southern-most corner of the property. An ephemeral stream/rip rap channel continues northwest paralleling the property line to a storm drain outfall.
  - Utilities (i.e. water, sewer, storm drain, culverts, electric, phone) are shown in surveyed locations.
  - There is no forest on site.
  - The property is not shown as a historic site or within a historic district according to MC-Atlas on-line. No structure or evidence suggesting historical or archaeological significance was observed during site investigation.
  - Except for Tree #5, individual trees are survey-located. The location of Tree #5 was estimated using field measurements and surveyed site features. Trees DBH were measured using a Tree Diameter Tape.
  - Fieldwork for this inventory was conducted on 12/18/15 by Frank Johnson.
  - No rare, threatened or endangered species were observed on-site.
  - No trees on-site have a DBH equal to or greater than the current state or county champions. No trees on-site have a DBH equal to or greater than 75% of the county champion.
  - This inventory in no way constitutes a hazard tree survey. Tree conditions are generally accurate based on visual observation per usual and customary practice in accord with state and county forest conservation legislation. The examination detail required to provide a comprehensive analysis of biological and structural health is beyond the scope of this investigation. Condition ratings are the opinion of the undersigned preparer and not the approving agency. MHG assumes no liability for injury or property damage that may occur as a result of tree failure on this property.

**SIGNIFICANT & SPECIMEN TREE LIST**

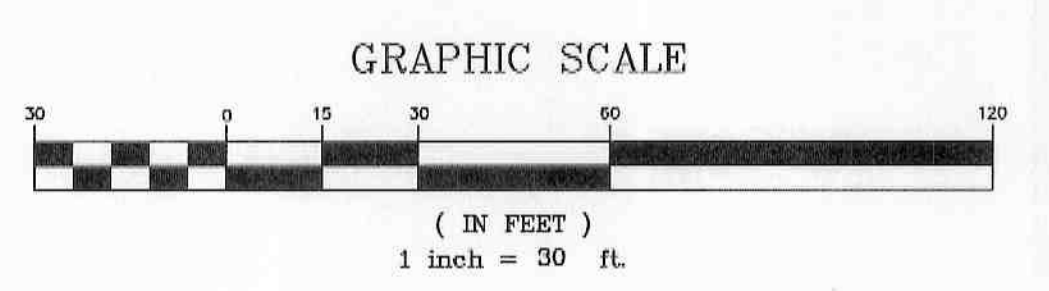
ID #	Common Name	Botanical Name	DBH CRZ (d.f.)	CRZ (radius)	Conditions/Remarks
1	American Elm	Ulmus americana	28	5.538	42 Fair - cavity @ 15'
2	Red Maple	Acer rubrum	55	21.372	82.5 Good/Fair - epicormic growth, root rot, cabled
3	Red Maple	Acer rubrum	30	6.356	45 Fair/Poor - base rot, dieback, cavity
4	Dawn Redwood	Metasequoia glyptostroboides	33	7.894	49.5 Good
5	Black Cherry	Prunus serotina	25	4.416	37.5 Fair - deadwood, vines
6	White Mulberry	Morus alba	24	4.089.44	36 Poor - deadwood, split, cavity
7	Silver Maple	Acer saccharinum	25	4.415.625	37.5 Fair - deadwood, vines, fence in tree
8	Silver Maple	Acer saccharinum	24	4.089.44	36 Good
9	White Mulberry	Morus alba	25	4.415.625	37.5 Poor - deadwood, split @ 2', epicormic growth

Notes: Diameters are given for each trunk of multiple bole trees when division occurs below 4.5 feet. If major division occurs above 4.5 feet, only the trunk diameter at 4.5 feet is given. Trunk ID Numbers correspond to those assigned on the Natural Resource Inventory/Forest Stand Delineation Map.

PAR. A  
GERMANTOWN  
ESTATES  
P. No. 9164

FOUNTAIN HILLS  
P.No. 21079

PARCEL A



**QUALIFIED PROFESSIONAL CERTIFICATION**

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF EXISTING STATE AND COUNTY FOREST CONSERVATION LEGISLATION.

DATE: 2/2/16

FRANK C. JOHNSON

RECOGNIZED AS QUALIFIED PROFESSIONAL BY MD. DEPT. OF NATURAL RESOURCES COMAR 08.19.06.01

Applicant:  
Arden Courts of Germantown LLC  
7361 Calhoun Place #300  
Rockville, MD 20855  
Attn: Bryan Palmer  
Tel: 240.453.8500

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

NRVSD PLAN  
Approved

NRVSD NO. 420161070

Date Approved: 2/5/2016

Expiration Date: 2/5/2018

Signature: [Signature] Date: 2/5/2016



TAX MAP EU341 WSSC 226NW13

**NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION**  
Parcel 515  
**Chestnut Ridge**  
L.36179 F.283  
9TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

**MHG** Macris, Hendricks & Glascock, P.A.  
Engineers • Planners  
Landscape Architects • Surveyors

9220 Wightman Road, Suite 120  
Montgomery Village, Maryland  
20886-1279  
Phone: 301.670.0840  
Fax: 301.948.0833  
www.mhgsa.com

Proj. Mgr. KDJ  
Designer FCJ  
Date 2/2/16  
Scale 1"=30'  
Project No. 15.211.11  
Sheet 1 of 1

NO.	DATE	DESCRIPTION	BY



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

February 5, 2016

Arden Courts of Germantown, LLC  
Attn: Mr. Bryan Palmer  
7361 Calhoun Place, #300  
Rockville, MD 20855

Dear Mr. Palmer:

This letter is to inform you that Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420161070, Chestnut Ridge is approved. A Forest Conservation Plan can now be submitted to the Planning Department in conjunction with any application to which it is a necessary component, or as a stand-alone item if not associated with an application before the Planning Board.

Since the property is subject to the Montgomery County Forest Conservation law there shall be no clearing of forest, understory, or tree removal on the subject site prior to the approval of a Final Forest Conservation Plan. If there are any subsequent modifications to the approved plan, not including changes initiated by a government agency, a separate amendment must be submitted to M-NCPPC for review and approval prior to the submission of a forest conservation plan.

If you have any questions regarding these actions, please feel free to contact me at (301) 495-4559 or [douglas.johnsen@montgomeryplanning.org](mailto:douglas.johnsen@montgomeryplanning.org).

Sincerely,

A handwritten signature in blue ink that reads "Doug Johnson".

Doug Johnson, PLA  
Senior Planner  
Area 3

Cc: Frank Johnson (MHG)



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Lisa Feldt  
Director

September 23, 2016

Casey Anderson, Chair  
Montgomery County Planning Board  
Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Arden Courts, DAIC CU 2017-02, NRI/FSD application accepted on 1/12/2016

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.



Casey Anderson  
September 23, 2016  
Page 2

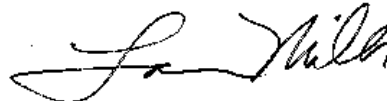
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon meeting 'conditions of approval' pertaining to variance trees recommended by Planning staff, as well as the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller  
County Arborist

cc: Doug Johnsen, Senior Planner