

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MCPB
Item# 14
11/8/01

MEMORANDUM

DATE: November 2, 2001
TO: Montgomery County Planning Board
VIA: John A. Carter, Chief, Community-Based Planning JAC
FROM: Kathleen A. Reilly, AICP, Community-Based Planning KR

REVIEW TYPE: Special Exception
APPLYING FOR: Group Home
APPLICANT: Metropolitan Washington Orthodox Senior Housing, Inc.
CASE NUMBER: S-2484
REVIEW BASIS: Chapter 59
ZONE: RE-2
LOCATION: 14124 Seneca Road
MASTER PLAN: Potomac

FILING DATE: July 17, 2001
PLANNING BOARD: November 8, 2001
PUBLIC HEARING: November 14, 2001 at the Hearing Examiner

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS:

1. The applicant shall be bound by all submitted statements and plans.
2. Approval of a Final Forest Conservation Plan prior to the release of sediment and erosion control permit, building permit, or platting, as appropriate.
3. Approval of a final landscape and lighting plan prior to issuance of permits.
4. Compliance with Department of Permitting Services requirements for stormwater management and sediment erosion control.
5. Conformance to Chapter 50 of the Montgomery County Code.
6. Dedicate 40-foot from the centerline of Seneca Road, along the site's frontage at time of subdivision.
7. Obtain access permit from Maryland State Highway Administration.

PROPOSAL

The applicant, Metropolitan Washington Orthodox Seniors Housing, Inc. has requested a special exception to permit the construction and operation of a group home located at 14124 Seneca Road, Potomac in the RE-2 Zone. The proposed use will house 16 elderly residents. Access to the site will be from Seneca Road a state maintained public right-of-way.

Site - The subject site comprises two parcels and contains approximately 8.33 acres of land. It is located on the east side of Seneca Road approximately 400 feet south of its intersection with Darnestown Road. The property is rectangular in shape with approximately 610 feet of frontage on Seneca Road. It is undeveloped with a stand of mature trees along the southern property line and another stand in the northwest corner of the site along Seneca Road.

Neighborhood Description -The properties north south and east of the site are zoned RE-2 and are developed with large lot residential uses or undeveloped. West of and across Seneca Road, the properties are zoned C-1 or RC. The RC zoned property is developed with Our Lady of Visitation Roman Catholic Church and Mary of Nazareth elementary school. The C-1 zoned properties are developed with a convenience store. North of the site at the intersection of Seneca and Darnestown Roads is the commercial center for Darnestown. Properties at this intersection are zoned C-1 and contain an automobile filling station, the Food Lion grocery store and dry cleaners, convenience store and realtor's office. Other approved special exceptions in the area include: BAS-457 for a veterinary clinic approved on 3/4/81; BAS-2186 for a farm market approved on 12/4/95; BAS-2342 for a veterinary clinic approved on 7/29/98 and BAS-417 for a home occupation approved 9/30/75.

Elements of the Proposal - In support of the request, the applicant has offered the following information as a summary for the proposed use:

The applicant, Metropolitan Washington Orthodox Seniors Housing, Inc. (MWOSH) was established to serve the housing and related needs of senior citizens. Shareholders of MWOSH represent the four Washington DC area Greek Orthodox Christian churches. Under this request, the applicant proposes to construct a group home for 16 elderly residents; this facility will be known as Alpha House. The average age of residents is estimated to be 80+ years. The facility will be approximately 19 feet in height and contain approximately 11,810 square feet. This facility will contain 16 living units. Each unit will be approximately 208 square feet and have a private bath. In addition to the living units, Alpha House will contain a chapel, communal dining area, library/living room, sunroom, beauty salon, kitchen, office, and assorted laundry, storage and housekeeping rooms. The height of the chapel will be 23 feet. An open-air

courtyard paved and landscaped will adjoin the rear side of the house and will provide the residents with an outdoor area in which to relax. There are 20 parking spaces proposed with this use. Most of the elderly residents while ambulatory will be too frail to drive their own motor vehicles. Resident services will include three home cooked meals per day, 7 days per week, plus additional snacks. Meals will be taken in the communal dining room.

There will be a total of 7 staff and 2 volunteers will be associated with this use. The shifts are as follows: 7:00 a.m. to 3:30 p.m. (day shift) 3:00 p.m. to 11:30 p.m. (evening shift) and 11:00 p.m. to 7:30 a.m. (night shift). Staff will assist residents with daily living needs including bathing, dressing, and grooming. One volunteer will assist on the day shift and one volunteer will assist on the evening shift. A registered nurse will monitor monthly wellness assessments and medications. Staff will plan social, educational, recreational, and religious activities on the premises for the residents. Deliveries to the site will include bulk food service delivery approximately twice a week. Trash pick-up will be approximately twice a week. The residents of Alpha House will receive periodic visitors including clergy, medical staff, family, friends, hairstylists, and various contracted support services involving physical and occupational therapy professionals.

ANALYSIS

Master Plan – The subject property is zoned in accordance with the recommendations of the Potomac Master Plan. The Plan does not contain any specific comments for the subject site. Group Homes are allowed by special exception in the RE-2 zone.

The use will be situated in the southwest portion of the site and will be accessed via a long curvilinear driveway. The proposed architecture and building materials are similar to other large residential uses in the surrounding area. The applicant has submitted a landscape and lighting plan which staff finds acceptable. A final landscape and lighting plan will be required prior to issuance of permits.

Transportation – The Transportation Planning staff has reviewed the submitted special exception application and offers the following comments.

Access to the site is proposed from Seneca Road (MD 112). The proposed 20-foot-wide driveway has sufficient stacking area inside the property and is, therefore, safe and adequate. Staff supports the Maryland State Highway Administration's requirement of providing an appropriate acceleration and deceleration lane on MD 112 at the site's entrance. The 40-foot right-of-way dedication on MD 112 as shown on the submitted plan is consistent with the master plan recommendation.

For Local Area Transportation Review (LATR), the proposed 16-bedroom elderly housing facility would generate less than 5 trips during both the AM and PM peak hours. Thus, the proposed development would not require a traffic impact study. The subject site is located in the Rural Policy Area where development is not subject to the Policy Area Transportation Review.

Staff concludes that the proposed use would not have an adverse effect on the nearby road system nor a detrimental effect on adjacent intersections and roads.. Therefore, staff recommends approval of the subject application with the following conditions:

Coordinate with the State Highway Administration (SHA) regarding the proposed access to Seneca Road (MD 112).

At the time of subdivision, dedicate 40-foot right-of-way from the centerline on MD 112 along the site's frontage.

Environmental – The Environmental Planning staff has reviewed the subject special exception. Staff recommends approval of this special exception with the following conditions:

- Applicant to submit a Final Forest Conservation Plan prior to the release of sediment and erosion control permit, building permit or platting, as appropriate.
- Applicant to comply with Department of Permitting Services (DEP) requirements for stormwater management and sediment erosion control.

This application is subject to the forest conservation law. The Natural Resources Inventory (#4-95217) was re-certified October 2001. A preliminary Forest Conservation Plan has been submitted and approved. The applicant proposes to plant approximately 1.5 acres on-site to meet their afforestation requirements. A final Forest Conservation Plan must be submitted and approved prior to the release of sediment and erosion control permit, building permit or platting, as appropriate.

The site is located within two watersheds: Muddy Branch and Great Seneca Creek. The *Countywide Stream Protection Strategy* (CSPS) assesses the Darnestown tributary of the Muddy Branch as having good stream conditions and good habitat conditions, labeling it as a Watershed Protection Area. The CSPS assess the Lower Great Seneca tributary of the Great Seneca watershed as having good stream conditions and good habitat conditions, labeling it as a Watershed Protection Area as well.

The applicant submitted a stormwater management concept plan to the Department of Permitting Services. However, it has not been reviewed at this

time. If, for some reason DPS requires that the location of the stormwater management facility be relocated, thus significantly altering the layout of the plan, the applicant must return to the Planning Board and Board of Appeals for approval.

Subdivision – Prior to the release of any building permits the applicant will be required to submit a preliminary plan application and record a plat in the County land records pursuant to Chapter 50 of the Subdivision Regulations. Any modification to this use or additional uses located on this property will require an amendment to the conditional approval of the preliminary plan. Any amendments will require Planning Board review.

Compliance with Specific and General Special Exception Provisions

Sec. 59-G-2.26. Group home.

- (a) **When allowed.** In addition to the general conditions required in division 59-G-1, a group home may be allowed upon a finding by the board of appeals:

- (1) That such use will not constitute a nuisance because of the number of residents, noise, vehicle traffic or parking, or any other type of physical activity

The use will not constitute a nuisance because of residents, noise, traffic parking or any other type of activity.

- (2) That the applicant must possess, not later than the issuance date of the use and occupancy certificate, any and all valid State of Maryland and County licenses, certificates, or registrations that may be required for a group home.

The applicant will comply with these state and county requirements prior to the issuance of use and occupancy certificates for the subject group home.

- (3) That any property to be used for a group home is of sufficient size to accommodate the proposed number of residents and staff.

The proposed use will be situated on a lot of approximately 8.33 acres in size. Staff believes this lot size is sufficient in size to accommodate residents and staff associated with the use.

- (4) That the site to be used as a group home for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.

Not applicable.

- (5) That off-street parking must be provided in the amount of one parking space for every 2 residents and one space for every 2 employees on the largest work shift. The board may decrease the off-street parking where the method of operation or clientele indicates the decrease is warranted.

According to the submitted site plan, 20 parking spaces are proposed for this use. As proposed, this use would require 12 parking spaces, thus this requirement has been satisfied.

Sec. 59-G-1.2. Conditions for granting a special exception.

59-G-1.2.1. Standard for evaluation. A special exception must not be granted absent the findings required by this Article. 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 adverse effects associated with a group home would include the increased impervious surfaces for parking and driveways, and its effects on stormwater management, additional vehicle trips to the site, noise, lighting and hours of operation. Operational characteristics may include personal care services, educational and religious activities and the provision of meal services. Staff finds that the physical and operational characteristics of the proposed use are no different than what is typically associated with housing for the elderly facilities. From the applicant's submission and statement of operations, staff does not find any non-inherent effects related to the subject application that would require a denial of the application.

Sec. 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 use is permissible in RE-2 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.

The proposed use complies with the standards and requirements contained Section 59 G-2.26 for a group home.

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan thereof adopted by the Commission. Any decision to grant or deny special exception must be consistent with an recommendation in an approved and adopted 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 the 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 Potomac Master Plan supports the RE-2 zone for the subject site and the proposed use is allowed by special exception in that zone.

- (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 surrounding area is developed with various commercial, institutional and low-density residential uses. The proposed use will be in harmony with the general character of the surrounding neighborhood when considering above cited criteria.

- (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 have a detrimental effect of any of these reasons.

- (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 of these effects.

- (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 intensity and scope of the approved special exceptions in the surrounding 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 on any adverse effects the use might have if established elsewhere in the zone.

The proposed use will not cause any of these effects.

- (9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.

- (i) If the special exception use requires approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception.

At the time of preliminary plan review, the adequacy of public services will be addressed by the Planning Board.

RECOMMENDATION - Staff recommends approval of the submitted special exception request with the conditions stated on page 1 of this report.

VICINITY MAP FOR
S-2484



Map compiled on: October 30, 2001 at 4:13 PM | Site located on base sheet no.: 220NW14

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Key Map

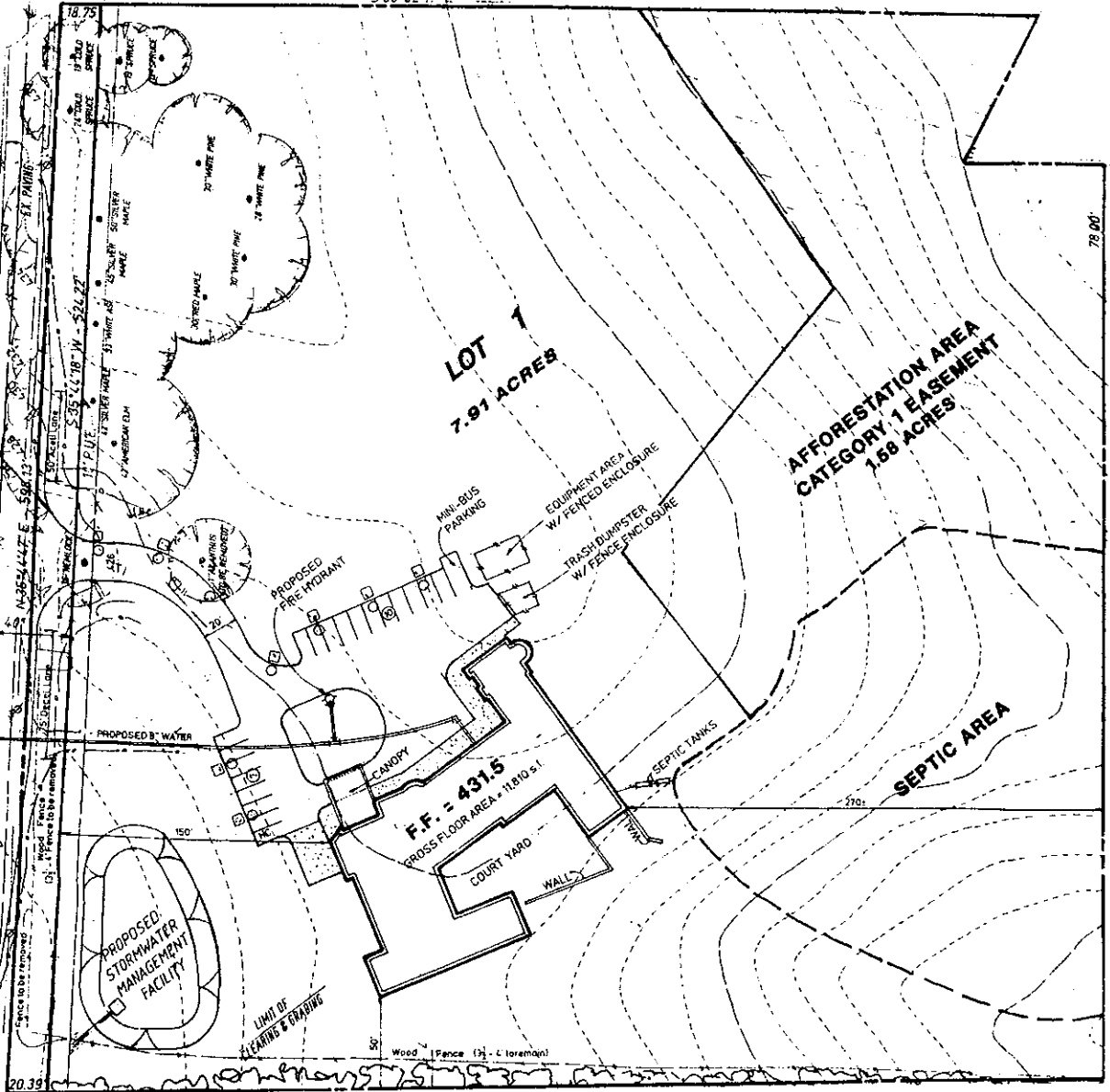


Research & Technology Center

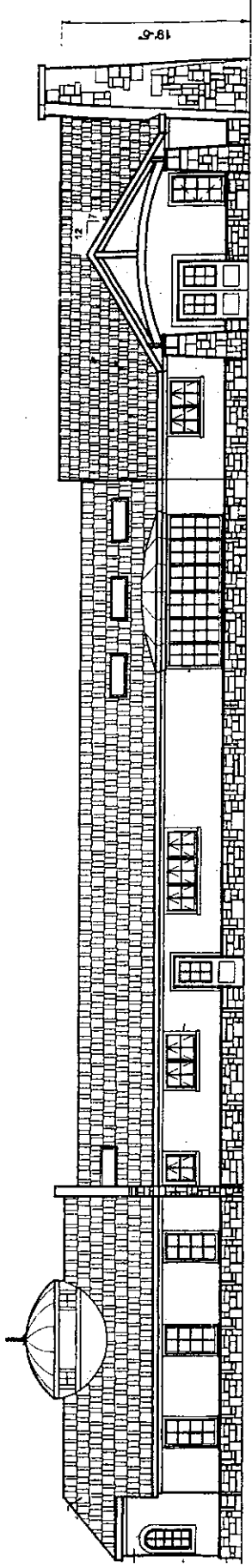


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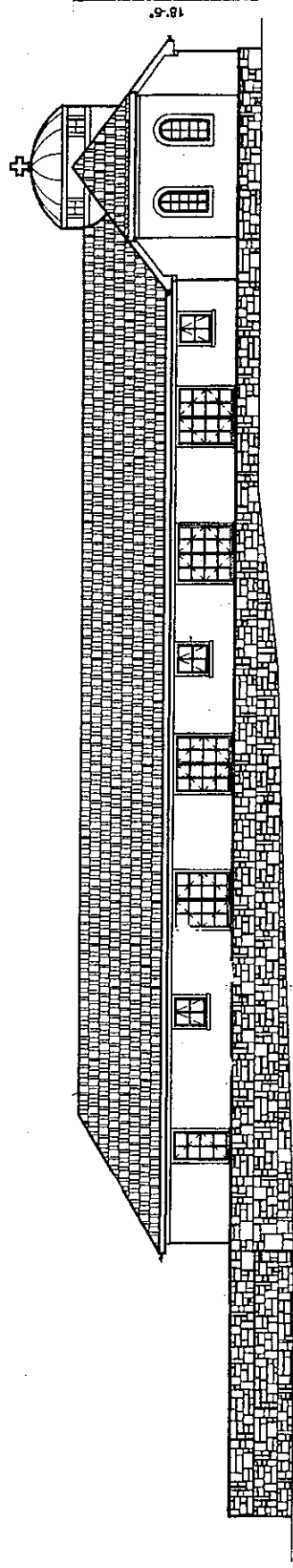
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(MD RTE. 112)
(80' R/W)



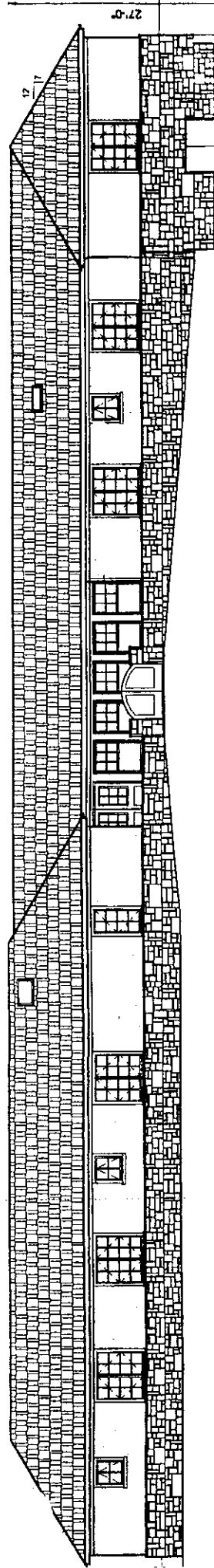
SITE PLAN



NORTH ELEVATION

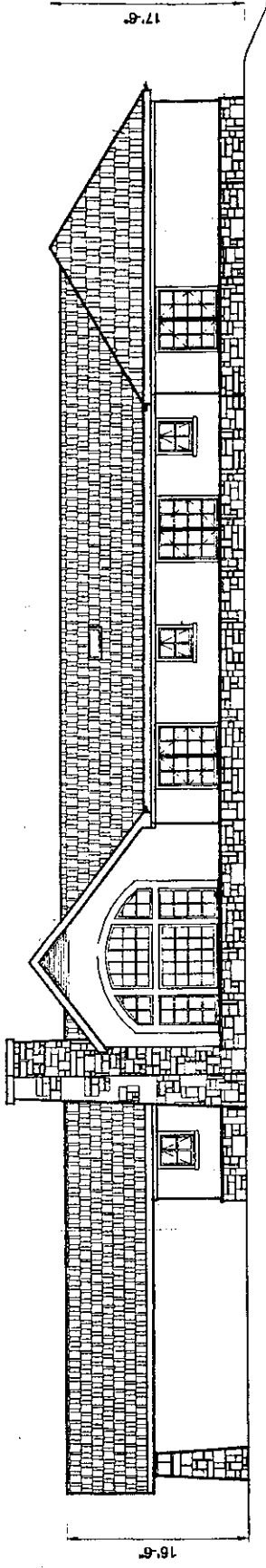


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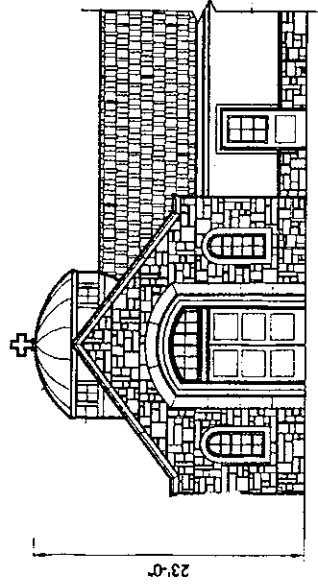


SOUTH ELEVATION

ELEVATIONS



WEST ELEVATION



WEST ELEVATION - CHAPEL

ELEVATIONS

