



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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MEMORANDUM

DATE: January 2, 2003
TO: Montgomery County Planning Board
VIA: John A. Carter, Chief, Community-Based Planning *WAC*
Bill Barron, Team Leader, Eastern County Team *WAC*
FROM: Joel A. Gallihue, AICP *JAG*
REVIEW TYPE: Special Exception – Senior Housing
APPLICANT: J. Kirby Development, LLC
CASE NUMBER: S-2554
ZONE: R-90
LOCATION: 601 East Randolph Road
MASTER PLAN: White Oak Master Plan

STAFF RECOMMENDATION: Approval of the proposed special exception with the following conditions:

1. All evidence, testimony and exhibits of record shall bind the petitioners.
2. Approval of a preliminary plan of subdivision is required by the Montgomery County Planning Board, prior to the issuance of any building permits.
3. Prior to site plan signature set, approval of Reforestation Plan for all unforested portions of the stream buffer (~11,000± square feet) in compensation for loss of priority forest and encroachment at the edge of the stream buffer (currently ~750± square feet).

Proposal Description - The applicant, J. Kirby Development, LLC is requesting approval of a special exception to permit a senior housing use at 601 East Randolph Road in the R-90 zone. A three-story building with 83 one and two

bedroom units is proposed. A waiver of twenty-eight parking spaces is also requested of the Board of Appeals under Section 59-E-4.5. The site is located in the area of the 1997 *Approved and Adopted White Oak Master Plan*. The property is described as Parcels 112, 13, 115, 168 and Outlot A of the Colesville Gardens Subdivision and is approximately 4.94 acres in area. There are currently no existing structures on the property.

Site and Neighborhood Description - The site is located on the south side of East Randolph Road, approximately 1,000' east where New Hampshire Avenue intersects and 200' west of where Fairland Road intersects. The property has approximately 600' of frontage on Randolph Road.

The property slopes from the northeast side (at Randolph Road) to a stream in the rear of the property. This stream is a tributary to Paint Branch but not in the Paint Branch Special protection area. The stream is subject to a 150' buffer. A portion of the property is in 100 year floodplain. The property is heavily (86%) wooded with mature trees.

Single-family detached residential subdivisions abut the property on all sides and confront on the North side of Randolph Road. Abutting to the east and on Randolph Road is the site of the Smithfield School (Historic Site #33/24), which was historically a school for African-Americans prior to integration. The site was used until recently by county schools as a bus depot and maintenance yard and is now under contract with a private entity that plans to convert the site into a museum.

Elements of the Proposal -

Building

A four-story, 83 unit, senior housing center is proposed. The building will be constructed in the pattern of a "J" with parking in the front, accessing Randolph Road. Elevations depict a building clad in brick near the base with vinyl siding on the upper levels. Residential style windows and a gabled roof are proposed. The building will be situated on a grade with the entrance on the second (main) level. The ground level will be exposed in the rear and part of the sides.

All of the apartments will have a living room, dining room and full service kitchen. The one-bedroom units (23 total) will be approximately 650 square feet in area. The two-bedroom units (60 total) will be approximately 880 – 1,050 square feet in area.

A patio with gazebo was included in the design of the building at the rear terrace level. However it was within the 150' stream buffer setback. Therefore Environmental staff recommend against this design, as it would increase

imperviousness in this stream buffer. The applicant advocated the aesthetic and recreational value of the element. Staff acknowledges these benefits but recommends they be accomplished without disturbing the buffer. The site plan has been revised so that the patio is out of the buffer.

Operations

Employees include full time manager and full time resident social/service coordinator. One of these staff members will reside at the facility and the other will commute and follow a standard workweek. A porter and landscape person will work part time. Landscaping and trash disposal will be contracted. Parcel and mail service are the only regular deliveries

ANALYSIS

Master Plan – The subject property is located within the master plan area of the *1997 Approved and Adopted White Oak Master Plan*. The property is zoned R-90 as recommended by the plan. The proposed special exception is permissible in this zone.

The plan supports housing for people of varying incomes and ages. It recommends that housing for the elderly be located in areas served by public transportation, as is the case. The special exception use requirements include a finding that there is accessibility to transportation, medical service, shopping areas, and recreational and other community services.

While there are bus routes on Randolph Road¹, some commercial services will require residents to cross the street to walk to the business or get to the correct bus stop. This crossing must occur at the intersection and may present a fairly challenging walk for some residents. There is no cafeteria in this facility so residents must shop for their own groceries. For this reason, staff recommended the applicant include a limited shuttle service to access services, particularly the grocery store. The applicant has proffered this in an amendment to the statement of operations. This amenity helps with access and further supports their request for a parking waiver as it makes it easier for residents to live without a car.

The remaining aspect of the finding is recreation. This site does not include paths or any active recreational components, in part, due to the limitations of the site and proposed design. The proposed patio with benches will be a critical amenity as it is the only outdoor recreation on site.

¹ The L7, L9 and Z4 Metro bus routes and the No. 10 Ride-On bus route serve the Property with a stop at East Randolph Road and Clifton Road approximately 200' from the property.

Table 1 – Conformance with Applicable Development Standards		
Development Standards – R-90 Zone (MPDU)	Requirement	Proposal
Height	40'	35'
Coverage Limitations		
Minimum Green Area	50%	79%
Building Coverage	30%	13.59%
Maximum Density of Development	Governed by the overall size of the building as determined in accordance with the combined height and setback standards ² .	Meets height and setback standards.
Building Setbacks		
From street	25'	36.5'
From side	25'	26'
From rear	25'	275'
Parking Setbacks		
From street	25'	25'
From side	50'	100'
Area Requirements		
Minimum Lot Area	9,000 sq ft.	4.66 Acres (203,111 SF)

Parking

For senior housing within the North Central Area of the County, within which the proposed Randolph Manor project is located, the Montgomery County Zoning Ordinance requires 0.85 spaces for each one-bedroom apartment and 1.15 spaces for each two-bedroom apartment. Based on the above, the proposed project would require 89 parking spaces. However, the applicant is proposing 44 surface parking spaces at the facility based on a 20% credit (or 17 parking spaces) to the number of parking spaces (as all of the proposed units qualify as MPDU's under Section 59-B-3.33 (b)(3) of the Zoning Ordinance), and a waiver of 28 parking spaces from the remaining 72 required spaces.

The applicant has requested a waiver for 28 parking spaces at Randolph Manor which was supported through a parking analysis (dated September 19, 2002)

² R-90/MPDU establishes a standard of 4.39 dwelling units per acre however the special exception use requirements change the standard to be whatever density can meet the height and setback standards.

using data collected in July/October 1999 at similar facilities such as Randolph Village in Montgomery County and at Rainier Manor in Prince George's County. The above two independent-living senior housing facilities were observed to have parking demand ratios of 0.57 and 0.39, respectively. Based on the above data, an average parking demand ratio of 0.48 was developed for independent-living elderly housing developments. With a ratio of 0.53 parking spaces per unit (or 44 parking spaces), the applicant concluded that parking proposed on site would be adequate to accommodate parking demand from the 83 units proposed at the facility.

Staff finds that the proposed waiver is acceptable, particularly in light of the proffered shuttle, which extends access where walking or public transportation would be difficult.

Landscaping

The landscape plan shows a mixture of large shade trees, smaller ornamentals evergreens and shrubs. The evergreen trees and shrubs are a necessary component to screen parking.

Landscaping is proposed around the building. The landscaping plan shows that portions of the parking area will be shaded by intermittent shade trees. Approximately 12 spaces appear to be shaded by these proposed trees. The area of these shaded spaces would be approximately 1,800 square feet. This is approximately 14 percent of the parking area. Staff finds the landscaping plan screens parking and provides shading and aesthetic enhancement of the site.

Lighting

Photometric light distribution measurements are shown on the plan. These measurements indicate that the intensity of the light will transition from approximately 1.4 foot-candles at the poles in the parking lot to less than 0.5 foot-candle at the property line. The average intensity will be approximately 0.9 foot-candles. This lighting scheme will provide safe illumination for maneuvering the site after dark, as this level of light is consistent with street lighting. The lighting is located, landscaped and shielded so that no direct light intrudes onto adjacent residential property. Shielded wall mounts and lighted bollards are proposed for the exterior of the building.

Inherent/Non-Inherent Adverse Effects- The inherent and non-inherent adverse effects of a special exception must be considered on nearby properties and the surrounding neighborhood at the proposed location, regardless of the adverse effects the use might have if established elsewhere in the R-90 zone.

Section 59-G-1.2.1 of the Zoning Ordinance states

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 are 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.

This application represents a proposal for a new senior housing facility. The inherent, generic physical and operational characteristics arising from the given use include residential activities consistent with multi-family housing, except that the age of residents is restricted. Such a use will include parking by staff and residents. The non-inherent characteristics include the size and mass of the building, setbacks, and specific operational characteristics of the senior housing including any combined use. No combined use is proposed. No special operations, like a cafeteria, are proposed. The proposal meets all of the development standards. Staff also finds that the proposed size, mass and setbacks are compatible with existing and proposed adjacent development. Staff finds that there are no non-inherent characteristics that warrant a recommendation of denial. Staff finds that all of the physical and operational characteristics of the proposed use will be compatible with existing development.

Transportation –

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements to approve this Special Exception Case:

1. Limit the development to a maximum of 83 independent-living senior adult apartments in one building as detailed in the Statement in Support of Petition for Special Exception for Housing and Related Facilities for Senior Adults for the proposed project.
2. At the time of preliminary plan of subdivision, determine the amount of right-of-way or perpetual easement required along East Randolph Road to accommodate the existing sidewalk.
3. Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) the design of the proposed site access on East Randolph Road.

Site Location and Access

The property is located to the south side of East Randolph Road between New Hampshire Avenue (MD 650) and Fairland Road, approximately 1,000 feet east of New Hampshire Road and 200 feet west of Fairland Road.

The property will be accessed through a proposed right-turn in/right-turn out 20-foot wide driveway off East Randolph Road. Parking for the proposed use will be located to the front of the property. Sidewalks are provided within the site along the perimeter of the parking area, and will connect to an existing sidewalk along the south side (i.e., the same side as the site) of East Randolph Road. This sidewalk provides a connection to the Colesville Shopping Center located at the intersection of East Randolph Road and New Hampshire Avenue. The Metro and Ride-On bus routes serve East Randolph Road, and has a stop at its intersection with Clifton Road approximately 200 feet west of the proposed entrance to the project. There will be no shuttle services (mini-bus/van) for residents at the facility.

Master Plan Roads, Bikeways and Pedestrian Facilities

According to the 1997 Approved and Adopted White Oak Master Plan, the nearby master-planned roadways and bikeways are as follows:

- 1 East Randolph Road, along the site frontage, is designated as an east-west major highway (M-75), with 120-foot right-of-way (six-lane divided) between New Hampshire Avenue and Fairland Road, with an existing Class I bikeway (EB-5) on the north side, and an existing sidewalk on the south side.
- 2 New Hampshire Avenue (MD 650) is designated as a north-south major highway (M-12), with 120-foot right-of-way (six-lane divided) between the Capital Beltway and the proposed ICC alignment, with a proposed Class II bikeway (PB-23) to the north and a proposed Class III bikeway (PB-24) to the south of Randolph Road. Sidewalk improvements are also recommended along the entire length of the roadway.

Local Area Transportation Review (LATR)

The transportation consultant for the proposed project presented a traffic statement (dated July 11, 2002), which documented that the site, with 83 independent-living elderly housing units would generate three and five peak hour trips during the weekday morning peak period (6:30 a.m. to 9:30 a.m.) and evening peak period (4:00 p.m. to 7:00 p.m.), respectively. Since peak hour site-generated trips are fewer than 50 total peak hour trips during both the weekday morning and evening peak periods, a traffic study would not be required to satisfy

Local Area Transportation Review (to analyze congestion levels at nearby intersections).

The trip generation rates presented in the traffic statement were adequate for the purpose of this analysis. The weekday peak hour site trips were based on trip generation rates previously approved for use in similar projects by the staff (Special Exception Case No. S-2487 St. Marks Episcopal Church Independent-Living Elderly Housing in the Fairland/White Oak Policy Area), and were based on site-generated traffic at a similar facility (Selbourne House in Laurel, Maryland with 120 units). Data collected at this facility during the weekday morning peak period for six days in May/June of 2001 and during the weekday evening peak period for three days in January 2001 indicated an average of 0.034 and 0.056 vehicle trips per unit (inbound plus outbound) during the weekday morning and evening peak hours, respectively.

The above trip-generation data were also consistent with data presented for another similar project (Preliminary Plan No. 1-96060, Randolph Village-Kimblewick, also Special Exception Case No. S-2191), which was approved on April 4, 1996 for 130 independent-living elderly units. In support of this project, weekday peak-hour driveway data were collected in 1995 at three similar facilities in Prince George's County (at Rainier Manor in Mt. Rainier, Vistas in Landover, and Woodside Village at Oxon Hill). The data indicated that these facilities generated an average of 0.054 vehicle trips per unit during the weekday morning peak hour and an average of 0.041 vehicle trips per unit during the weekday evening peak hour. The above rates were similar to that observed at Selbourne House in 2001.

Right-of-way Dedication

The existing right-of-way for Randolph Road varies along the frontage of the property. During the early 1990s, DPWT completed the widening of East Randolph Road between New Hampshire Avenue and Fairland Road (CIP #833888) per the recommendations in the 1981 Eastern Montgomery County Master Plan. No further improvements are recommended in the 1997 White Oak Master Plan. The petitioner's site plan indicates that portions of the sidewalk on the south side of Randolph Road cross the subject site. Staff recommends that at the time of preliminary plan of subdivision, the applicant be required to dedicate sufficient roadway right-of-way or perpetual easement to accommodate the existing sidewalk.

Policy Area Review/Staging Ceiling Condition

Based on the FY 03 Annual Growth Policy (AGP) transportation staging ceiling capacity, there is no capacity available for additional housing units (negative 3,374 housing units as of November 30, 2002) in the Fairland/White Oak Policy Area.

However, the proposed project would satisfy the Policy Area Review test under the AGP's "Ceiling Flexibility - De Minimis Impacts" section (TP5, page 25), where the proposed land use would generate five or fewer new peak-hour trips during the weekday morning and evening peak periods.

Environmental –

Staff recommends approval of this request with the following condition:

1. Prior to site plan signature set, approval of Reforestation Plan for all unforested portions of the stream buffer (~11,000± square feet) in compensation for loss of priority forest and encroachment at the edge of the stream buffer (currently ~750± square feet).

Environmental Guidelines

Staff believes that this proposal represents an opportunity for infill/smart growth that justifies flexibility in the application of Environmental Guidelines and Forest Conservation Law to this site. The applicant has used site planning and zoning options available to protect priority forest as directed by the Forest Conservation Law and to avoid encroachment into the stream buffer as recommended by MNCPPC Environmental Guidelines. However, a slight encroachment into the stream buffer remains. The above condition is a requirement above and beyond those of the forest conservation law. The additional reforestation in the stream valley buffer provides compensation for the minimal encroachment necessary to provide the use as proposed.

Forest Conservation

Compliance with all requirements for a final Forest Conservation Plan (FCP) shall occur with Planning Board approval of the site plan. This application includes an approved Natural Resource Inventory/Forest Stand Delineation NRI/FSD.

Water Quality

The Storm Water Management concept plan must be approved by the Department of Permitting Services by time of preliminary plan approval, and must be consistent with the final FCP.

This property is located in the Hollywood Branch subwatershed of the Paint Branch watershed. This subwatershed is designated Watershed Protection Area – Remedial Level in the Countywide Stream Protection Strategy (CSPS) and has good stream and habitat conditions. Efforts are underway to improve habitat and address erosion problems in areas where stormwater controls do not exist.

Community Concerns – Staff is not aware of any community opposition to the proposed special exception.

Compliance with General and Specific Special Exception Provisions- The staff has reviewed the petition for compliance with the applicable special exception provisions. As noted in the attachment, all general and specific requirements for a special exception are satisfied.

Conclusion – The staff finds that the special exception satisfies all of the applicable special exception provisions found in the Zoning Ordinance. Therefore, we recommend approval with the conditions found in the beginning of this report.

Attachments:

1. Zoning Criteria Analysis.
2. Vicinity Map
3. Letter for Applicant's Representative dated January 2, 2003 regarding shuttle.
4. Special Exception Plan
5. Elevations

**Attachment 1.
Montgomery County Zoning Ordinance
Compliance with Specific and General Special Exception Provisions**

Sec. 59-G-1.2. Conditions for granting.

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 the zone

(2) Complies with the standards and requirements set forth for the use in division 59-G-2.

The proposal complies with all requirements.

(3) Will be consistent with the general plan for the physical development of the district, including any master plan or portion thereof adopted by the Commission.

The use has been found to be consistent with the General Plan and the White Oak Master Plan.

(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 proposal is compatible given these considerations. The use is residential and the design employs residential elements such as a pitched roof, residential style windows and a change of materials to break up the mass of the building.

(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 active areas of the site are located away from adjacent one-family residential and also blocked by the building. The stream valley buffer also intervenes between the proposed building and many existing homes. Given these conditions and the fact that the use is also residential it will not be detrimental for any of the above 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 use will not create noise inconsistent with other residential. Fumes, odors and dust are not anticipated. As discussed in the report, problems with illumination and glare are not anticipated. Physical activity will be restricted to the street side and surrounded by the building.

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

In the immediate vicinity two unrelated special exceptions have been considered. A riding stable was approved at 900 East Randolph Road under S-534 in 1978. A daycare center was denied at 13401 Clifton Court (BAS-1426). The proposed special exception, when evaluated in conjunction with these other cases this proposal will not affect the area adversely or alter the residential character of the neighborhood.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area;

The use will not adversely affect the safety of area residents.

- (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.

Public water and sewer serve the site. The site has access to public roads. Storm water management facilities are accessible

to the site and a storm water management concept plan will be approved by DPS. The use does not require public school services. Police and Fire protection service is available.

- (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.

Approval of a preliminary plan of subdivision is required and a condition is recommended..

- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will have no detrimental effect on the safety of vehicular or pedestrian traffic.

Staff has reviewed vehicular and pedestrian circulation plans for the site and has determined that the proposal will have no detrimental effect.

Sec. 59-G-2.35. Housing and related facilities for senior adults.

A special exception may be granted for housing and related facilities for elderly or handicapped persons, subject to the following provisions:

(a) Prerequisites for granting:

- (1) A minimum of 15 percent of the dwelling units is permanently reserved for households of very low income, or 20 percent for households of low income, or 30 percent for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs in accord with Executive regulations. Income levels are defined as follows:

- (A) "MPDU income" is the income limit determined by the Department of Housing and Community Affairs in the administration of the moderately priced dwelling unit (MPDU) program, as prescribed by Chapter 25A.
- (B) "Low income" is income at or below 60 percent of the area median income adjusted for household size.

- (C) "Very low income" is income at or below 50 percent of the area median income adjusted for household size.
- (D) "Area median income" is as determined annually by the U.S. Department of Housing and Urban Development.

The land planning report represents that this development will provide 20% of units for very low income as defined above, exceeding the 15% minimum. The balance of the units will be for low income.

- (2) Taking into account the size of the units, the services to be provided, the income levels to be served, and the location of the site, there is a need for such use because:
 - (A) There is an insufficient amount of such housing and facilities to serve the existing population of the County, and
 - (B) The need for such housing and facilities cannot be met by development in accordance with development standards not requiring a special exception.

Technical staff have evaluated this proposal with reference to this need and determined that above finding can be met with reference to this proposal.

- (3) The proposed use will not produce adverse effects on the use or development of the surrounding area because of noise, traffic, type of physical activity, height or bulk of buildings, density, or any other reason.
- (4) The site or the proposed facility has adequate accessibility to public transportation, medical service, shopping areas, recreational and other community services frequently desired by elderly or handicapped persons.

The land planning report notes that several metro bus routes serve the development. A bus stop is located on the same side of the street at Clifton Road, approximately 200 feet from the entrance to the property. Colesville Center (1,000 feet away and on same side of street) offers medical, postal and retail services. Holy Cross Hospital and Washington Adventist Hospital are five and seven miles away, respectively. On-site amenities include library and computer center as well as media game and art rooms. A health suite for visiting medical professionals, exercise room and salon are also provided.

- (5) The site or the proposed facility is reasonably well protected from excessive noise, air pollution, and other harmful physical influences

The land planning report observes the context of Randolph Road (40 mph, divided road) and notes that acoustical treatments will be used to ensure low interior noise levels.

- (b) Occupancy of a dwelling unit is restricted to the following:
- (1) An elderly or handicapped person, as defined in Section 59-A-2.1;
 - (2) The spouse of an elderly or handicapped resident, regardless of age or handicap;
 - (3) A resident care-giver, if needed to assist an elderly or handicapped resident; or
 - (4) In a development designed primarily for handicapped rather than elderly persons, the parent, daughter, son, sister or brother of a handicapped resident, regardless of age or handicap.
- Additional Occupancy Provisions are:
- (5) Age restrictions must comply with at least one type of exemption for housing for older persons from the familial status requirements of the federal "Fair Housing Act," Title VIII of the Civil Rights Act of 1968, and subsequent amendments thereto. (In that Act, "familial status" refers to discrimination against families with children.)
 - (6) Resident staff, necessary for operation of the facility, are also allowed to live on site.

The applicant's statements assert that the above requirements will be met and notes that resident staff, necessary for operation, will be living on site.

- (c) Development standards, other than density, in residential zones where allowed by special exception, except R-30, R-20, R-10 and R-H:
- (1) Minimum net lot area: One and one-half acres, but not less than the minimum net lot area specified by the relevant zone.
The proposed site 4.66 Acres, which exceeds both use, and zone requirements.
 - (2) Minimum setbacks:
 - (A) From street: 50 feet. Except for an access driveway, this must be maintained as green area. However, if development does not exceed the height limit of the applicable one-family zone, the minimum setback specified by the zone applies.
 - (B) From side and rear lot lines: 25 feet or as specified by the relevant zone, whichever is greater.

The setback from street is 36 feet. The minimum side yard (east) is 26 feet. The rear yard is over 275 feet. The above minimum setbacks for the use are met. These requirements exceed the minimum requirements for the zone.

- (3) Maximum building height: 120 feet, provided the following height-to-setback ratio is achieved for heights above the maximum prescribed by the applicable zone:

(B) R-90, R-60, R-40, RT-12.5, RT-10, RT-8, and RT-6 Zones: 35 feet, except that, between 35 and 120 feet of height, one additional foot of height is allowed for each additional 2 feet of setback beyond the minimum side and rear yard setbacks prescribed by paragraph (2)(b), above.

(C) The Board may approve a reduction in the setback requirement of Paragraph (3)(A) or (B) from a property line that abuts existing development constructed to a height of at least 50 feet or if the property possesses severe topography or other natural features that would permanently screen the building from neighboring one-family dwellings.

Use of this height-to-setback ratio is not proposed. The building is proposed to be 35 feet in height. The MPDU requirements for R-90 zone permit up to 40 feet in height.

- (4) Maximum lot coverage: As specified by the relevant zone, provided the coverage complies with the setback requirements of Paragraphs (c)(2) and (3) of this section.

The MPDU requirements for R-90 zone do not provide a standard. The regular R-90 zone requirements permit a maximum of 30%. The proposed coverage is 13.59%.

- (d) Development standards, other than density, in the R-30, R-20, R-10 and R-H Zones are [Text omitted]

Not applicable.

- (e) Maximum density:

(1) In the Rural, Rural Cluster, RE-2, RE-2C, RE-1, R-200, R-150, R-90, R-60, R-40, RT-6, RT-8, RT-10, and RT-12.5 Zones, the number of units is governed by the overall size of the building as determined in accordance with the combined height and setback standards specified by Paragraphs (c)(2) and (3) of this section.

Minimum unit size is governed by the minimum space and other relevant standards of Chapter 26, title "Housing Standards," of this Code, as amended.

The project complies with applicable development standards.

(f) Parking and loading:

- (1) Parking must be provided in accordance with the provisions of Section 59-E-3.7, title "Schedule of Requirements." The Board must require adequate scheduling and long-term continuation of any services for which parking credits are granted in accordance with Section 59-E-3.33(b) and may require additional parking for any facilities and services provided in accordance with Paragraph (g)(2) of this section, if they serve nonresident elderly or handicapped persons. When considering the need for additional parking, the Board may consider the availability of nearby public or private parking facilities.

The project is located in the north central parking policy area per Article 59-E. Senior housing in this area must provide 0.85 parking spaces per one bedroom unit and 1.15 spaces per two-bedroom unit. 23 one bedroom and 60 two bedroom units are proposed which would require 89 (88.55 rounded) spaces. Forty-four spaces are proposed based on a 20% credit (or 17 parking spaces) to the number of parking spaces (as all of the proposed units qualify as MPDU's under Section 59-B-3.33 (b)(3) of the Zoning Ordinance), and a waiver of 28 parking spaces from the remaining 72 required spaces. As was discussed in the report staff has reviewed the data supporting the waiver and has concluded that proposed parking will be adequate.

- (2) Loading areas to serve any facilities, such as kitchens or retail stores, requiring truck deliveries must be screened so as not to be visible from any lot line abutting or confronting land in a one-family residential zone.

The loading area is screened from abutting and confronting one-family residential with a wall.

(g) Additional provisions:

- (1) One or more of the following ancillary facilities and services may be included to serve the residents and possibly nonresident elderly or handicapped persons. The Board may restrict the availability of such services to nonresidents and specify the manner in which this is publicized.
- (A) Provision for on-site meal service;

- (B) Medical or therapy facilities or space for mobile medical or therapy services;
- (C) Nursing care;
- (D) Personal care services;
- (E) Day care for elderly or handicapped persons;
- (F) On-site facilities for recreation, hobbies or similar activities;
or
- (G) Transportation to such off-site facilities and services as shopping, religious, community or recreational facilities, or medical services.

The following are proposed: library, computer center, health suite, exercise room, multipurpose rooms, salon, media room, game room, art room, hospitality suite for visitors and central laundry. Non-residents will use no amenities, other than hospitality suite.

- (2) Retail facilities may be included to serve exclusively the residents of the building.

No retail proposed.

- (3) The application must contain a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility

A vicinity map showing these features is included in submission.

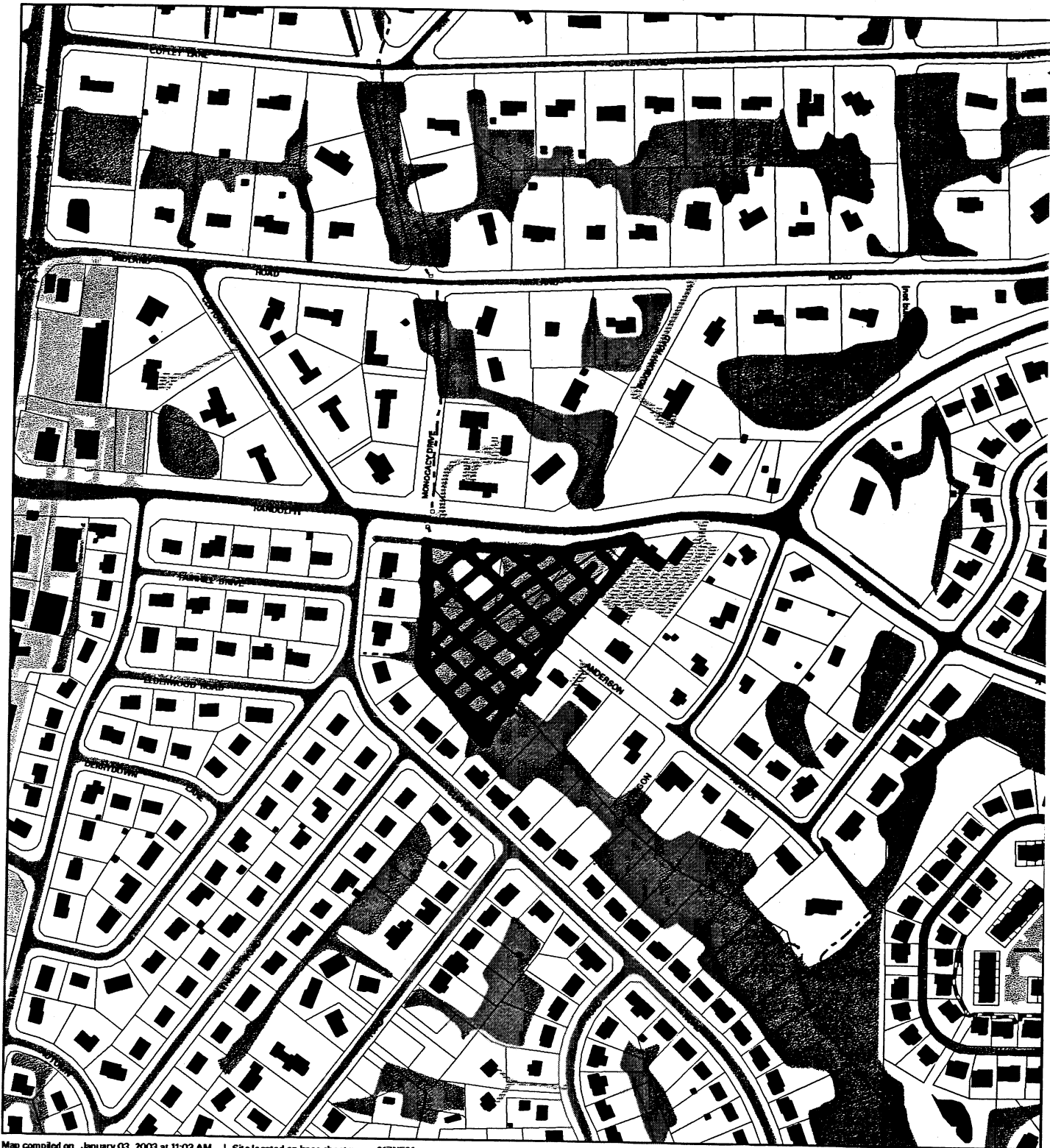
- (4) Construction is subject to all applicable Federal, State and County licenses or certificates.

The project will comply with all applicable regulations.

- (h) Provisions governing facilities approved prior to March 7, 1990 ... etc.

Not applicable.

VICINITY MAP FOR
RANDOLPH MANOR



Map compiled on January 03, 2003 at 11:03 AM | Site located on base sheet no - 217NE01

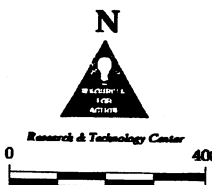
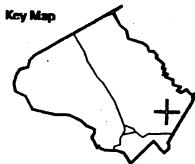
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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric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

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Key Map



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

LINOWES AND BLOCHER LLP

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January 2, 2003

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VIA TELECOPIER

Mr. Joel Gallihue
Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Randolph Manor - Special Exception No. 2554 (the "Special Exception")

Dear Joel:

As you are aware, this office represents J. Kirby Development LLC ("Kirby"), the applicant for the referenced Special Exception, which proposes 83 units of affordable senior adult housing in one building located at 601 East Randolph Road (the "Project"). As we discussed earlier today, Kirby has agreed to proffer, as part of the Special Exception, a once per week shopping transportation service for residents of the Project to and from the shopping center located at the intersection of Randolph Road and New Hampshire Avenue (approximately 1000 feet west of the Project). The shopping service will be provided by contract with a third party or as part of the on-site services proposed in the Special Exception.

If you have any questions regarding this matter, please do not hesitate to call. Thank you.

Very truly yours,

LINOWES AND BLOCHER LLP

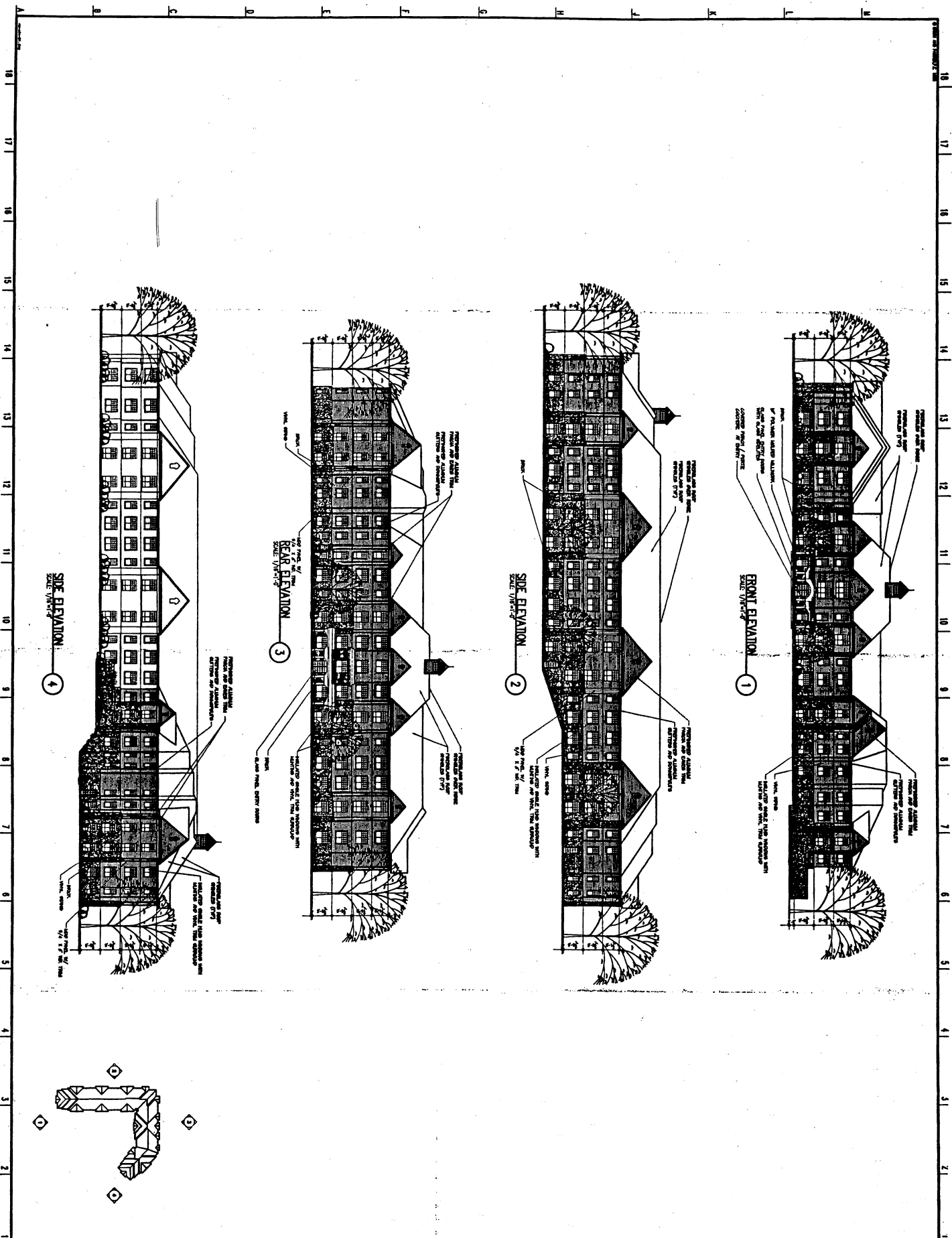
Scott Wallace-BTA

Scott C. Wallace

SCW:bta

cc: Mr. Jeff Kirby
Mr. Scott Wolford
Ms. Tricia Monday
Barbara A. Sears, Esquire

ATTACHMENT 3



A-3

DATE	DESCRIPTION

ELEVATIONS
 RANDOLPH MANOR
 MONTGOMERY COUNTY, MARYLAND

Grimm and Parker
 Architects

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