



**MCPB**  
**Item # 3**  
**4/21/05**

**MEMORANDUM: SPECIAL EXCEPTION**

**DATE:** April 6, 2005

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Development Review Chief *RKZ*  
Carlton Gilbert, Zoning Supervisor *CG*

**FROM:** Joel A. Gallihue, AICP (301) 495-2119 *JAG*  
Development Review

**SUBJECT:** Special Exception No. S-2635: Housing and related facilities for senior adults at 18901 Waring Station Road

**ZONE:** RE-1

**MASTER PLAN:** Germantown Master Plan, Approved and Adopted July 1989

**FILING DATE:** January 4, 2005

**PUBLIC HEARING:** May 6, 2005

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**STAFF RECOMMENDATION: APPROVAL** with the following conditions:

1. All evidence, testimony and exhibits of record, including the Special Exception Site Plan prepared by Macris, Hendricks & Glascock, dated April 15, 2005, shall bind the petitioners.
2. No more than eighty-eight apartment homes are permitted.
3. Amendment to the preliminary plan of subdivision is required by the Montgomery County Planning Board prior to the issuance of any building permits.

**Project Summary** - The applicants, New Covenant Village, LLC, are requesting special exception approval to permit a Housing and related facilities for senior adults use at 18901 Waring Station Road. This facility would augment an existing church facility and would share access to Waring Station Road. The use proposed would provide independent living

for well elderly and includes affordable units.<sup>1</sup> This site is in the Germantown area and in the RE-1 Zone, located on the northwest side of Waring Station Road. The property is improved with a church, parking and playground facilities, which will remain. The church also operates a daycare and primary school per a previous approval<sup>2</sup>. Additional parking is requested for the special exception. The existing playground will be relocated onsite.

**Site and Neighborhood Description** - The 31.9 acres site is triangular in shape with access to Waring Station Road and the complex is visible from I-270. The church on the site has existed for approximately eight years. Exiting west at Middlebrook Road and turning south on Waring Station Road provides access to the site from I-270. The west side of the property is adjacent to Interstate 270 and has no access to this highway. The site is located in an area of residential land uses. The 31.9-acre special exception site is in the southern portion of the property close to the southeast side of the property where there are adjacent town homes on Summer Oak Drive. These homes are zoned PD-9. The East side of the property is adjacent to single family detached homes in the Gunners Lake Village subdivision (R-150 zone), however this side will remain unchanged with the existing church, access and parking. The subject of the petition is Parcel D, of Gunners Lake Village Subdivision, Plat 17876, a property that is approximately 31.96 acres or 1,392,582 square feet in area with one existing building church and parking.

**Elements of the Proposal** -

The residential facility will have up to 88 one and two bedroom apartment units for senior adults. The original proposal was for 94 units. The change in units results from a review by the Housing Opportunity Commission. (HOC) The HOC recommended larger units and a more diverse mix of income.<sup>3</sup> Also a market rate unit was added to serve as the parsonage for the Church. The proposed elderly housing facility shall operate as lessee to the New Covenant Church. While the church is exempt from zoning regulations, this use is subject to special exception review. The Church property is subject to a preliminary plan of subdivision with conditions.

Structures

The existing structure on the property consists of the church building. One new building is proposed. Existing playground equipment must be relocated. The new building will have an “L-shaped” configuration. Corridors will have units on both sides and the building will be four stories. It has been represented to staff that the L-shape permits a supervised “control point” at the corner where entrances are located. Doors at the ends of the wings will be exit only and alarmed for emergency use only.

A recreational garden is accessible to residents. The applicant has described handicap accessible gardening tables that may be a part of this facility. Benches for this garden are depicted in the file. The configuration does bring outdoor recreation from this facility to a

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1 [update with accurate proportions of affordable units]

2 Preliminary Plan Amendment #1-97044, approved on 12/11/1996.

3 A smaller one-bedroom unit type was eliminated. The mix of units was changed to have more two-bedroom units.

point that faces the rear yard of adjacent residential units. Staff does not see this as problematic because 1.) the distance between the garden and rear yards well exceeds two hundred feet, 2.) there is an existing forest conservation easement between these uses which has vegetation present, 3.) the nature of the activity is anticipated to be quiet and will occur during the day.

#### Parking and Vehicular Circulation

Vehicular access will be from an existing driveway entrance on Waring Station Road. Part of the existing driveway south of the existing church will be single loaded with new parking spaces. A new drive will extend south to a circle, allowing space for vehicle turn about. Another circle at the main door provides for van pick-up.

The existing church provides 575 parking spaces, which is 175 spaces more than necessary as indicated by the parking tabulations on submitted plans. Much of this parking is unused during the week but necessary for church services. One parking space is required per one bedroom unit and 1.35 spaces are required for each two-bedroom unit. This yields a requirement of 107 parking spaces. Considering the excess of parking beyond what is required, staff has encouraged the applicant to limit new parking spaces as much as possible. The applicant has provided 42 new parking spaces. The parking is still well above the combined requirement for the site, however the lot configuration and site design<sup>4</sup> make it difficult for the new building to take all of its parking from the existing facility. The applicant's landscape architect has calculated and confirmed that shading of the parking will exceed the requirement for special exceptions in a residential zone.<sup>5</sup>

#### Pedestrian Circulation

This special exception introduces a residential component to this site. It is expected that the some residents will desire to access the Montgomery County Ride-On Bus Stop on Waring Station Road. This requires sidewalks from the new building to existing sidewalks on Waring Station Road. The applicant has added sidewalks that lead in from the street sidewalks to a point near the main entrance to the church. Internal sidewalks and crosswalks then allow the pedestrian to continue to the location of the existing building. Pedestrians using wheelchairs have been contemplated. This factor has resulted in the addition of an extra leg of sidewalk south of the dumpster and crosswalks to provide a route with a minimal grade. While this solution may not be the most ideal, it appears to be the best option when the existing building and grades are taken into consideration.

The provision of pedestrian access to the street has created a connection between the two buildings on the site. This is necessary considering some residents may choose to worship or attend other functions at the church. If the entire site were a new proposal, it could be designed with a better relationship between the buildings with shorter pedestrian connections. The proposed circulation appears to provide the best compromise given

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4 Particularly the location of existing parking and stormwater management pond.

5 The total new paved area is 26,453 sq. ft. The total area shaded at 15 year growth is 9,932 sf or 35.5%. 30% is required.

existing conditions.

### Lighting

The proposed lighting is for area lighting around parking facilities and the new building. Pole lamps, illuminated bollards and wall-mounted fixtures are incorporated into the submitted photometric plan. Cut sheets on the lighting plan indicate shielded and directed lighting. Given the position of the proposed parking, entrances and the new building, the more intense lighting is a way from abutting residential lots. The photometric plan indicates that lighting levels for the special exception use are designed to not exceed 0.1 foot-candles at the side and rear property line.

### Sign

Modification to the monument sign is proposed to acknowledge both the church and the residence. This modification does not appear to increase the area of the sign, and the combination avoids sign clutter.

A ground mounted building entrance sign measuring approximately 4' 8" x 2' 6" is proposed. This sign would be approximately twelve square feet in area. The proposed sign is four feet tall when framework is included. Sign regulations (Sec. 59-F-4.2) permit up to two entrance signs for multi-family development. The sign may be forty square-feet in area, no taller than 26 feet in height and may be illuminated. The proposed sign includes a caveat that it is an interim design only. Staff cautions the applicant that a sign approaching maximum dimensions with lighting would detract from the residential nature of the proposal. It would also seem to be more of roadside advertisement than an entrance sign. Given the position of the entrance facing I-270 and the extensive sign permitted by the sign requirements, staff notes that condition number one binds the applicant to all statements and submissions. Staff interprets that the "interim design" notation may allow adjustment prior to construction but anything more, or the addition of lighting, would require a modification to the special exception. The applicant should apprise the Board of Appeals with an "As-Built" drawing showing the final dimensions of the sign to aid zoning inspection.

### Outdoor Play Area

A playground for the existing daycare center is to be relocated. The new location is not depicted on the development plan. Staff recommends a location that may be accessed by sidewalk or a door from the church facility. A location away from internal traffic circulation with a fence will best protect students.

### Future Phase

Elements of a future phase were included on the initial submission. Staff requested the applicant remove these features from the plan. The applicant without objection did remove these features. The nature of special exception review and enforcement is not well suited to future phases. Staff also notes that the future phase as originally presented would increase grading on this site.

**Master Plan** – Community Planning staff has recommended approval of this special exception provided an amendment to preliminary plan of subdivision occurs. Such an amendment would provide the applicant with an opportunity to offer an easement for future dedication for a transit station, which is discussed below. Staff has also requested at that time that landscaping for the existing facility be confirmed as having been installed as recommended by the master plan.

The proposed special exception use conforms the Germantown Master Plan, approved and adopted in 1989. The plan considers the prominence of this location and offers two options for development. An employment center for moderate office or a major institution or low-density residential uses are anticipated options. The complex of the church and this housing facility are not inconsistent, given uses permitted in the recommended zone.

Additional development on this site, or even redevelopment, may seem unlikely at this time but may someday be viable given existing and planned transportation facilities. In this vein, Community Planning staff has investigated the possibility of a transit station at this site, which is anticipated by this master plan. The Corridor Cities Transit way remains under study and this site is adjacent to potential right-of-way for the facility. Nearby station options may present challenges as discussed in the Community Planning memorandum, therefore this site should not be ruled out. It should be noted that this site, give the low use of ample parking during the week, could make a very good location for a transit station with a shared parking agreement. While the transit facility is long from being finalized, it is wise to give careful consideration to the option of locating a station on this site. Staff believes a viable station location could be an asset for the church. Staff believes the amendment to the preliminary plan presents a unique opportunity to confirm this option and is open to continued dialogue with the applicant on this matter.

**Transportation** - The Transportation Planning staff has recommended approval of this special exception based upon the original number of units. No specific conditions are requested. APFO will be conducted at the time of preliminary plan of subdivision amendment but no issues arise in the review of submitted traffic information. Relevant intersections will continue to operate at an acceptable level of service should this proposal be developed. Access is safe and adequate.

#### Waring Station Road

Waring Station Road is constructed as a four-lane undivided arterial roadway with sidewalks on both sides per the Germantown Master Plan's recommendation. No bikeway is planned for this road.

#### I-270

I-270 is recommended as a Freeway with a 300' right-of-way (ROW). The Germantown Master Plan recommends a 70' ROW for the Corridor Cities Transit Easement along the eastern edge of the site. This was obtained in the initial subdivision for prior to

construction of the church.

Transit Station for Corridor Cities Transitway

The Germantown Master Plan identifies the subject site as the location of a potential Corridor Cities Transitway station. The value of this station location has increased as a result of subsequent studies. Staff will pursue provision for this future station through an easement for future dedication during the amended preliminary plan of subdivision process associated with the special exception case.

**Environmental** – Environmental staff has reviewed this application and has no issues with the application. Compliance with the conditions of approval for forest conservation and erosion and sediment control approvals that accompanied the original preliminary plan is required. Necessary grading was already done with previous construction. A future phase shown on the initial submission appears to raise issues relating to grading and removal of trees. The applicant has removed future phasing information at staff’s request.

**Development Standards-** The special exception modification is in compliance with the development standards for the RE-1 Zone. Conformance to relevant development is summarized in Table 1 on the following page.

<b>Development Standard</b>	<b>Requirement</b>	<b>Proposal</b>
Front Yard Setback (per use)	50'	Appx. 385'
Side Yard Setback (per use)	25'	Appx. 175'
Rear Yard Setback	35'	Appx. 245'
Lot Area	40,000 sq. ft.	1,392,582 sq. ft.
Building Height	50'	48' 10"
Building Coverage	15%	4.9% (entire site)
Parking	70%	78% (entire site)

**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 RE-1 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.*

Analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and environment. It is understood that every special exception has some or all of these effect in varying degrees. What must be determined during the course of review is whether these effects are acceptable or will create adverse impacts sufficient to result in a denial. To that end, inherent adverse effects associated with the use must be determined. In this case, an age restricted residential facility are typical of any multi-family residential facility except that there is more staff directly serving residents and residents are not typically working, at least full time.

The non-inherent characteristics may include the size and mass of the building, setbacks, and specific operational characteristics of the senior housing including any combined use.<sup>6</sup>

No combined use is proposed. No special operations, like a cafeteria, are proposed. The proposal meets all development standards. Staff also finds that the proposed size, mass and setbacks are compatible with existing and proposed adjacent development.

Staff concludes that there are no non-inherent adverse effects associated with this application that warrant denial.

**Compliance with General and Specific Special Exception Provisions** - Staff has reviewed the application for compliance with all applicable special exception provisions and finds the following:

**Sec. 59-G-2.35. Housing and related facilities for senior adults and persons with disabilities.**

A special exception may be granted for housing and related facilities for senior adults or persons with disabilities, 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

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<sup>6</sup> Where more than one special exception use, such as life care, is proposed.

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 indicates that this development will provide approximately 60% MPDU units which is consistent with the one option of this requirement, which is to provide at least 30% MPDU units. This situation changed since the land planning report was provided. The project is financed with bonds sold by the Housing Opportunity Commission and, in their review, they determined that the project should respond to a higher need.<sup>7</sup> The consequence of this determination is that provision is made for several income ranges. The minimum percentage is being set by an agreement with the Department of Housing and Community Affairs because of the financing so the provision above is clearly met. The actual agreement is to provide as follows:*

- 17 (19% of total) units for residents that qualify at 40% of the area median income.<sup>8</sup>
- 14 (16% of total) units for residents that qualify at 50% of the area median income.
- 18 (20% of total) units for residents that qualify at 60% of the area median income.
- The balance of the units is 39 (45%) and will be market rate.

*A minimum of 15 percent of the dwelling units must be reserved for households of very low income, or 20 percent for households of low income, or 30 percent for households of MPDU income. The application is providing 35% very low income and 20% low-income units, which exceeds the requirement of this provision.*

- (2) The site or the proposed facility has adequate accessibility to or provides on site public transportation, medical service, shopping areas, recreational and

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<sup>7</sup> Increased percentage of units provided for residents that qualify at a lower income.

<sup>8</sup> Area median income for Germantown per 2002 Census Update is \$72,290 and for entire county is \$79,115.



other community services frequently desired by senior adults or persons with disabilities.

*The site is served by Montgomery County Ride – On bus service. Staff has worked with the applicant to ensure that there will be an adequate pedestrian link from the proposed building to the street sidewalk where the bus stop is located.*

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

*The site is adjacent to an interstate which is a source of noise and air pollution. The proposed building is set back from the road about two hundred and fifty feet. The setback includes a deep swale. Staff feels the proposed location is reasonably well protected from this facility.*

- (b) Occupancy of a dwelling unit is restricted to the following:

- (1) A senior adult or person with disabilities, as defined in Section 59-A-2.1;
- (2) The spouse of a senior or disabled resident, regardless of age or disability;
- (3) A resident care-giver, if needed to assist a senior or disabled resident; or
- (4) In a development designed primarily for persons with disabilities rather than senior adults, the parent, daughter, son, sister or brother of a handicapped resident, regardless of age or disability.

*The applicant's statement of operations indicates that residents will be restricted to the above.*

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.)

*DHCA has confirmed that the project qualifies for exemption.*

- (6) Resident staff necessary for operation of the facility are also allowed to live on site.

*The applicant has not provided a specific breakdown of staffing. Given the use, staffing is anticipated to be minimal. This is not a life care facility. Ample parking and well set back vehicular circulation suggest employment will not cause any annoyance to adjacent residents.*

(c) Development standards, other than density, in residential zones where allowed by special exception:

(1) 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.

(2) Maximum building height: four stories or the height of the applicable zone, whichever is less. Additional height up to six stories is permitted if the additional height is in conformity with the general character of the neighborhood considering population density, design, scale and bulk of the proposed building, traffic and parking conditions.

(3) Maximum lot coverage: As specified by the relevant zone.

(4) Minimum green area:

(A) R-60, R-90, and the RT Zones: 50 percent

(B) R-150 and R-200 Zones: 60 percent

(C) RE-1, RE-2, and RE-2C Zone: 70 percent, except where the minimum green area requirement is established in an approved and adopted master plan.

*As noted in the Development Standards table, these requirements are met.*

The Board may reduce the green area requirement by up to 15% if it is necessary to accommodate a lower building height for compatibility reasons.

*Green area exceeds the minimum so a waiver is not necessary.*

(d) Development standards, other than density, in the R-30, R-20, R-10 and R-H Zones are as specified by the relevant zone in Section 59-C-2.41, except that

the lot coverage and building setbacks may be modified as specified in Section 59-C-2.42 concerning standards for moderately priced dwelling units.

*Not applicable as this property is in the RE-1 zone.*

(e) Maximum density:

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 development standards by Paragraph (c) 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.

*Development standards are met. The units well exceed the minimum size permitted by the Housing Code. One-bedroom units range in area from 720 sq. ft. to 810 sq. ft. Two bedroom units range in area from 890 sq. ft. to 960 sq. ft.*

(f) Parking and loading:

Parking must be provided in accordance with the provisions of Section 59-E-3.7 and Section E-2.83. 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 senior adults or persons with disabilities. When considering the need for additional parking, the Board may consider the availability of nearby public or private parking facilities.

*Staff strongly encourages the Board to consider the availability of nearby private parking on-site and credit some towards the parking requirement. The applicant has argued against reducing the parking any more than they have, because existing parking is not as convenient to the proposed building. This is an unfortunate consequence of the site design.*

(g) Additional provisions:

- (1) One or more of the following ancillary facilities and services may be included to serve the residents and possibly nonresident senior adults or persons with disabilities. 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;

*A cafeteria is not proposed for the facility. If one were to be installed a modification of the special exception is anticipated.*

- (B) Medical or therapy facilities or space for mobile medical or therapy services;

*A 245 sq. ft. Clinic is proposed.*

- (C) Nursing care;

*No nursing care is specified.*

- (D) Personal care services;

*A 245 sq. ft. beauty salon is proposed.*

- (E) Day care for senior adults or persons with disabilities;

*No day care for senior adults is proposed.*

- (F) On-site facilities for recreation, hobbies or similar activities; or

*The building program includes a community room (1544 sq. ft.), a game room (245 sq. ft.) and an Arts and Crafts room (338 sq. ft.) as well as a computer center (338 sq. ft.), fitness center (338 sq. ft.) and a movie theater (657 sq. ft.).*

- (G) Transportation to such off-site facilities and services as shopping, religious, community or recreational facilities, or medical services.

*The applicant has not submitted specific plans for private off-site transportation but it is proposed in the land planning report. Van parking is also indicated on the plan. Staff considers the close proximity and safe access to public transit an asset. Private shuttles can afford residents with more direct shopping trips, as public transit routes may be circuitous and connections intermittent.*

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

*No specific proposal for exclusive retail is indicated but the land planning report allows that limited goods will be available.*

- (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.

*The application does not include these features on the vicinity map. As mentioned previously, the Ride-On bus stops on Waring Station Road. The nearest commercial facilities appear to be in the Germantown Shopping Center on Seneca Highway.*

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

*A building permit is required where these provisions will be checked. Also the financing for the facility requires oversight from the Housing Opportunity Commission and the Department of Housing and Community Affairs.*

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

*Not applicable.*

## **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 allowed by special exception in the RE-1 zone.*

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

*The use complies with these standards.*

- (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 Germantown Master Plan covers the subject property. Staff*

*finds that the proposed special exception is consistent with the recommendations in the approved and adopted master plan when considering the objective of providing housing and related services for the elderly. Institutional and multi-family uses are anticipated should a transit station be developed in close proximity.*

- (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 use will be in harmony with the neighborhood when considering these criteria. The applicant has represented that this project is less dense than other similar projects approved by the Board of Appeals. Without checking specifics, staff acknowledges that previous approvals have been closer to minimum setbacks. Traffic generated by this use is indeed lower and more biased toward off-peak periods than traditional multi-family housing.*

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity.

*The use will not have a detrimental effect for any of these reasons.*

- (6) 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.

*The proposed use when evaluated in conjunction with other existing and approved special exceptions in the area will not affect area adversely or alter its residential character.*

- (7) 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.*

- (8) 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 the special exception use requires approval of a preliminary plan of subdivision in accordance with chapter 50 of this Code, title "Subdivision of Land," the adequacy of public facilities will be determined by the Planning Board at the time of subdivision approval. In that case, the Board of Appeals must include such Planning Board approval as a condition of the grant of the special exception.

*The use is adequately served by relevant facilities including public safety services<sup>9</sup>, storm drainage, and transportation. Approval of an amendment to the approved preliminary plan of subdivision is required, and the Planning Board must make a finding of adequate facilities at that time.*

### **COMMUNITY CONCERNS**

Staff is aware of no letters of concern and notes that the official notice references adjoining and confronting property owners, applicable Home Owner Associations, and applicable Civic Associations. The applicant met with the adjacent Home Owners Associations as well as the Germantown Civic Association. These interactions resulted in additional screening, but no objections or other suggestions.

### **CONCLUSIONS**

Upon reviewing the petition and visiting the subject property, staff recommends approval of the special exception modification application subject to the conditions found on page 1 of this report.

### **Attachments:**

1. Vicinity Map
2. Site Plan
3. Landscape Plan
4. Environmental Memorandum
5. Transportation Memorandum
6. Housing Memorandum

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<sup>9</sup> Germantown Volunteer Fire Department, Montgomery Police – 5<sup>th</sup> District.