



Parkview at Aspen Hill Independent Living Facility Conditional Use, CU 17-04

[ET]

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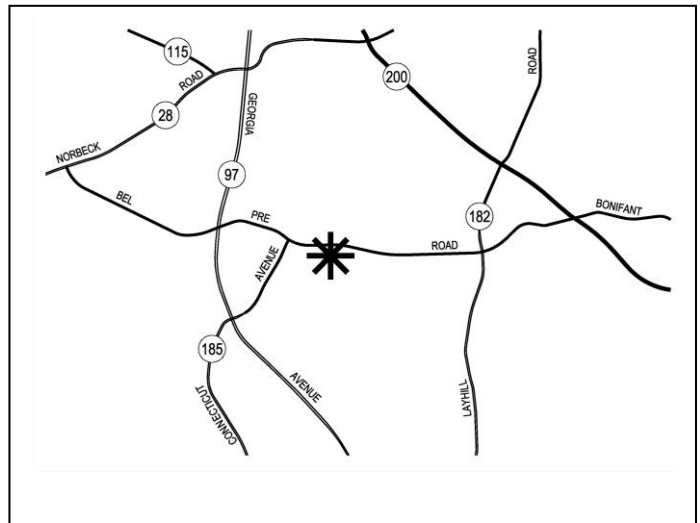
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Completed: -11-16-16

Description

- Request for an Independent Living Facility for Seniors with 120 dwelling units;
- Located at 3132 Bel Pre Road, Silver Spring;
- RE-2 Zone, 1994 *Aspen Hill Master Plan*;
- Lot area: 5.99 acres;
- Applicant: Parkview at Aspen Hill, LLP;
- Filing Date: August 22, 2016;
- Public Hearing by the Hearing Examiner: December 16, 2016.



Summary

- Staff recommends approval with conditions.
- A Preliminary Forest Conservation Plan (No. CU2017-04) and a variance associated with this application have been recommended for approval with conditions in a separate staff report.
- The Application satisfies the requirements for approval under Chapter 59, the Montgomery County Zoning Ordinance.
- If the conditional use is approved, a Preliminary Plan will be required.
- The Applicant requests parking waivers under Section 6.2.10 to reduce the number of long-term bicycle parking spaces from 29 to 4, and to reduce the side yard parking setback from 34 to nine feet.

STAFF RECOMMENDATION

Staff recommends approval for CU 17-04 subject to the following conditions:

1. No more than 120 independent living units are allowed.
2. A maximum of four employees may work at the facility.
3. Fifteen percent of the units must be reserved for households of very low income as defined in Section 1.4.2.
4. Occupancy of the dwelling units is restricted to:
 - a. a senior adult or person with disabilities, as defined in Section 1.4.2, Defined Terms;
 - b. the spouse of a senior or disabled resident, regardless of age or disability;
 - c. a resident care-giver, if needed to assist a senior or disabled resident.
5. Age restrictions must satisfy 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, as amended.
6. The facility must meet all applicable Federal, State, and County licensure, certificate, and regulatory requirements.
7. The Applicant must obtain approval of a Preliminary Plan of Subdivision per Chapter 50 of the Montgomery County Code.
8. Prior to any land disturbing activities, the Applicant must receive approval of a Final Forest Conservation Plan by the Montgomery County Planning Board.
9. Trash and recycling must be picked up between 7am and 9pm.
10. Noise from the generator cannot exceed the limits set forth in the County Noise Ordinance.

PROJECT DESCRIPTION

Site Description

The Property is located on the south side of Bel Pre Road, approximately 1,300 feet east of the intersection of Bel Pre Road and Connecticut Avenue in Aspen Hill. It is part of an 11.7-acre Parcel (P776) that the Applicant plans to subdivide into two lots if the conditional use is approved.

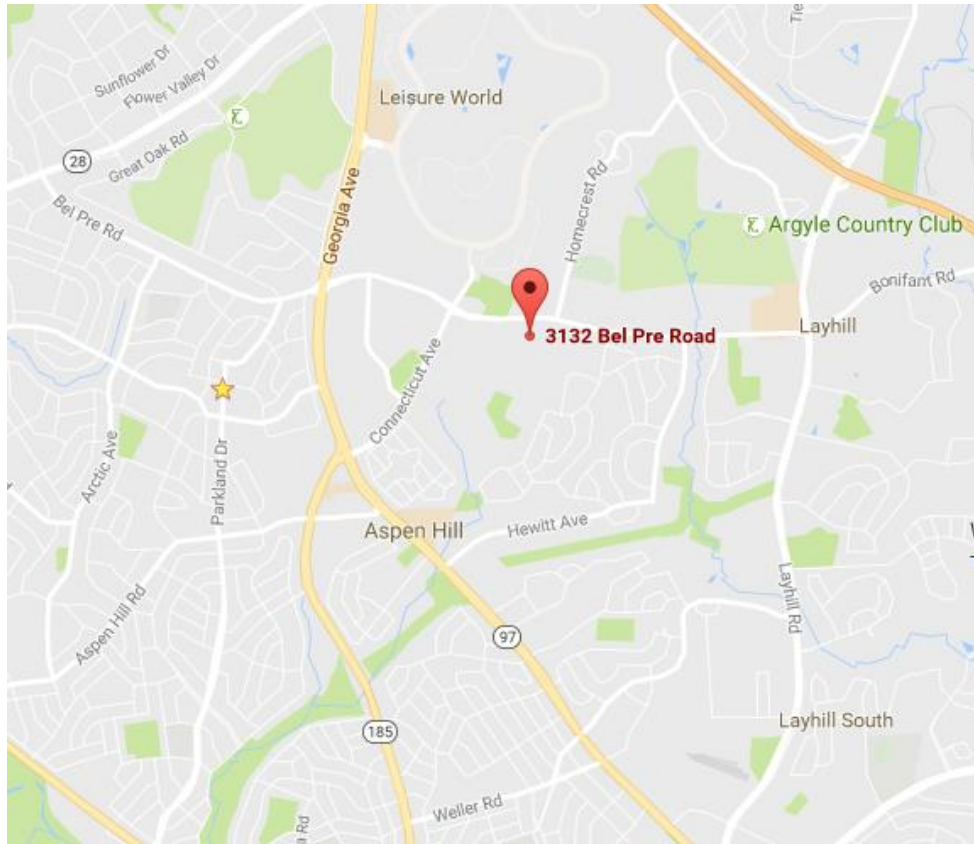


Figure 1: Vicinity Map

The Parcel is improved with the Wheaton Seventh-Day Adventist Church, associated surface parking, and a detached house that serves as the pastor's residence. An existing driveway on the east side of the Property provides access to the church and detached house from Bel Pre Road. The southern portion of the Parcel is currently a grassy open space bordered with trees. The Applicant anticipates that after subdivision of the Parcel, the Property will be approximately 5.99 acres and irregular in shape.



Figure 2: Aerial View of Parcel P776 (outlined in red)



Figure 3: Existing Church (from Bel Pre Road facing south)

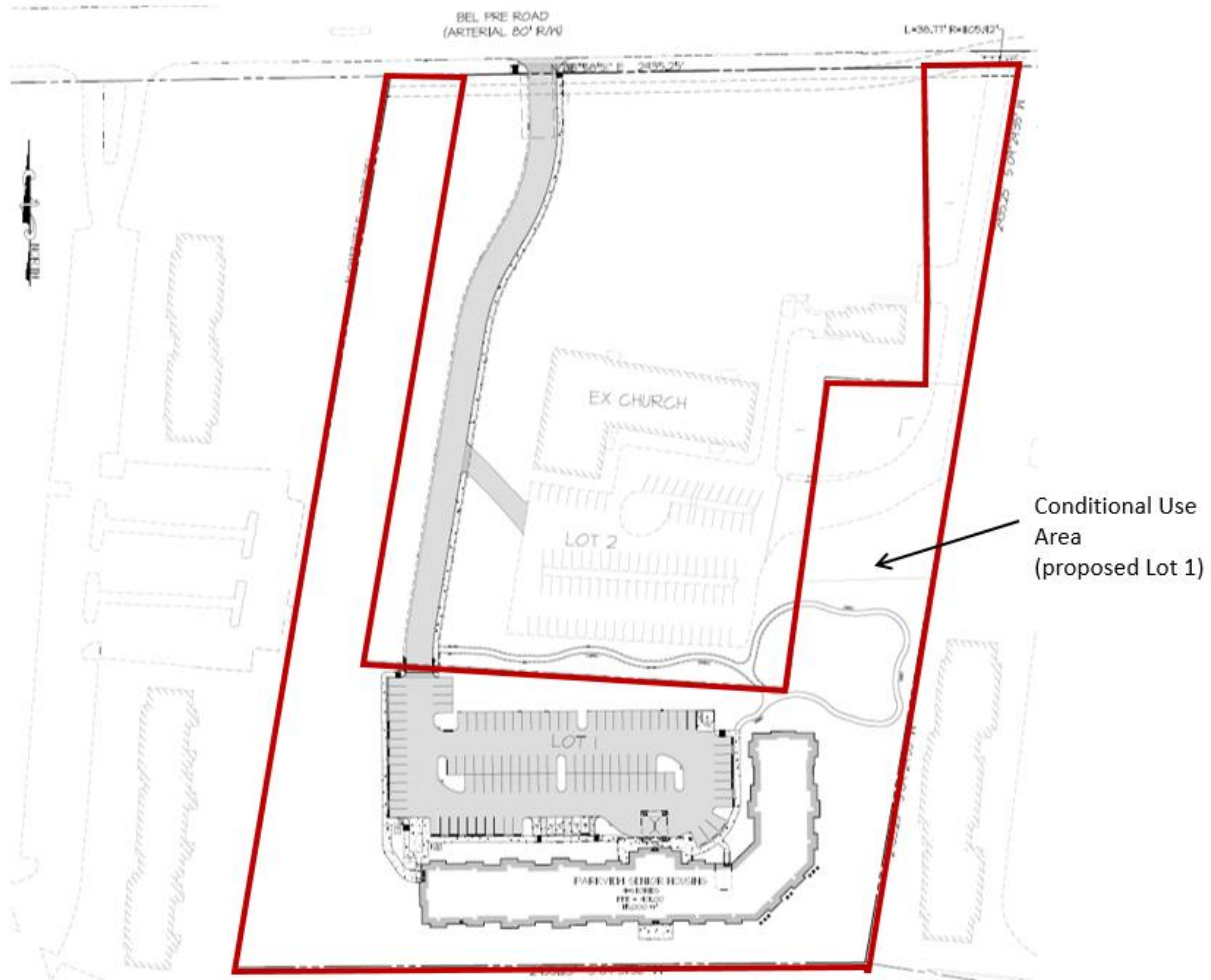


Figure 4: Conditional use area (Property) outlined in red. The existing and proposed buildings are shown.

Neighborhood Description

Staff agrees with the Neighborhood boundaries delineated in the Applicant's Land Use Report, as it includes the area most likely to be affected by the proposed facility. The Neighborhood is generally bound by Beaverwood Lane and Peppertree Lane to the south, Beaverwood Lane to the east, Big Bear Terrace and the southern edge of Leisure World to the north, and Connecticut Avenue to the west. The Neighborhood is predominantly residential with detached houses and townhouses in the R-200, PD-2, PRC, RE-2, and RT-12.5 zones, and 3-4 story multi-unit buildings in the R-20 zone. The parcel is surrounded on three sides by multi-unit buildings. The Neighborhood also contains a number of non-residential uses including Aquarius Local Park, Montgomery County Fire Station 25, and two religious institutions. Several existing and approved conditional uses (formerly special exceptions) are also located within the Neighborhood. Most of them are clustered on the north side of Bel Pre Road close to the intersection with Homecrest Road. The conditional uses in the Neighborhood are:

- Wheaton Moose Lodge; 2901 Bel Pre Road; approved in 1978 by BAS 654;

- Genesis Healthcare- Layhill Center (nursing home); 3221 Bel Pre Road; approved 1985 by BAS 1200 and 1200A;
- Aspenwood Senior Living Community (independent and assisted living); 14400 Homecrest Road; approved 1986 by BAS 1355 and BAS 1355-A;
- Winchester School; 3223 Bel Pre Rd, approved 1980 by S-753; and
- Topknotch Learning Center (child day care); 14217 Pear Tree Lane #11; approved 1977 by BAS-548 and 548-A.



Figure 5: Staff Defined Neighborhood



Figure 6: Multi-unit buildings on properties to the west (picture on left) and to the south (picture on right)

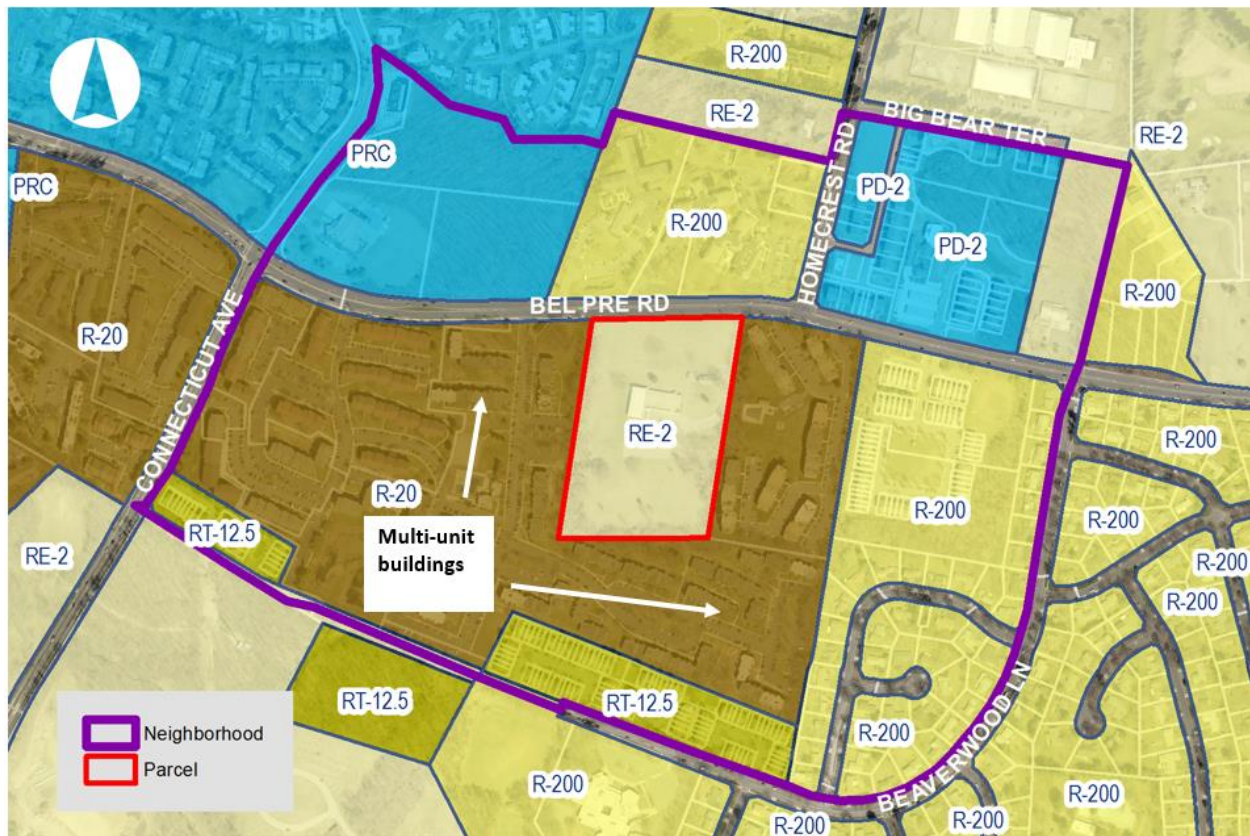


Figure 7: Neighborhood Zoning (Neighborhood outlined in purple, Parcel outlined in red)

Zoning

The RE-2 zoning classification was most recently reconfirmed by the 1994 *Aspen Hill Master Plan*.

Proposed Use

The Applicant proposes to develop the Property with a four-story, 115,000-square-foot, affordable, independent living facility for seniors who are 62 years of age or older. The Applicant intends to provide a facility to accommodate senior residents who value self-reliance but are in need of minor support. The proposed building will include 120 independent living units (61 one-bedroom and 59 two-bedroom units). 108 of the units in the building will be affordable to residents at or below 30%, 40%, 50%, and 60% of the Area Median Income (AMI), and 15% of the units will be reserved households of very low income (at or below 50% AMI). Affordable units will be regulated by the State Department of Housing and Community Development under the Low Income Housing Tax Credit program. Amenity spaces, support, and special assistance will be provided to the facility's residents.



Figure 8: Conditional Use Plan

Building and Site Design

The proposed building and associated surface parking will be located behind the existing church, and largely screened from view from Bel Pre Road. The exterior of the proposed building is designed to be residential in appearance, and the building will incorporate brick and cementitious siding into the facades to be consistent with the surrounding multi-unit buildings. The roof will be architectural composition shingle, supported on decorative traditional-styled columns. The facades will also incorporate a traditional styling of gable roofs, large windows, traditional trim, and a variety of siding details. Brick soldier courses will be used at window and door heads, and also capping the brick where it transitions to siding to enhance the change in materials. Windows will be framed with wide trim and cornices. The main entrance to the building will be highlighted by a covered porch. Architectural elements are intended to maintain the residential character of the surrounding area and break down the bulk and scale of the building to be compatible with the Neighborhood.



Front Elevation



Left Side Elevation

Right Side Elevation



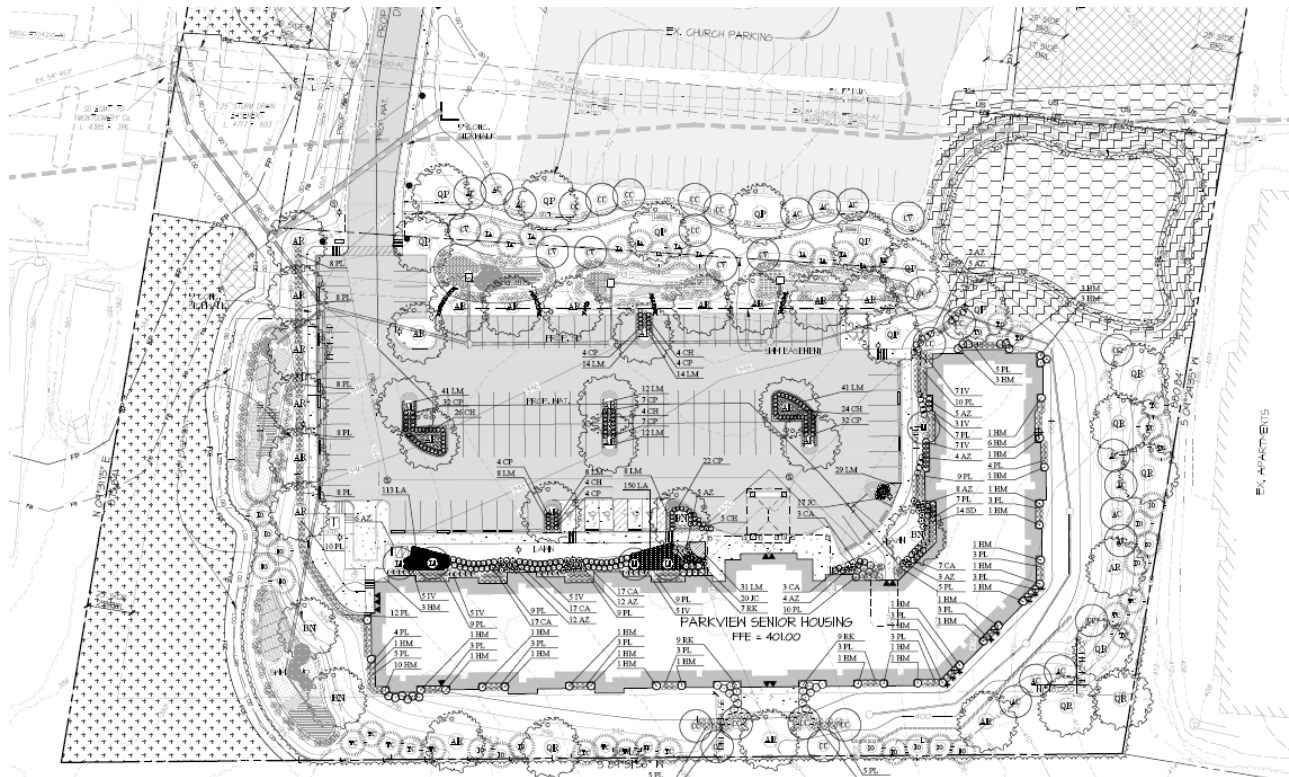
Rear Elevation

Figure 9: Building Elevations

Outdoor amenity spaces for residents will be located around the periphery of the Property, primarily to the north and south of the proposed building. An outdoor patio area with seating will be located to the south (rear) of the building, and a five-foot walking path with benches will be located in front of the building, extending around a tree save area and the parking lot. A portion of the path will be located on the proposed church property (proposed lot 2) with an easement allowing the path to be used by residents of the independent living facility.

The existing driveway to the church and detached house will be removed, and a new driveway will be constructed on the west side of the Parcel to provide access to the existing church and pastor's residence and to the proposed assisted living facility. A proposed five-foot sidewalk along the driveway will provide pedestrian access between the independent living facility and Bel Pre Road. The proposed driveway and sidewalk will traverse the church property with an access easement for use by the independent living facility. The sidewalk to Bel Pre Road will connect with a six-foot sidewalk in front of the building and to the walking path located to the north of the proposed building. The building's loading area will be located on the western end of the building and screened with landscaping. The facility will provide a total of 115 parking spaces in a surface lot in front of the building. Five short-term

The Applicant plans to retain most of the existing tree stand along the western Property boundary. Landscape plantings are proposed around the building, parking lot, and walking trail, and a retaining wall will be constructed between the building and the eastern property line. Afforestation plantings are proposed adjacent to existing tree stands on the eastern and western sides of the Property. The Applicant informed Staff that the portion of the removed driveway that is not planted with forest will likely be replanted with grass. Proposed lighting is designed to ensure safety while limiting illumination at the Property line. Thirteen luminaires on twelve-foot poles will be located in front of the building and throughout the parking lot. Fourteen dome louvers are proposed to illuminate the sidewalk adjacent to the driveway.



The conditional use plan includes details for two signs. The main entry monument sign will be located close to Bel Pre Road, and the secondary entry monument sign will be located at the end of the driveway at the entrance to the proposed parking lot.

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Operations

The proposed facility will be managed by the Pennrose Management Company (PMC). It will employ a total of two full-time employees and two part-time employees. One managerial employee will work on-site full time, and another will work part-time, typically between the hours of 8:30 a.m. to 5:30 p.m. The Property Manager will oversee day to day operations of the facility and will act as a primary liaison for community and housing agency partners and residents. One maintenance employee will also work onsite, typically during the hours of 8:00 a.m. to 5:00 p.m. A Supportive Services Coordinator will work on-site 20 hours per week to identify, develop, manage and coordinate the day-to day services for residents.

The proposed facility will include indoor amenity spaces such as a game room, cyber café, salon, and fitness center. A variety of programs will be offered to the residents including ice cream socials, movie night, and fitness classes. PMC will partner with The Senior Connection, a nonprofit organization that provides programs and services for seniors. The Senior Connection provides transportation resources that connects residents with off-site services. The Senior Connection also provides a grocery shopping program and assistance with daily living activities such as managing bills and household paperwork. PMC also partners with many other organizations to provide a variety of medical, food, legal and other types of assistance to residents.

ANALYSIS

Master Plan

The Property is within the boundary of the 1993 *Aspen Hill Master Plan*. The Plan does not specifically address the Property, but general recommendations related to housing, the environment, and special exceptions are relevant to this Application.

Housing

The Plan includes the following objectives and recommendations related to housing:

- *To protect and reinforce the integrity of existing residential neighborhoods. (page 29)*

The proposed independent living facility will be consistent in character with the existing three-to four-story residential multi-unit buildings that abut the Property, thus maintaining the pattern of development in this part of the neighborhood.

- *To preserve and increase the housing resources in support of Montgomery County housing policies. (page 29)*

The 2001 Housing Policy found that there was an unmet demand for independent senior living units and assisted living units in the County, as demand for such units was increasing. Among other objectives, the 2001 Housing Policy sought to provide housing for diverse residential

needs (including housing for the elderly) and to ensure an adequate supply of affordable housing throughout the County. These goals are carried forward in the 2012 Draft Housing policy, which was never formally adopted by the County Council, but nevertheless can provide guidance about more recent County housing policy discussions. One of the overarching goals of the 2012 Draft Policy is to increase the number of affordable housing units, and one of the objectives is to “increase diversity in the type and size of units, neighborhoods, facilities, and programs to accommodate current and future residents.”

The 2011 Housing Element of the General Plan contains a similar goal: “Encourage and maintain a wide choice of housing types and neighborhoods for people of all incomes, ages, lifestyles, and physical capabilities at appropriate locations and densities. Implement policies to bridge any housing affordability gaps” (page 10). The Housing Element also encourages faith-based organizations to use their existing property to increase the supply of affordable housing (page 15). The proposed building will be constructed on land currently owned by a faith-based organization (The Potomac Conference Corporation of Seventh-Day Adventists). The proposed assisted living facility, which will provide a significant amount of affordable senior housing units, clearly satisfies goals put forth in the 2001 Housing Policy, the 2012 Draft Housing Policy, and the 2011 Housing Element of the General Plan.

- *Provide affordable housing for the elderly.* (page 177)
The proposed facility clearly fulfills this recommendation by providing the area with a significant number of affordable senior housing units.

Environment

The Plan includes several environmental recommendations that are relevant to the Property:

- *Reduce existing and avoid potential future property damage from flooding, erosion and sedimentation through appropriate stormwater management.* (page 122)

The proposed project will result in significant improvements to the Property’s stormwater management capabilities, as none is currently provided on-site. A Stormwater Management Concept Plan was submitted concurrently with the application, and stormwater management facilities for the proposed development will need to comply with the Maryland Department of the Environment’s Environmental Site Design criteria to the maximum extent practicable.

- *Respect appropriate stream buffer setbacks from watercourses, 100-year floodplains, wetlands and steep slopes as specified in M-NCPPC environmental guidelines and the Maryland Planning Act.* (page 122)

The western side of the Property contains a floodplain and an associated buffer. The conditional use plans show the proposed driveway and building outside of the floodplain buffer and the

buffer is almost entirely outside of the limits of disturbance (LOD). There is also an ephemeral drainage channel located in the central portion of the site that was associated with a previous storm water management facility on an adjacent property that no longer exists. The drainage channel is classified as “Water of the US” but is not a stream and does not have a stream valley buffer associated with it. The channel will not be disturbed.

- *Maintain and add to existing forest cover in accordance with the County’s Forest Conservation Law. (page 122)*

The Applicant plans to preserve existing tree stands, manage invasive species, and plant forest on-site. The Preliminary Forest Conservation Plan indicates 0.31 acres of forest retention, 0.9 acres of afforestation, and 0.80 acres of tree save area afforestation and invasive species management.

Special Exceptions

The Plan notes that special exceptions (conditional uses) had been previously approved that were out of character and scale with the low-density nature of their residential zone and the surrounding community. As such, the Plan includes the following guidance for special exceptions (pages 80-81):

- *Avoid excessive concentration of special exception and other nonresidential land uses along major transportation corridors. Sites along these corridors are more vulnerable to over-concentration because they are more visible. Large scale institutional uses near the intersection of Homecrest and Bel Pre Roads are of particular concern; similar additional special exceptions in the area should be discouraged.*

Bel-Pre Road is not considered a major transportation corridor; the Master Plan classifies it as an arterial roadway (page 103). Thus, the proposed use will not create an excessive concentration of special exceptions along a major transportation corridor. Further, the proposed building will be set back 640 feet from Bel Pre Road and will be located behind the existing church, so the new building will not be particularly noticeable from Bel Pre Road.

Although the proposed facility is relatively close to the intersection of Homecrest and Bel Pre Roads, the facility will be residential, rather than institutional, in nature. Other existing large scale, institutional uses located near the intersection are the Winchester School and the Moose Lodge on Bel Pre Road, and the Aspen Hill Club on Homecrest Road. The proposed facility will not add to the concentration of similar institutional uses near the intersection, and the building will be obscured from view from the cars traveling on Bel Pre road.

The Property is surrounded on three sides by multi-unit buildings in the R-20 Zone (Figure 7), and the proposed building will continue the pattern of densely developed three and four story buildings. The design of the proposed building will be similar in scale and character to the neighboring buildings, and it will have a residential appearance that blends well with the existing development.

- *Protect major transportation corridors and residential communities from incompatible design of special exception uses.*

As previously discussed, Bel Pre Road is not a major transportation corridor and the design of the proposed conditional use will be compatible with the surrounding multi-unit buildings.

- *Close scrutiny should be given to replacing or enhancing the screening and buffering as viewed from the abutting residential areas and along the major roadways.*

The proposed building and parking lot will be well screened from the abutting residential areas by existing tree stands and new landscape plantings. As previously described, the surrounding buildings are similar in scale and character to the proposed building, which will further enhance compatibility.

- *Minimize uses that might diminish the safety and reduce the capacity of the roadway by creating too many access points and conflicting turning movements.*

The proposed conditional use will not increase the access points on Bel Pre Road. The existing driveway will be removed and a new driveway will be constructed on the western side of the property. The number of access points will remain unchanged.

Transportation

Master-Planned Roadways and Bikeways

In accordance with the 1994 *Aspen Hill Master Plan* and the 2005 *Countywide Bikeways Functional Master Plan*, Bel Pre Road is recommended as a five-lane divided arterial, A-40, with an 80-foot-wide right-of-way and an existing Class I bikeway. The existing right-of-way is 80 feet wide.

The *Countywide Bikeways Functional Master Plan* recommends a shared-use path, SP-30 as “Bel Pre Road – east” along the south side.

Nearby Homecrest Road and Beaverwood Lane are listed in the *Aspen Hill Master Plan* as primary residential streets, P-12 and P-20, respectively, with 70-foot-wide rights-of-way and Class III bikeways.

The nearby County segment of Connecticut Avenue is designated as a four-lane arterial, A-53, with an 80-foot-wide right-of-way and a Class I bikeway. The *Countywide Bikeways Functional Master Plan* recommends a shared-use path, SP-27, along the southeast side.

Public Transit Service

Public transit routes operate within the vicinity of the site. The nearest bus stop is located on Bel Pre Road approximately 65 feet west from the site's western property line. A mid-block pedestrian crosswalk exists to cross between the eastbound and westbound bus stops on Bel Pre Road. The following two public transit routes stop at this nearest bus stop:

1. Ride On route 26 operates between the Glenmont Metrorail Station and the Montgomery Mall Transit Center with half-hour headways on weekdays and weekends.
2. Ride On route 49 operates between the Rockville Metrorail Station and the Glenmont Metrorail Station with half-hour headways on weekdays and weekends.

Approximately 1,400 feet, or 0.27 miles to the west of the site, the following three public transit routes serve the bus stop at the intersection of Bel Pre Road and Connecticut Avenue:

1. Ride On route 34 operates between the Friendship Heights Metrorail Station and the Bel Pre Road /Grand Pre Road intersection with half-hour headways on weekdays and weekends.
2. Ride On route 41 operates between the Glenmont Metrorail Station and the Bel Pre Road/Grand Pre Road intersection with half-hour headways on weekdays and weekends.
3. Metrobus route L8 operates between the Friendship Heights Metrorail Station and the Bel Pre Road /Grand Pre Road intersection with 15-minute headways on weekdays and weekends.

Pedestrian and Bicycle Facilities

An eight-foot-wide shared-use path with a six-foot-wide green panel exists along the south side of Bel Pre Road. A five-foot-wide sidewalk with no green panel exists on the north side of Bel Pre Road. The Applicant is providing an ADA-compliant pedestrian connection from the Bel Pre Road sidewalk to the main entrance of the proposed facility that includes a lead-in sidewalk, handicap ramps, and crosswalks. In addition, the Applicant is providing two internal ADA-compliant walking paths around the tree save area and the proposed building.

Although the County Zoning Ordinance Code requires two short-term bicycle parking and 28 long-term bicycle parking spaces, the Transportation Planning staff supports the Applicant's requested waiver because the total of 30 bicycle parking spaces is unrealistically high for the proposed specific land use for senior affordable housing units. Alternatively, the Applicant is providing and showing on the plans five short-term bicycle parking spaces and four bike lockers for long-term bicycle parking.

Local Area Transportation Review (LATR)

Currently, the site contains the Wheaton Seventh-Day Adventist Church, a single-family detached house that serves as the pastor's residence, and a surface parking area. For the proposed conditional use, two full-time and two part-time employees are proposed to serve the independent-living multi-family facility. Their work schedules are either from 8:30 a.m. to 5:30 p.m. or from 8:00 a.m. to 5:00 p.m. Both

work schedules are within the weekday morning peak period between 6:30 to 9:30 a.m. and the evening peak period between 4:00 and 7:00 p.m.

The Applicant indicates that an outside service will provide transportation to residents for shopping, medical appointments, social events, and other excursions. In addition, monthly health and wellness events, such as blood pressure testing, will occur on site so the residents will not need to travel off-site for these.

Using the Institute of Transportation Engineer's (ITE) trip generation rates, the proposed 120-unit facility will generate 24 peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.), and 30 peak-hour trips within the evening peak period (4:00 and 7:00 p.m.) A traffic study was required to satisfy the LATR test because the increase in site-generated peak-hour trips is 30 or more during the weekday evening peak hour.

The Montgomery County Council's Resolution No. 17-601, "2012-2016 Subdivision Staging Policy", states that, "if use and occupancy certificates for 75% of the originally approved development were issued more than 12 years before the LATR study scope request, the number of signalized intersections in the [traffic] study must be based on the increased number of peak-hour trips rather than the total number of peak-hour trips." The Property is a recorded Parcel P776 on which the church was built in 1950. The existing use and occupancy certificate for the current uses have existed for at least 12 years. Therefore, the traffic study was based only on the increased number of peak-hour trips rather than the total number of peak-hour trips.

Based on the traffic study results, the capacity/Critical Lane Volume (CLV) values at the studied intersections are shown in the table below for the following traffic conditions:

1. Existing: The current traffic condition.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the additional site-generated trips based on proposed senior independent-living units.

Studied Intersection	Traffic Condition					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Connecticut Avenue & Bel Pre Road	1,126	916	1,147	959	1,154	967
Bel Pre Road & Winchester School	808	670	824	705	835	726
Bel Pre Road & Existing Site Driveway	774	656	790	691	791	692
Bel Pre Road & Homecrest Road	868	742	886	776	888	779
Bel Pre Road & Beaverwood Lane	644	665	659	700	661	703

As indicated in the table above, all calculated CLV values are below the CLV standard of 1,475 for the Aspen Hill Policy Area, and, therefore, the LATR test is satisfied.

Policy Area Review

At the time of preliminary plan, the “policy area review” component of the transportation Adequate Public Facilities test must be satisfied in accordance with the applicable Subdivision Staging Policy. Currently, under the 2012-2016 Subdivision Staging Policy, the Transportation Policy Area Review (TPAR) test is satisfied because affordable housing is exempt from making a TPAR payment.

Environment

Environmental Guidelines

Staff approved a Natural Resources Inventory/Forest Stand Delineation on July 19, 2016 (NRI/FSD No. 420162110). The Property contains 1.07 acres of stream buffer and .49 acres of floodplain. No streams, wetlands or their buffers, steep slopes associated with a stream buffer, or known habitats of rare, threatened or endangered species are present. There is an existing forested area of 0.46 acres. The site also contains a number of specimen-size trees. The property drains to the Rock Creek watershed, which is not in a Special Protection Area or Primary Management Area. A Preliminary Forest Conservation Plan (PFCP) submitted as part of this application is in conformance with the *Environmental Guidelines*.

Forest Conservation

A PFCP and associated variance request was submitted with the Conditional Use application. A separate staff report for this PFCP has been prepared for the Planning Board’s review and action. Approval of the PFCP will demonstrate compliance with the requirements of Chapter 22A, Forest Conservation.

Preliminary Plan

Staff advised the Applicant that the proposed lot lines are unlikely to satisfy the lot shape requirements under Section 50-29(a)(3) of the Subdivision Ordinance that requires side lines of interior lots to be perpendicular to the street line. The proposed lot lines may need to be amended at the time of Preliminary Plan. In addition, the Applicant must work with the Montgomery County Department of Transportation (MCDOT) at the time of Preliminary Plan to assess the adequacy of the curb cut from Bel Pre Road (i.e., such as adequacy of the sight distance) and their review of the submitted traffic study.

Community Outreach

The Applicant has complied with the required signage on Bel Pre Road. Staff has not received any correspondence about this Application.

FINDINGS

Conditions for Granting a Conditional Use

Section 7.3.1.E Necessary Findings¹

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

Section 7.3.1.E.1.a. *satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;*

No applicable previous approvals exist.

Section 7.3.1.E.1.b. *satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds it necessary to ensure compatibility, meets applicable general requirements under Article 59-6;*

Use Standards for an Independent Living Facility for Seniors or Persons with Disabilities in Article 59-3

An Independent Living Facility for Seniors is allowed as a Conditional Use in the RE-2 Zone. Section 3.3.2.C.2 contains the specific use standards for this type of facility. Section 3.3.2.C.2.b requires the Application to satisfy both the limited and conditional use standards.

a. Where an Independent Living Facility for Seniors or Persons with Disabilities is allowed as a limited use, it must satisfy the following standards:

¹ Section 7.3.1.E.4 thru Section 7.3.1.E.6 are not applicable to this application and are not included in this report.

- i. The facility must meet all applicable Federal, State, and County licensure, certificate, and regulatory requirements.*

This requirement is a recommended condition of approval.

- ii. Resident staff necessary for the operation of the facility are allowed to live on-site.*

The Applicant does not propose to allow staff to live on-site.

- iii. Occupancy of a dwelling unit is restricted to the following:*

- (a) a senior adult or person with disabilities, as defined in Section 1.4.2, Defined Terms;*
- (b) the spouse of a senior or disabled resident, regardless of age or disability;*
- (c) a resident care-giver, if needed to assist a senior or disabled resident; or*
- (d) in a development designed primarily for persons with disabilities rather than senior adults, one parent, daughter, son, sister, or brother of a handicapped resident, regardless of age or disability.*
- (e) Age restrictions must satisfy 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, as amended.*

These occupancy restrictions are recommended to be a condition of approval.

- b. Where an Independent Living Facility for Seniors or Persons with Disabilities is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards, Section 7.3.1, Conditional Use, and the following standards:*

- i. The site or the proposed facility has adequate accessibility to or provides on-site public transportation, medical service, shopping areas, recreation and other community services frequently desired by senior adults or persons with disabilities. The application must include 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.*

As discussed on page 11 of this report, The Senior Connection will offer a free shuttle service connecting residents to off-site services. The Property is also served by public transportation. Two Ride On bus routes, 26 and 49, provide service along Bel Pre Road, and a bus stop is located just west of the Property's driveway. The Applicant submitted the required vicinity map (Attachment 3) that shows the public transportation stops and routes in the area, several nearby shopping centers, and medical offices located across the street from the Property. The location of the proposed facility in the community and

the free shuttle service ensures that residents will be able to access needed services and commercial facilities.

- ii. The Hearing Examiner may restrict the availability of ancillary services to nonresidents and specify the manner in which this is publicized. Retail facilities may be included for the exclusive use of the residents of the building.*

Not applicable; all of the services that will be offered by the proposed facility are intended to serve the residents.

- iii. A minimum of 15% of the dwelling units is permanently reserved for households of very low income, or 20% for households of low income, or 30% 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 under Executive regulations. Income levels are defined in Section 1.4.2, Defined Terms.*

A minimum of 15% of the dwelling units will be reserved for households of very low income. This is a recommended condition of approval for this application.

- iv. The maximum building height of an Independent Living Facility for Seniors or Persons with Disabilities is 60 feet and the maximum density is determined by the Hearing Examiner under the development standards of Section 3.3.2.C.2.b.vi through Section 3.3.2.C.2.b.ix, without regard to any other limitation in this Chapter.*

The height of the proposed building is 47 feet, with a density of 120 units on 5.99 acres of land (20 units per acre), as allowed under the development standards of Section 3.3.2.C.2.b.vi through Section 3.3.2.C.2.b.ix.

- v. Height, density, coverage, and parking must be compatible with surrounding uses and the Hearing Examiner may modify height, density, coverage, and parking to maximize the compatibility of buildings with the residential character of the surrounding neighborhood.*

The proposed facility has been designed to ensure compatibility with the surrounding uses. The Property is surrounded on three sides by three and four story multi-unit apartment complexes. The height, scale, and architecture of the proposed building will be consistent with the surrounding multi-unit buildings. Parking for the proposed facility will be largely screened from Bel Pre Road by the existing Church, and from the surrounding residential buildings by existing tree stands and proposed landscape plantings.

- vi. The minimum front setback is 50 feet. Except for an access driveway, this setback area must be maintained as green area; however, if development does not exceed*

the height limit of the applicable Residential zone, the minimum setback specified by the zone applies.

The proposed building will be set back 640 feet from Bel Pre Road. The area between the Bel Pre Road right-of-way and the 50-foot setback line is maintained as green area.

vii. The minimum side and rear setback is 25 feet or as specified by the relevant zone, whichever is greater.

The RE-2 zone requires a 17-foot side setback and a 35-foot rear setback, so the proposed building must have a side setback of at least 25 feet, and a rear setback of at least 35 feet. The proposed building will provide minimum side setbacks of 62 feet (to the east) and 153 feet (to the west), and a rear setback of 35 feet.

viii. The minimum green area is:

(a) 70% in the RE-2, RE-2C, and RE-1 zone, except where the minimum green area requirement is established in a master plan;

The proposed lot will be 73.3% green area.

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

Not applicable; the Applicant is not requesting a reduction in green area.

Development Standards under Article 59-4

Section 4.4.4.B. RE-2 Zone, Standard Method Development Standards¹

	Required / Allowed	Proposed
1. Lot and Density		
Lot (min)		
Lot area	2 acres	5.99 acres
Lot width at front building line	150'	582'
Lot width at front lot line	25'	88' & 71'
Frontage on street or open space	Required	Frontage on Bel Pre Road Provided
Density (max)		
Density (units/acre)	1 unit per 2 acres	Density is determined by Section 3.3.2.C.2.b.iv
Coverage (max)		
Lot	25%	11%
2. Placement		
Principal Building Setbacks (min)		
Front setback	50'	640'
Side setback	17' (25') ²	62' (east)
Sum of side setbacks	35'	215'
Rear setback	35'	35'
3. Height		
Height (max)		
Principal Building	50'	47'

¹ For a "Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone."

² Side setback established by Section 3.3.2.C.2.b.vii, which requires that the minimum side setback is 25 feet or as specified by the relevant zone, whichever is greater.

General Development Requirements under Article 59-6

The Divisions of Article 59-6 apply to ensure the compatibility of the proposed conditional use: Division 6.2 Parking, Queuing and Loading; Division 6.4. General Landscaping and Outdoor Lighting; Division 6.5. Screening, and Division 6.7 Signs. Unless otherwise noted, any sub-sections not listed were considered not applicable to the Application.

Division 6.2. Parking, Loading, and Queuing

	Required	Provided	Reference
Vehicle Parking	113 spaces	115 spaces	Section 6.2.4.B
– Handicapped	– 5 spaces	– 5 spaces	Section 6.2.3.B
– Car-share spaces	– 1 space	– 2 spaces	Section 6.2.3.D
– Electric ready	– 1 space	– 1 space	Section 6.2.3.E
– Motorcycle Parking	– 3 spaces 2% of vehicle spaces	– 4 spaces	Section 6.2.3.C
Bicycle Parking	30 total spaces 29 long term spaces	9 total spaces, 4 long-term ¹	Section 6.2.4.C

¹ The Applicant requests a parking waiver, described below.

Section 6.2.4. Parking Requirements

Vehicle Parking

Independent Living Facilities for Seniors in the RE-2 Zone requires one vehicle parking space per dwelling unit, plus 0.5 vehicle parking space per employee. The parking requirement for an independent living facility with 120 beds and four on-site employees is 122 spaces. Section 6.2.3.1.2.b allows an adjustment factor of 0.5 for MPDU and workforce housing. The Applicant proposes to use this adjustment factor for the 18 units that will be reserved for residents with very low income (defined as at or below 50% of the area median income). With this adjustment, the parking requirement becomes 113 spaces and the Applicant proposes 115 including the handicapped, car-share, electric ready and motorcycle spaces.

Bicycle Parking

Bicycle parking is required at the rate of 0.25 spaces per dwelling unit, or 30 spaces, 95% (29 spaces) of which must be long term. The Applicant proposes nine total bicycle parking spaces, with five short-term spaces and four long-term spaces provided in front of the building. The applicant requests a waiver, under Section 6.2.10, to reduce the required number of long-term bicycle spaces from 29 to four. Pennrose has significant prior experience operating similar facilities and anticipates that few, if any, residents will use bicycles. The proposed facility will employ four people, and is not located near a major bicycle commuting route. As such, the demand will likely be low for the long-term bicycle parking spaces and a reduction of the number of spaces will be sufficient to provide adequate parking in a safe and efficient manner. Staff supports a parking waiver to reduce the number of long-term bicycle parking spaces from 29 to four.

Section 6.2.5. Vehicle Parking Design Standards

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

Section 6.2.5.K. Facilities for Conditional Uses in Residential Detached Zones

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

1. Location

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

The majority of parking will be shielded from view on Bel Pre Road by the existing church building. The view of the parking lot from the abutting multi-family properties will be screened by existing tree stands and proposed landscape plantings.

2. Setbacks

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

The minimum side setback in the RE-2 zone is 17 feet, so the minimum side parking setback is 34 feet. Because of the irregular shape of the proposed Property, the parking lot has three side setbacks (to the north, east, and west). The parking lot is set back 93 feet from the western property line and 145 feet from the eastern property line, but a portion of the parking lot is only setback nine feet from the property line to the north, and the Applicant requests a parking waiver to reduce the parking set back from 34 feet to 9 feet along this property line. The proposed modification will only serve to reduce the parking setback between the proposed parking facility and the adjacent church parking lot, and there will be a minimum 62-foot buffer area between the two parking lots. The proposed parking lot design will satisfy the intent of maintaining the residential character and pedestrian friendly environment of the neighborhood and will provide parking in a safe and efficient manner.

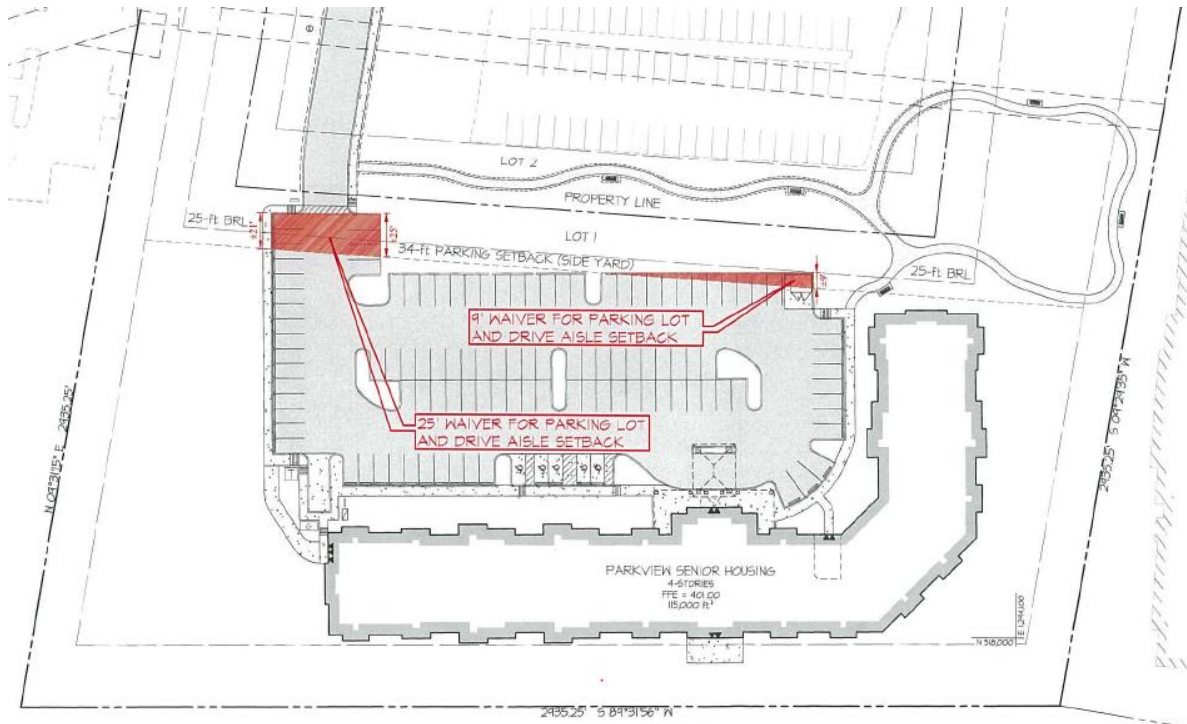


Figure 11: Parking Waiver Exhibit

Section 6.2.9. Parking Lot Landscaping and Outdoor Lighting

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

1. Landscaped Area

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

The Applicant's conditional use plan indicates compliance with this requirement.

2. Tree Canopy

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

The Applicant's landscape plan indicates compliance with this requirement.

3. Perimeter Planting

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

- i. be a minimum of 6 feet wide;

- ii. *contain a hedge or low wall a minimum of 3 feet high; and*
- iii. *have a canopy tree planted every 30 feet on center; unless*
- iv. *the property abuts another parking lot, in which case a perimeter planting area is not required.*

The perimeter planting requirements apply on the western side of the parking lot. The proposed planting bed is greater than 6 feet wide, and it contains a hedge of broadleaf evergreens with canopy trees planted every 30 feet on center.

Division 6.4. General Landscaping and Outdoor Lighting

Section 6.4.4. General Outdoor Lighting Requirements

Section 6.4.4.E. Conditional Uses

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

Not applicable; the Property does not abut any lots with detached houses. Nevertheless, the photometric plan demonstrates that the illumination will be 0 footcandles at the property line with the adjacent multi-unit buildings.

Division 6.7. Signs

Section 6.7.8. Residential Zones

B. Additional Sign Area

1. Subdivision and Multi-Unit Development Location Sign

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

- a. *2 signs are allowed for each entrance.*
- b. *The maximum sign area is 40 square feet per sign.*
- c. *If the driveway entrance to the subdivision or development is located in the right-of-way, a revocable permit issued jointly by the Sign Review Board and the appropriate transportation jurisdiction must be obtained to erect the sign.*
- d. *The maximum height of a sign is 26 feet.*
- e. *The sign may be illuminated (see Section 6.7.6.E).*

The two proposed ground signs measure 60 inches tall by 84 inches wide, and 73 inches tall by 55 inches wide.

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

As discussed on page 11 of this report, the proposed independent living facility substantially conforms with the housing, special exception, and environmental recommendations of the 1994 *Aspen Hill Master Plan*. The independent living facility will increase a needed type of housing in the Plan area by providing 108 affordable living units for seniors. By retaining existing tree stands, planting forest onsite, and improving the Property's stormwater management capabilities, the project will be in substantial conformance with the environmental recommendations of the Plan.

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

The proposed building is consistent with the scale and character of the three and four story multi-unit buildings that surround the Property. The proposed setbacks, perimeter landscaping, and retained tree stands will provide an appropriate buffer between the proposed buildings and the adjacent multi-unit buildings. The building will employ architecture that is residential in nature that will minimize the perceived bulk and massing of the building. Further, the facility and associated parking area will be largely screened from view from Bel Pre Road, and thus will not alter the character of the surrounding neighborhood.

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

Several other existing and approved conditional uses (special exceptions) operate in Residential Detached zones within the staff defined Neighborhood, including another independent living facility, Aspenwood Senior Living. The other residential facility in the Neighborhood, Genesis Healthcare, offers care beyond the level offered by an independent living facility. Two of the conditional uses, the Moose Lodge and the Winchester School, are nonresidential, but they have been deemed compatible in their respective locations. The proposed use will not increase the number, intensity or scope of conditional uses to such a degree that the area will be adversely affected. The proposed use is residential in nature and, as such, will not alter the predominately residential nature of the area. The proposed facility will increase the housing diversity in the area and it will offer affordable units, including units for very low-income residents. As described on page 11 of this report, the conditional use substantially conforms with the recommendations of the Master Plan, and thus does not alter the nature of the area.

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

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

If the conditional use is approved, a preliminary plan of subdivision will be required to subdivide the parcel into two lots. As such, the Planning Board will determine if Adequate Public Facilities exist to support the proposed use of the Property as an assisted living facility. The Hearing Examiner is not required to assess the adequacy of the public facilities as part of this Application, but a preliminary assessment by Staff indicates that the proposed development will be served by adequate public services and facilities.

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

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

Inherent adverse effects are created by the physical or operational characteristics necessarily associated with the conditional use, regardless of the physical size or scale of operations. Staff identified the following inherent characteristics as necessarily associated with an independent living facility: (1) buildings and related outdoor recreational areas or facilities; (2) parking facilities; (3) lighting; (4) vehicular trips to and from the site by employees, visitors, residents, delivery vehicles and waste removal; (5) noise generated by equipment for the facility, waste pick-up, deliveries, and occasional outdoor activities of residents and their visitors; and (6) driveway impacts.

Non-inherent adverse effects may result from a situation unique to the physical location, operation, or size of a proposed use. Staff has not identified any non-inherent adverse impacts from the proposed use. There is no expected undue harm to the neighborhood because of any non-inherent adverse effect, or a combination of inherent or non-inherent adverse effects.

The proposed independent living facility will not disturb the use, peaceful enjoyment, economic value, or development potential of abutting and confronting properties or the general neighborhood. The proposed building and site have been designed to be compatible with the surrounding residential neighborhood. The proposed building is similar in scale and appearance to the surrounding multi-unit buildings. The residential architecture, large building setback, and screening will ensure that the proposed facility will not disturb the use or peaceful enjoyment of neighbors, nor will it decrease the economic value or development potential of abutting and confronting properties or the general neighborhood.

The proposed facility will not cause undue harm to the neighborhood as a result of traffic, noise, odors, dust, illumination, or a lack of parking. The Applicant's Traffic Study indicates that the Critical Lane Volumes (CLV) at surrounding intersections do not exceed the CLV standard of 1,475 for the Aspen Hill Policy Area and that the roadway network is adequate to accommodate the proposed use. Any noise, odors, or dust associated with the facility will be similar to those generated by similar facilities. Noises associated with the proposed facility will be minimized by the site design. The generator will be located within a self-attenuating container. The dumpster will be located in the front of the parking lot, over 180 feet from the nearest property line, and a recommended condition of approval prohibits waste pick-up in the evenings. The outdoor recreation areas for residents and visitors are unlikely to generate noises objectionable to the neighbors. As demonstrated on the photometric plan, lighting for the project will be 0.0 footcandles at all property lines, so light associated with the facility will not create a nuisance to neighbors.

The facility will provide sufficient parking considering the number of units available to very low income residents. As previously discussed, a shuttle service will also be offered to residents, and a Ride On Bus stop is located just to the west of the Property's driveway.

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

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

The proposed building will be compatible with the character of the surrounding residential neighborhood. The building's scale, height, and residential style architecture will be consistent with the residential character of the nearby multi-unit buildings. The view of the facility from Bel Pre Road will be obscured by the 640-foot setback from the road right-of-way and the existing church. Retained tree stands and additional landscape plantings will buffer the proposed building from the adjacent multi-unit buildings.

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

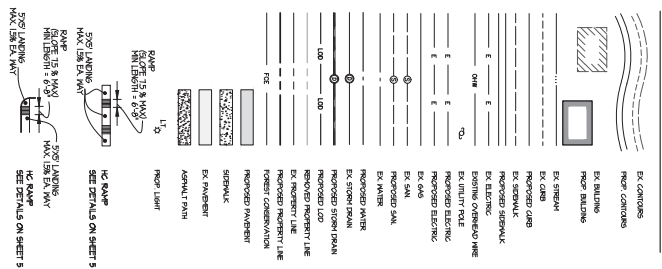
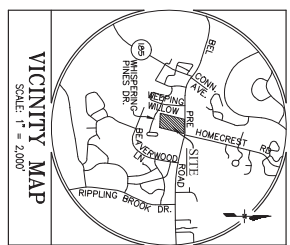
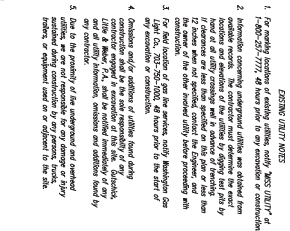
Staff recommends approval with conditions.

CONCLUSION

The proposed independent living facility complies with the general conditions and standards for a conditional use. The proposed use is consistent with the goals and recommendations of the 1994 *Aspen Hill Master Plan*, and it will not alter the character of the surrounding neighborhood. Further, it will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval with conditions.

Attachments

1. Conditional Use Plan
2. Landscaping Plan
3. Vicinity Map
4. Parking Waiver Request



G. L. W. FILE NO.	16023
SHEET	



VICINITY MAP

(FOR PUBLIC TRANSPORTATION, LOCATION OF COMMERCIAL AND PUBLIC SERVICES)

SCALE: 1" = 2,000'



ideas that work

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**Parkview at Aspen Hill, LLP
3132 Bel Pre Road, Silver Spring, Maryland
Conditional Use Application No. _____
Request for Parking Waiver**

In connection with the above-referenced Conditional Use application for an independent living facility located at 3132 Bel Pre Road (the "Property") and pursuant to Zoning Ordinance Section 6.2.10, Parkview at Aspen Hill, LLP (the "Petitioner"), on behalf of a joint venture between Pennrose Properties, LLC and the Housing Opportunities Commission, respectfully requests approval of a Parking Waiver to modify Zoning Ordinance Section 6.2.4.C, Bicycle Parking Spaces and Section 6.5.2.K.2, Setbacks for Facilities for Conditional Uses in Residential Detached Zones.

A. Parking Waiver Request

The Petitioner is proposing an affordable, 120 unit Independent Living Facility for Seniors or Persons with Disabilities on the Property. Pursuant to Section 6.2.4.C, 0.25 bicycle spaces are required for every dwelling unit within an independent living facility (or a maximum of 50 spaces), of which 95 percent are required to be devoted to long term bicycle spaces. Accordingly, based on the 120 units proposed, the Project will require a total of 30 bicycle parking spaces, of which 29 must be provided as long term spaces. Given the location of the proposed facility, it is anticipated that only a limited number, if any, of the resident's guests will visit via bicycle and thus, the one (1) outdoor inverted u-rack, which will provide five (5) total short term bicycle parking spaces on-site, is sufficient to accommodate any such potential guest.

The proposed facility is age restricted and serves residents 62 years of age and older. The average age of the residents in a Pennrose independent living facility is approximately 72. As such, and based on significant prior experience developing independent living facilities in other jurisdictions, the Petitioner anticipates that few, if any, of the residents will ride bicycles.

The only potential users of the long term bicycle spaces are the rare resident or the employees. However, the facility will have only a maximum of three employees on site at any given time. Accordingly, the Petitioner proposes to provide a total of four long-term spaces. Therefore, the Petitioner requests a Parking Waiver to reduce the number of required long-term bicycle spaces from 29 to four (4).

The Petitioner also seeks a Parking Waiver from the minimum side parking setback. Section 6.5.2.K.2 of the Zoning Ordinance requires that parking facilities for a conditional use located in a Residential Detached Zone provide a minimum side parking setback equal to two (2) times the minimum side setback required for the detached house (or 34 feet). Because of the irregular shape of the Property, the parking facility has three side yard setbacks (to the north, east and west). Directly abutting the proposed parking facility to the north is the existing church parking lot. As a result of the site layout and irregular shaped property, a portion of the side yard setback from the abutting parking lot is only a minimum of nine (9) feet, as indicated on Attachment A. As such, the Petitioner seeks a waiver to allow for a side yard setback along the northern boundary less than 34 feet. The side yard setbacks to the east and west will remain unchanged by this waiver request.

B. Required Findings

In order to grant the proposed Parking Waiver, the Hearing Examiner must find that the proposed design satisfies the intent of Section 6.2.1.

Pursuant to Section 6.2.1., the intent of the bicycle parking space requirement is to "ensure that adequate parking is provided in a safe and efficient manner." The Petitioner shares the objective of the Zoning Ordinance and will provide an adequate number of parking spaces to serve users of the project. Based on significant previous experience at the Petitioner's other independent living facilities, including those located in a more urban area, the four (4) long-term bicycle parking spaces proposed are more than adequate.

Ironically, the number of bicycle parking spaces for an independent living facility is the same number required for a dormitory, as well as several other uses. Clearly, the number of bicycle spaces that may be needed for residents of a dormitory (whether college-aged or older) is much greater than what is needed for an independent living facility. Thus, the provision of four (4) long term bicycle spaces is more than adequate to meet the needs of the Project and the proposed Parking Waiver will further the public interest by ensuring that the regulations accommodate the unique attributes of the proposed use.

The proposed Project will also satisfy the intent of the parking setbacks contained in Section 6.2.5.K, which is to maintain a residential character and a pedestrian-friendly street. As a result of the irregular shape of the property, the side setback must be measured from the internal, northern Property boundary, as opposed to from the Property boundary along Bel Pre Road. Accordingly, the proposed modification will only serve to reduce the parking setback between the proposed parking facility and the adjacent church parking lot. Given the adjacency of the church and the Project parking lots, there is no reason or purpose for providing a setback between the two like uses. Nonetheless, as a result of the church parking setback and the Project's setback, there will be a minimum of a 62 foot buffer area between the two parking

facilities. The project will meet or exceed the required side setbacks to the adjacent multi-family residential developments to the east and west. Furthermore, as a practical matter, the parking facility is substantially setback and screened from view from Bel Pre Road. As such, the proposed Parking Waiver will continue to satisfy the intent of maintaining the residential character and pedestrian-friendly environment.

A. Conclusion

For the reasons set forth above, we respectfully request that the Hearing Examiner grant the Parking Waiver, requiring the Petitioner to provide only four (4) long term bicycle spaces and a side setback for the parking facility to the north of nine (9) feet.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patricia Harris', with a stylized flourish at the end.

Patricia Harris

ATTACHMENT "A"

