

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS MONTGOMERY COUNTY, MARYLAND

100 Maryland Avenue, Room 200 Rockville, Maryland, 20850

(240) 777-6660 {Form Revised 10-7-14}

OZAH No. CU- 20-05 Date Certified Complete Date Filed 3/19/20 Hearing Date 7/17/2020 Time 9:30

Received M-NCPPC MAR 1 2020 Montgomery County Planning Department

APPLICATION FOR CONDITIONAL USE

(Please note instructions on reverse side. Application cannot be processed unless all information is submitted)

Application is hereby made for a Conditional Use under the Zoning Ordinance for the Montgomery-Washington Regional District in Montgomery County, Maryland (Chap. 59, Mont. Co. Code 2014) as follows:

Applicant(s) Spectrum Retirement Communities, LLC

Property to be used: Lot Block Subdivision

Street Address 9545 River Road City Potomac State MD Zip 20854

Zone Classification RE-2 Tax Account No. 10-00855533

Proposed Use Residential Care Facility (Over 16 Persons) - up to 100 dwelling units (or up to 120 beds)

If this Application is for a Day Care Facility, specify the number of children to be cared for

Zoning Ordinance subsection providing for proposed use: Section 59-3- 3.2.E (in accordance with Section 59-7.3.1)

Owner of property: Name Potomac Gardens LLC

Address 7904 Woodmont Avenue, Floor 2, Bethesda, MD 20814

Applicant's present legal interest in above property: (check one)

- Owner (including joint ownership) Lessee Tenant other than lessee [X] Contract Purchaser Other (Describe)

Has any previous application for a special exception or conditional use involving this property been made by this Applicant, or by anyone else to this Applicant's knowledge? Yes If so, give Case Number(s): S-1782

I have read the instructions on the reverse side of this form, and am filing herewith all of the required accompanying information. I hereby affirm that all of the statements and information contained in or filed with this Application are true and correct.

Signature of Attorney - (Please print next to signature) STEVEN A. ROBINSON

7600 Wisconsin Avenue, STE 700, Bethesda, MD 20814

Address of Attorney

301-657-0747

sarobins@lercheary.com

Telephone Number

Email Address

Signature of Applicant(s) - (Please print next to signature) MICHAEL E. LONGFELAN

4600 Syracuse Street, Suite 1100, Denver, CO 80237

Address of Applicant(s)

EXHIBIT NO.

303-360-8812

Home Telephone Number

Work Telephone Number

APPLICATION NO. EXHIBIT NO. 1

Conditional Use Annual Billing Information (Please Print)

Name:

Street Address: APPLICATION NO. CU. 20-05

City: State: Zip Code:

Telephone Number: Email Address:

**SPECTRUM RETIREMENT COMMUNITIES**

PETITION FOR APPROVAL OF  
CONDITIONAL USE APPLICATION NO. \_\_\_\_\_

9545 RIVER ROAD, POTOMAC, MARYLAND

LERCH, EARLY & BREWER, CHTD.  
7600 Wisconsin Avenue, Suite 700  
Bethesda, Maryland 20814  
(301) 986-1300  
*Attorneys for the Petitioner*

**January 31, 2020**

**SPECTRUM RETIREMENT COMMUNITIES**

**PETITION FOR APPROVAL OF  
CONDITIONAL USE APPLICATION NO. \_\_\_\_\_  
9545 RIVER ROAD, POTOMAC, MARYLAND**

**MONTGOMERY COUNTY  
OFFICE OF ZONING & ADMINISTRATIVE HEARINGS**

**January 31, 2020**

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**SPECTRUM RETIREMENT COMMUNITIES**

**PETITION FOR APPROVAL OF  
CONDITIONAL USE APPLICATION NO. \_\_\_\_\_  
9545 RIVER ROAD, POTOMAC, MARYLAND**

**CONTACT INFORMATION**

Petitioner: Spectrum Retirement Communities  
Attn: Mike Longfellow  
4600 S Syracuse St, 11th Floor  
Denver, CO 80237

Attorneys: Steven A. Robins, Esq.  
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Logan Kelso  
VIKA Maryland  
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Germantown, MD 20874

Land Use Planners: Joshua Sloan  
VIKA Maryland  
20251 Century Boulevard, Suite 400  
Germantown, MD 20874

Architects: Brian Van Winkle  
Vessel Architecture and Design  
Emerson Road, Suite 401  
Saint Louis, MO 63141

Traffic Engineers: Nancy Randall  
Wells and Associates  
1110 Bonifant Street, Suite 210  
Silver Spring, MD 20910

## **SUMMARY OF PROPOSAL**

Spectrum Retirement Communities (the “Petitioner”) is submitting this Conditional Use application for the proposed redevelopment of the property located at 9545 River Road in Potomac, Maryland (the “Property”) with a Residential Care Facility (Over 16 Persons), which is defined to include a continuing care retirement community (*see* Section 59-3.3.2.E). The Property is classified in the Residential Estate-2 (“RE-2”) Zone and currently is improved with a nursery/garden center and associated surface parking. The Applicant proposes to redevelop the Property with a continuing care retirement community containing Independent Living, Assisted Living and Memory Care uses (the “Project”). The Project will significantly improve the visual appearance of the Property and provide an opportunity to implement stormwater management and forest conservation strategies, where there currently are none.

The Project will be constructed in one phase.

**IN THE MATTER OF THE PETITION** \*  
 \*  
**OF SPECTRUM RETIREMENT COMMUNITIES** \*  
 \*  
**FOR A CONDITIONAL USE** \* **Case No. CU-\_\_\_\_\_**  
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 \* \* \* \* \*

**STATEMENT OF SPECTRUM RETIREMENT COMMUNITIES IN SUPPORT OF THE  
 REQUESTED CONDITIONAL USE**

Spectrum Retirement Communities (the “Petitioner”) respectfully submits this request to the Montgomery County Office of Zoning & Administrative Hearings (“OZAH”) pursuant to Section 7.3.1 of the Montgomery County Zoning Ordinance (“Zoning Ordinance”). The Petitioner seeks approval for the establishment of a Residential Care Facility (over 16 persons) (the “Conditional Use”) on the property located at 9545 River Road in Potomac, Maryland.<sup>1</sup>

**I. PROPERTY DESCRIPTION & PROPOSED CONDITIONAL USE**

As stated in the Petitioner's Land Use Report (Exhibit C), the Property currently consists of approximately 219,757 square feet of land (±5.04 acres) located along River Road, approximately 0.5 miles south of the Potomac Village, which is situated at the intersection of River Road and Falls Road. The attached Zoning Map (Exhibit D) confirms that the applicable zoning classification is Residential Estate-2 (“RE-2”).

The Land Use Report describes the Property as being located at the center of a larger neighborhood generally bounded by Sotweed Drive and Conestoga Way to the north, Schulz Lane and Persimmon Tree Road to the west, Newbridge Drive and Logan Drive to the south, and Bencross Drive and various residential lots to the east (the “Surrounding Neighborhood”). The Land Use Report states that the Surrounding Neighborhood is residential in character, made up of single-family detached homes, many of which are large estates on large lots. There are various non-residential uses just beyond the Surrounding Neighborhood boundary to the north, in the Potomac Village, which is approximately 0.5 miles north of the Property. The Potomac Village will serve the varying needs of the residents for goods and services and medical appointments.

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<sup>1</sup> Prior to implementing the proposed Conditional Use for a Residential Care Facility (Over 16 Persons) the Petitioner will submit the necessary applications to the Montgomery County Planning Board for a Preliminary Plan of Subdivision and subsequent Record Plat, to create one record lot for the Property and provide the necessary right-of-way dedication.

Consistent with the residential character of the Surrounding Neighborhood, the Petitioner proposes to redevelop the Property with a continuing care retirement community (which falls within the definition of a Residential Care Facility (over 16 persons)). As shown on the Conditional Use Site Plan (Exhibit J), the proposed building will comply with the development standards of Section 59-4.4.4 of the Zoning Ordinance for the RE-2 Zone. The Project will include up to approximately 40 Independent Living units and 60 Assisted Living and Memory Care units (or up to 80 Assisted Living and Memory Care beds) (the “Residence”). The Residence will also provide residential amenities, generous common areas for use by residents, landscaping, streetscape improvements, associated parking, and other site improvements (the “Project”). A detailed description of the Project is provided in the Land Use Report.

The Land Use Report will demonstrate that the proposed Conditional Use:

- (a) Is permitted in the RE-2 Zone;
- (b) Complies with the specific use standards set forth in Divisions 59-3, the development standards set forth in Division 59-4, and the general requirements set forth in Division 59-6; and
- (c) Satisfies the findings required for approval in Division 59-7.

**V. LIST OF INITIAL WITNESSES**

The Petitioner intends to call the following witnesses at the public hearing, but reserves the right to call additional witnesses as necessary.

1. Mr. Michael Longfellow, Senior Vice President of Construction & Development, Spectrum Retirement Communities, LLC, will testify as to the proposed use and operations, as well as some planning and design aspects of the project.
2. Mr. Joshua Sloan, ASLA, AICP, with VIKA Maryland, will testify as to the approved Forest Conservation and Stormwater Management Plans for the Property, the Project’s compliance with the intent and requirements of the Zoning Ordinance, the proposed landscape design, compatibility of the proposed development with the Surrounding Neighborhood, and the Project’s substantial compliance with the Master Plan.
3. Mr. Jeff Amateau, P.E. or Mr. Logan Kelso, P.E., with VIKA Maryland, will testify as to the physical characteristics of the Property, the proposed Conditional Use Plan, and the site and building’s compliance with the applicable standards and requirements of the Zoning Ordinance.
4. Mr. Brian Van Winkle, AIA, with Vessel Architecture and Design, will testify as to architectural and design elements of the proposed senior living residence.



5. Ms. Nancy Randall, with Wells + Associates, will testify as to traffic and transportation planning issues in accordance with the Transportation Statement prepared for the Conditional Use Application.

**VI. LIST OF INITIAL EXHIBITS**

1. Application Form (Exhibit A)
2. Owners Authorization Letter (Exhibit B)
3. Land Use Report (Exhibit C)
4. Zoning Map (Exhibit D)
5. List of Adjoining and Confronting Property Owners and Local Citizens Associations (Exhibit E)
6. Traffic Statement (Exhibit F)
7. Existing Conditions Map (Exhibit G)
8. Utility Plan (Exhibit H)
9. Statement of Operations (Exhibit I)
10. Conditional Use Site Plan (Exhibit J)
11. Landscape Plan (Exhibit K)
12. Photometric Plan (Exhibit L)
13. Natural Resources Inventory/Forest Stand Delineation (Exhibit M)
14. Preliminary Forest Conservation Plan, including Tree Variance Justification (Exhibit N)
15. Stormwater Management Concept Application (Exhibit O)
16. Architectural Drawings (Exhibit P)
17. Site Distance Studies (Exhibit Q)
18. Resumes of Expert Witnesses (Exhibit R)

**VII. ESTIMATED HEARING TIME**


The Petitioner anticipates that, excluding questions, the presentation of its case-in-chief for the proposed conditional use will take approximately three hours.


**VIII. FILING FEES**

Enclosed are checks in the amounts of \$6,155 payable to MNCPPC and \$18,465 payable to Montgomery County, MD (collectively making up the application fee of \$24,620) and

\$400.00 (sign fee) as payment in full of all fees associated with this Petition for Conditional Use Petition.

Respectfully submitted,  
Lerch, Early, & Brewer, Chtd.

By:   
\_\_\_\_\_  
Steven A. Robins, Esq.  
*Attorney for Petitioner*

By:   
\_\_\_\_\_  
Elizabeth C. Rogers, Esq.  
*Attorney for Petitioner*

Dated: January 31, 2020