



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

September 3, 2020

Lynn Robeson Hannan
Director, Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Subject: Request for a Conditional Use to operate a 100-unit, 130-bed Residential Care Facility for (over 16 Persons) including an 18-unit memory care section, on a 5.93-acre property located at 9545 River Road on the north side of the Road, 0.5 mile east of its intersection with Falls Road in Potomac, MD, Identified as Parcel 786 Tax Account No. 10-00855533, RE-2 zone, *2002 Potomac Subregion Master Plan*.

Dear Ms. Hannan:

At its regular meeting on July 30, 2020, the Montgomery County Planning Board reviewed a Conditional Use application for a residential care facility (over 16 persons). The proposed facility is a 100-unit/130-beds Assisted Living Facility with 18 Memory Care units. The facility will have a total of approximately 68 employees, with a maximum of 52 employees being present on the property at any one time.

In the staff report dated July 18, 2020, technical staff recommended approval of the Conditional Use with conditions. The technical staff amended Conditions 1, 3 and 6 of the staff report as follows (see attachment):

1. The maximum number of residential care units is limited to 100 suites with 130 beds on 5.04 acres net tract area. Occupancy of the units shall be in accordance with the standards of Zoning Ordinance Section 59.3.3.2.E.2.c.ii.
3. There shall be no more than 10 food supply deliveries to the facility per month.
6. The Existing Conditional Use, Special Exception BAS-1782, must be vacated prior to receiving use and occupancy permit.

Following staff's presentation, and testimony from community members and groups in opposition and support of the application, the Applicant team made a PowerPoint presentation at the end of which it requested changes to the language of Condition 2 as follows:

2. The maximum number of employees working in any shift shall be 42, with no more than 52 employees on site at any one time to accommodate for shift change.

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The Planning Board concurred with the findings and recommendations of the staff report. The Planning Board agreed with technical staff's conclusions that the use is compatible with the recommendations of the *2002 Potomac Subregion Master Plan*.

The Application satisfies all applicable requirements and regulations for approval of a Residential Care Facility (Over 16 Persons) Conditional Use. The Applicant has also met the burden of proof by showing that operating the use at this location will not be a detriment to the neighborhood and will not adversely affect the public interest.

The Planning Board unanimously approved the associated Preliminary/Final Forest Conservation Plan CU-20-05. The Planning Board also found that the use on the property complies with Chapter 22A of the Montgomery County code. A copy of the Resolution of the Planning Board's action on the Forest Conservation Plan will be sent to you so that it can be entered into the record of the Conditional Use application.

On a motion by Commissioner Verma, seconded by Commissioner Cichy with Chair Anderson, Vice Chair Fani-González and Commissioner Patterson voting in favor of the motion, the Planning Board, by a vote of 5 to 0, approved transmittal of a letter recommending that the Hearing Examiner approve Conditional Use CU-20-05 with the conditions as listed in the staff report, and as amended at the Planning Board hearing of the Application.

The Planning Board appreciates the opportunity to review this project and looks forward to working with your staff on subsequent reviews. If you have any questions, please contact Elsabett Tesfaye at 301-495-1301 or elsabett.tesfaye@montgomeryplanning.org.

Sincerely,



Casey Anderson
Chair

Attachment:
Slide copy of corrections to the staff report

cc: Elsabett Tesfaye