

SECOND AMENDMENT TO
LAND USE REPORT

Spectrum Retirement Communities
9545 River Road, Potomac, MD
Conditional Use CU 20-05

This Second Amendment to the Land Use Report (“Land Use Report”) is submitted by Spectrum Retirement Communities (the "Petitioner" or “Spectrum”) in connection with its amended request pursuant to Section 7.3.1 of the Montgomery County Zoning Ordinance ("Zoning Ordinance") to establish a Residential Care Facility (over 16 persons) (the "Project") on the property located at 9545 River Road in Potomac, Maryland (the "Property"). The Project will include up to 100 assisted living and memory care suites (or up to 130 beds) that provide two levels of care, support and special assistance to residents 62 years of age and older.

The Petitioner is submitting this Amended Application in response to comments received from residents in the surrounding neighborhood. The plan refinements proposed by this Amended Application primarily include the elimination of the third-story component, corresponding modifications to the building footprint, and significantly enhanced landscaping to further promote compatibility with the surrounding neighborhood. The changes proposed by this Amended Application are detailed in Section I below.

Importantly, no changes are proposed to the use. There is a significant need for more senior housing in the County, as a whole. The *2002 Approved and Adopted Potomac Subregion Master Plan* (the "Master Plan") also makes special note of the need for more senior housing in the Potomac Subregion. As such, the Project provides an important opportunity to develop much needed senior housing, at varying levels of care (both assisted and memory care), which will serve County residents and allow Potomac residents to stay in their community, close to family and friends, as they age. The proposed facility will provide a quality lifestyle and the necessary services to allow senior residents to remain vital members of their community.

As discussed in detail in this Land Use Report, the Amended Application will continue to be compatible with the surrounding neighborhood, will satisfy all applicable standards of the Zoning Ordinance, and substantially conforms to the Master Plan.

I. BACKGROUND

A. Application Progression and Summary of Modifications

The Petitioner originally submitted a request on March 16, 2020 to redevelop the Property with a Residential Care Facility containing independent living, assisted living, and memory care uses. The original application proposed to redevelop the Property with a two- and three-story

senior living facility. The original application provided substantial building setbacks and landscaping, to promote compatibility with the surrounding neighborhood.

On July 7 2020, the Petitioner subsequently amended the application to eliminate the independent living component of the Project. No changes were otherwise proposed to the building or site design. The Planning Board reviewed and unanimously voted to recommend approval of the Project at their regularly schedule hearing on July 30, 2020.

In keeping with the Petitioner’s longstanding efforts to engage and work collaboratively with the community, following the Planning Board Hearing, the Petitioner, immediately surrounding neighbors, and West Montgomery County Citizens Association (“WMCCA”) opened a dialogue. Over the past several months, the parties have collectively engaged in substantial discussions regarding the Project and its impact on the surrounding community. While the Petitioner firmly believes that the original application was compatible with the neighborhood, the Petitioner, as a long-term owner and operator, is committed to ensuring that the surrounding community feels the same. As such, the Petitioner is submitting this Amended Application to address specific concerns raised by the close-in neighbors and WMCCA.

The Amended Application results in a redesign of the building and site, in response to the significant and collaborative workings with WMCCA and the community. Notably, the Petitioner has eliminated the third-story component of the building. To make up for some of this lost floor area, the building footprint has somewhat expanded – the Petitioner worked closely with the neighbors on how best to accommodate the expanded building area on-site. The Petitioner also is proposing substantial, additional perimeter landscaping to screen the building. As shown on the amended Landscape Plans, the Petitioner has not only increased the number of plantings but also incorporated larger/ more mature trees. The grading and landscaping along River Road also has been refined to provide additional screening of the building (*e.g.* berms and additional, mature plantings), as viewed from the street, while maintaining safe and adequate vehicular site access. Lastly, the Petitioner has slightly modified the building architecture (particularly the colors of the materials) to provide a more tonal design that responds to specific comments from the community. Collectively, the modifications proposed by this Amended Application will further promote compatibility of the Project with the surrounding community, while continuing to ensure conformance with the requirements of the Zoning Ordinance and goals and objectives of the Master Plan.

B. Petitioner

Spectrum is a Developer, Owner and Operator of senior housing facilities across the United States. Spectrum is exclusively in the senior housing business and develops properties solely for its own long-term ownership and operation. Spectrum currently operates 48 properties, containing 6,286 units in 10 states. Spectrum currently has another four properties, containing 561 units, under construction. As mentioned above, given that Spectrum is a long-term owner and operator, Spectrum is committed to ensuring that every project fulfills the needs of the residents and also is

compatible with the surrounding community. Additional background on Spectrum is provided in the Statement of Operations, submitted concurrently with this Report.

II. PROPERTY & SURROUNDINGS

The Property is located along River Road, just south of its intersection with Persimmon Tree Road. The Property is an unrecorded parcel, P786, with a lot area of approximately 5.04 acres and, including land proposed to be dedicated to public use for River Road, a tract area of approximately 5.93 acres. In order to implement the Conditional Use application, the Petitioner subsequently will seek approval of a Preliminary Plan of Subdivision to create a record lot. Following subdivision, the Property will consist of approximately 219,757 square feet of land (or ± 5.04 acres).

The Property currently is underutilized with aging commercial buildings and structures, operated as a nursery/garden center.¹ The existing buildings have a tired and worn appearance that is inconsistent with the quality of the surrounding community. Existing landscaping is sparse and in poor condition. Perimeter fencing is decaying and falling down in several locations along neighboring properties. Vehicular access to the Property is not well defined and unsafe, with two very wide access points directly into parking off River Road that permit vehicles to circulate in unpredictable and haphazard fashion. As such, the proposed Project provides an opportunity to significantly improve every aspect of the existing conditions on the Property.

As shown on the Certified Zoning Map, submitted concurrently with this Statement, the Property currently is zoned RE-2 ("Residential Estate-2"). Pursuant to Section 3.1.6 of the Zoning Ordinance, a Residential Care Facility (over 16 persons) is an allowed Conditional Use within the RE-2 Zone, subject to Section 3.3.2.E of the Zoning Ordinance.

The Property is surrounded by single-family residential neighborhoods. The surrounding homes generally are large (ranging from approximately 4,500 to 11,000 square feet) and are situated on large lots, the majority of which are over two acres in size. There is a natural vegetative buffer that exists around the perimeter of the site that largely screens the Property from view of the neighboring homes. The Project will enhance this natural buffer with carefully selected landscaping material designed to enhance the screening, and will result in the redevelopment of the existing commercial use with a more compatible, residential use. The Project will also provide significant environmental benefits. The Project will result in a substantial reduction of impervious area (as compared to existing conditions) and will provide stormwater management on the Property, where there are currently no known stormwater management facilities. The Petitioner has submitted an amended Stormwater Management Concept Plan to the Montgomery County Department of Permitting Services, which reflects the revised building footprint.² As the SWM

¹ Behnke's Nursery, which originally opened a store on the Property in 1998, closed their Potomac location in July 2014. Potomac Petals currently operates a smaller scale flower and garden center on the Property.

² Although not required at this point in the process, because a Preliminary Plan of Subdivision will be required, the Petitioner obtained DPS approved a SWM Concept for the previous iteration of the Project.

Concept demonstrates, and as discussed in greater detail below, the Project will significantly improve stormwater management on the Property (where none currently exists).

The Property is located within a larger neighborhood 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 Surrounding Neighborhood is depicted in Attachment A. The properties in the Surrounding Neighborhood are classified in the RE-2 and R-200 zones. The surrounding zoning classifications are illustrated in Attachment B. Just outside of the Surrounding Neighborhood, about 0.5 miles north of the Property, are various commercial uses in the Potomac Village.

III. CONDITIONAL USE

The Petitioner proposes to redevelop the Property under the standard method of development for the RE-2 Zone with a Residential Care Facility (Over 16 Persons) (*see* Section 59-3.3.2.E). Specifically, the Project includes a two-story senior living facility containing up to 100 suites (containing up to 130 beds) that will provide two levels of care, support and special assistance to residents 62 years of age and older. The Project also will provide residential amenities, generous common areas to be shared by residents, significant landscaping, associated parking, and other site improvements. The design of this facility is residential in nature.

Currently, the Project is anticipated to include up to 82 Assisted Living and 18 Memory Care suites (or 130 Assisted Living/ Memory Care beds). Reflective of the fact that residents have different needs, the residence has been designed to provide separate areas within the building for each type of senior housing use, so that each level of care can function independently. Specifically, the Project includes:

Assisted Living: Up to 82 Assisted Living suites. The Assisted Living component of the Project will include both private and shared suites that will be a mix of studio, one- and two-bedrooms. The Assisted Living suites do not have cooking facilities and are not classified as apartments or dwelling units. Thus, no MPDUs are required.

Memory Care: Approximately 18 Memory Care suites will be located in the eastern wing. For the safety and security of the Memory Care residents, the Memory Care wing will be secured. The Memory Care wing will have its own eating and common facilities to serve its residents. These suites also do not have cooking facilities and are not classified as apartments or dwelling units. Thus, no MPDUs are required.

The facility will serve seniors who are 62 years of age or older and will provide programs and coordination of various services for residents, including the following: transportation services for off-site excursions; wellness programs and services (including strength and balance, yoga/meditation, and dance classes); organized community service and volunteering events; holiday celebrations; and other planned social events (*e.g.* socials and dances, game show nights and intergenerational connections). The Project also will incorporate various indoor and outdoor

amenity spaces. The Memory Care wing currently is proposed to include a dining room, living room, activity spaces, and outdoor courtyard for the exclusive use of Memory Care residents. Common facilities are provided for Assisted Living residents on the ground floor. There currently is proposed to be a commercial kitchen that serves three chef-prepared meals daily in a central dining room. The Project also includes a variety of other common amenity spaces to create opportunities for residents to socialize and host visitors, such as a cybercafé, bistro, fitness center, theater, salon, and multiple lounges. The Project will provide significant landscaping and outdoor amenities for use by the residents, including outdoor walking paths, courtyards, and activity areas.

A. Site Layout and Architectural Design

The site layout and building architecture have been designed to be compatible with and complementary to the surrounding residential neighborhoods. The exterior architecture features shutters, trellises, balconies, gables, detailed masonry, and a variety of other features that evoke an inviting residential quality of “home”. The overall effect is a decidedly residential place that complements the residential character of the surrounding area. In direct response to community wishes, the Petitioner has eliminated the three-story component of the building – as such, the building will have a maximum height of 40 feet (well within the maximum 50’ height permitted by the RE-2 zone) and will be compatible with the heights of surrounding residential homes. The Project also is designed to minimize surface parking. This is achieved by locating most parking underneath the building, resulting in only approximately 16 handicapped and visitor spaces by the front entry. These few surface parking spaces will be screened from River Road by a carefully designed landscape buffer, which has been enhanced with additional plantings and berms, as shown on the amended Conditional Use plans. This layout is similar to many of the adjacent houses’ forecourts and formal entrances.

To further promote compatibility with the surrounding residential homes, the building exceeds the minimum setback requirements for such uses in the RE-2 Zone. To the rear, the building is setback a minimum of approximately 45 feet (as compared to the required 35 foot minimum setback), for an approximately 25 foot segment of the building – the remaining portion of the building is setback at least 87 feet from the rear property boundary, with a maximum setback of approximately 140 feet. The required 25-foot minimum side-yard setback is significantly exceeded with setbacks of at least 80 feet to the north and 88 feet to the south. The front of the building is setback approximately 50 feet from the Property boundary and 120 feet from the existing curb (as compared to the minimum 50 foot setback). The Petitioner also is proposing to significantly increase the landscape buffers that surround the Property along the northern, eastern and southern property boundaries in order to provide additional screening of the Project from the surrounding residential homes. Furthermore, the Petitioner has worked closely with the neighbors to identify strategic locations for enhanced, more mature plantings that will provide additional screening for key view corridors.

In addition to the substantial landscape screening, the Petitioner also is proposing to install an 8’ privacy fence (instead of the typical 6’-6” fence) around the perimeter of the Property. The

taller, 8' high fence was specifically requested by the immediately surrounding neighbors through the collaborative working discussions. The Petitioner has no objection to this request and has reflected this modification on the Amended Conditional Use Plan. The Petitioner understands that the 8' tall fence must be approved by the Board of Appeals, in connection with this Conditional Use.³ The proposed fence will provide additional screening for the neighbors, whose properties generally sit lower than the Property and, as such, will further promote compatibility. Collectively, the building setbacks, perimeter landscaping and fence will provide extensive screening from the surrounding residential uses and ensure compatibility of the Project with the Surrounding Neighborhood.

The Petitioner has paid particular attention to the architectural design of the building to ensure that it fits within the Surrounding Neighborhood. The exterior of the building has been designed to be residential in nature and to read as a series of attached, single-family homes with varying massing, material, and details that effectively reduce the apparent scale of the overall building. The architecture proposed in the initial application reflected several design modifications to address comments received from M-NCPPC Staff and the community. The Petitioner is submitting revised architectural drawings with this Amended Application that not only reflect the lower building height and modified footprint but also additional architectural revisions, particularly as it relates to material colors, to respond to comments received from the close-in neighbors. The revised building architecture incorporate a variety of building materials and uses more tonal colors to break down the perceived building mass and promote compatibility with the surrounding architecture.

The exterior design features many human-scale design elements that make the building feel approachable and establish an inviting sense of place. This is achieved by incorporating a variety of materials, colors, projections and recesses to break down the perceived mass of the building. Biophilic design principals are utilized to connect the building with nature through the use of trellises, plantings, and earthy materials such as brick and stone masonry, heavy timber, and wrought-iron. Color tones, textures, and materiality are all selected to activate feelings of calm, beauty, and rest in the human psychology. The design uses traditional styling of peaked and gable roofs, with architectural composition shingle that cue residential feelings. The façades also incorporate traditional residential elements such as shutters, brick soldier courses at window and door heads, large windows, traditional trim and details that tap into the rich architectural history of the area. The building's main entry is highlighted by a covered trellis that softens the transition between indoors and outdoors. Residents and visitors are protected by a safe weather protected entry for drop off and pick up. Generous porches flanking the entrance provide shaded seating and upper trellised balconies provide elevated overlook vantage points where residents can view the landscape from a place of safety. These features will not only provide a pleasing aesthetic, they are designed to harmonize and reinforce human psychology. These timeless design principles

³ Otherwise, the Petitioner will construct a 6'-6" fence around the perimeter of the Property, which is allowed by-right.

blend beautifully with the surrounding community. The overall effect is that the design not only maintains, but enhances the residential character of the area, and promotes compatibility with the Surrounding Neighborhood.

The building architecture and design has been closely coordinated with the landscaping, to further promote compatibility. For example, to respond to comments received from the community, dense landscape plantings have been strategically placed to obscure the ends of the buildings, so as to visually reduce the perceived length of the front building façade. Additionally, the landscaping and site design along the Property's River Road frontage has been designed to provide limited, strategic view corridors of the building, so as to read as a series of much smaller structures. As a result, given the grade change on-site, significant setbacks, and substantial plantings in the right-of-way, the building will be largely obscured from view of the street.

The majority of the open space on the Property will be located around the periphery of the Property and at the rear. As previously mentioned, the Petitioner proposes to retain and enhance the existing tree stand along the perimeter of the Property. The primary outdoor amenity space for residents will be located at the rear of the Property and will include an outdoor patio area with seating and a walking sidewalk (around the entire site) with benches for use by the residents.

Only minimal building lighting is proposed and the lighting for the parking and amenity areas will be limited to the amount necessary to ensure safety. Exterior lighting has been designed to eliminate light exposure on adjacent properties – all outdoor lighting for the Project will be directed, shielded, or screened. Full cut-off fixtures will be used in the parking lot to focus the light on the parking areas only. The Photometrics Plan, submitted in connection with this Application, illustrates that lighting has been carefully designed so that it will not spill into adjacent properties.

B. Parking and Loading

With respect to parking, the Project will satisfy applicable Zoning Ordinance requirements on-site. Section 6.2.4 of the Zoning Ordinance requires a minimum of 0.25 parking spaces per bed, plus 0.50 vehicular parking spaces per employee. The Project will have a total of up to 100 suites (or up to 130 beds) and a maximum of forty-two (42) people working in any shift (with no more than 52 employees on site at any one time to accommodate for shift change). As such, taking advantage of the parking reductions in Section 6.2.3.I, the Project is required to provide a total of 59 parking spaces on-site. The Petitioner is proposing to provide a minimum of 85 parking spaces on-site. A modest amount of handicap and visitor parking will be provided in front of the building – a landscape buffer and berms are proposed along River Road to help screen the parking from view. To further promote compatibility with the Surrounding Neighborhood, the remainder of the parking will be provided within a below-grade parking structure, hidden from view from the street. The grade-change on-site allows for the garage to be constructed below the first-floor elevation, while providing access from a gradually sloped ramp on the southern end of the building. The facility also will provide transportation for residents through a variety of services, which will

further reduce the demand for vehicular parking (*see* Petitioner’s Statement of Operations for more detail).

Additionally, although not required⁴, to accommodate non-automobile users of the Property, a minimum of six (6) bicycle parking spaces will be provided to meet the needs of the community, including parking for residents, employees and visitors. The bicycle parking will be located either near the main building entrance and/or in the parking garage.

Loading and servicing will be accommodated on-site to the south of the building. The Project will comply with the Montgomery County Department of Permitting Services ("DPS") Loading Space Guidelines and will comply with the design standards in the Zoning Ordinance, for one 10’ x 30’ single-unit truck.

C. Pedestrian and Vehicular Access and Circulation

The Project will greatly improve the configuration and safety of vehicular access to the Property. Currently, vehicular access to the Property is largely unfettered with two wide access points directly into the parking off River Road. The Project will significantly improve the existing conditions by controlling vehicular access through two defined access points. The access points have been strategically located to maximum intersection spacing and to ensure adequate site distance.

The Petitioner also proposes to install a 10-foot wide shared-use path along the Property’s River Road frontage, separated from the street by a 25-foot +/- average width landscape panel. The proposed path, which is a significant improvement, will tie into the existing asphalt path/sidewalk to provide a connection between the Project and the commercial goods and services in the Potomac Village.

IV. PROPOSED OPERATIONS

The proposed Project will provide senior housing with two levels of care, to support senior residents as they age. Detailed operational information is provided in the Statement of Operations, submitted concurrently with this Land Use Report.

V. MASTER PLAN RECOMMENDATIONS

The Property falls within the boundaries of the *2002 Approved and Adopted Potomac Subregion Master Plan*. The Master Plan is 17 years old. The Master Plan notes that master plans are intended to generally look ahead 20 years from the date of adoption, although they are intended to be updated every 10 years. The Master Plan specifically recognizes that “circumstances will change following adoption of a plan and that the specifics of a master plan may become less relevant over time.” (*See* page vii). Nonetheless, many of the overarching objectives of the Master

⁴ Bicycle parking is not required for the Project because the Assisted Living and Memory Care uses do not constitute dwelling units.

Plan remain relevant today and the proposed Project substantially conforms to many of these objectives.

The Master Plan confirms the RE-2 zoning for the Property. The Master Plan does not contain any site-specific recommendations. However, the Project conforms to the general recommendations contained in the Master Plan.

The Master Plan seeks to maintain the low-density “green wedge”, as recommended by the County’s “Wedges and Corridors” planning policy (*see* Page 33). The Project, which provides approximately 142,399 square feet of green space and has a maximum lot coverage of 25 percent, furthers this goal by providing compatible, low-density development. The Project will maintain and enhance the existing landscaping around the periphery of the site, to provide ample screening and buffering from the surrounding residential uses. Furthermore, the overall impervious area on-site will decrease significantly, as compared to the existing garden/nursery center use – the Project will result in an approximately 40% reduction in imperviousness.

Of significance, the Master Plan specifically recognizes that “Senior housing is appropriate throughout the Subregion wherever zoning permits this use, either by right or as a special exception use.” (*Emphasis added*) (*See* page 38).⁵ The Master Plan recognizes that the Potomac Subregion does not, but *should* fully meet the Master Plan area’s senior housing needs within its boundaries (*see* Page 36). At the time of its adoption (*i.e.* 2002), it was projected that the Subregion would need to accommodate approximately 750 units by 2022 to meet the needs of the Subregion’s aging population. The Project will further this goal by providing additional, desired senior housing within the Master Plan boundaries and in close proximity to goods and services desired by senior residents.

The Master Plan includes a Special Exception Policy that is designed to ensure the protection of the residential areas while simultaneously promoting important policy goals (such as senior housing). The Master Plan’s Special Exception Policy seeks to “avoid an excessive concentration of special exceptions along major transportation corridors” (*see* Page 35). The intent of this recommendation is, in part, to guard against traffic impacts, by minimizing uses that might create too many access points and conflicting turn movements. As discussed in this Land Use Report, the Project will improve vehicular access to the Property. Currently, access to the Property is largely unfettered with no clearly defined access points. The Project will control access to the Property through two defined access points, which have been strategically located to maximize intersection spacing and provide for optimal site distance. The Project also reduces the number of trips compared to those presently entering and exiting the Project.

The Special Exception Policy also recommends “increase[d]... scrutiny in reviewing special exception applications for highly visible sites,” in an effort to guard against over

⁵ Although the Master Plan identifies five properties as suitable locations for senior housing, the plain language of the Master Plan clearly intended to allow for senior housing in other locations throughout the subregion, and did not limit senior housing to these five sites. The Hearing Examiner reached the same very conclusion in Conditional Use Case No. CU-16-01.

concentration. The Project is setback approximately 120 feet from River Road and includes a significant amount of landscaping and berms along the streetscape which greatly reduces the visibility of the building. Furthermore, as Attachment C demonstrates, there is not an over concentration of Special Exceptions in the Surrounding Neighborhood. Finally, and importantly, the proposed Project will not result in additional Special Exception approvals within the Subregion – rather, the proposed Conditional Use will replace a previously approved Special Exception use that has existed on the Property for many years. Thus, there will be no net increase in special exception or conditional uses in the area.

In reviewing Special Exceptions, the Master Plan dictates that the following guidelines also shall be given consideration (in addition to the Zoning Ordinance requirements):

1. Architectural compatibility with surrounding neighborhood;

In keeping with the surrounding neighborhoods, the Petitioner and the community both focused on the architectural design features to ensure these features convey human-scale design elements that provide residential visual cues, making the building feel inviting and home-like. The architect achieved this effect by incorporating a variety of materials, colors/tones, projections and recesses to break down the perceived mass of the building. The proposed design reflects comments received both from M-NCPPC Staff and the community. Biophilic design (design that reflects and connects to nature) principals are utilized through the use of trellises, plantings, and earthy materials such as brick and stone masonry, heavy timber, and wrought-iron. These tones, textures, and materiality are all selected to activate feelings of beauty, calm, rest, and safety; feelings that evoke a deep sense of home in the human psychology. The facades incorporate traditional residential elements such as gables, dormers, shutters, brick soldier courses at window and door heads, large windows, traditional trim and details that tap into the rich architectural history of the area. Generous porches flanking the entrance reflect the rich architectural heritage of the front porch where residents relax and greet visitors. Trellised balconies provide elevated vantage points where residents can view the landscape from their residential refuge. These features do not just look pretty; they harmonize with and reinforce the human psychology of “home”. These timeless design principles are always in fashion and blend exceptionally well with the surrounding community. The overall effect is that the design complements and enhances the residential character of the area, establishing a successful compatibility with the Surrounding Neighborhood.

Landscaping is not an afterthought but an integral part of the design and further promotes compatibility. To respond to comments received from the community, dense landscaping has been placed at the building corners, to visually reduce the perceived length of the building. Additionally, a rich variety of plantings have been specially placed in the right-of-way to create limited and special views of the building so that it presents on River Road as a series of much smaller structures. Both the plant species and locations have been carefully crafted to emphasize the residential character of the building.

2. *Minimizing the commercial appearance of parking through location and landscaping. Front yard parking should only be allowed if it can be adequately landscaped and screened; and*

The Petitioner is proposing to locate the majority of on-site parking in a concealed parking structure underneath the building. Only a limited amount of handicap and visitor parking will be located in the front of the building. To compensate for this, a carefully designed landscape buffer is proposed along the Property frontage, which will largely screen this minimal amount of surface parking from view.

3. *Enhancing screening and buffering between proposed new development and adjacent residential areas and right-of-way.*

As discussed above, the Project proposes to significantly increase the landscape buffers that run along the perimeter of the Property, to provide additional buffering and visual screening of the proposed use from the surrounding homes. This has been a primary concern for the Petitioner in designing the Project from the very beginning. Furthermore, the Petitioner has worked closely with the immediately adjacent neighbors on the perimeter plantings to determine the exact location, size and species of trees. As a result, the amended Landscape Plan includes additional, taller plantings, on top of the already substantial plantings initially proposed. The Petitioner also is proposing an 8' tall privacy fence around the perimeter of the Property, as specifically requested by the surrounding neighbors. The Petitioner understands that the 8' tall fence must be approved by the Board of Appeals, in connection with this Conditional Use.⁶ The fence will provide additional screening for the neighbors, whose homes generally sit lower than the Property. The end result is a Project that includes significant landscaping and buffers along all property boundaries, which substantially screen the building from view. The proposed buffers are far greater than required by the Zoning Ordinance.

- a. Environmental Resources

The Project addresses several of the environmental recommendations contained in the Master Plan. There is an existing “ephemeral”/“intermittent” stream located to southeast of the Property. There also is a perineal stream located to the east of the Property – only a small portion of the stream daylights to the northeast and southeast of the Property, the drainage channel has been piped along the majority of the Property’s eastern frontage. The Project will provide stream valley buffers, as appropriate, on-site. The expanded footprint needed to accommodate the community’s desire for a lower, two-story building results in a slight encroachment into the stream valley buffer in the northern corner of the site to accommodate the sidewalk that surrounds the entire building and some unground pipes. The petitioner will mitigate this encroachment with on-site mitigation planning at a 2:1 ratio. In general, the stream valley buffers (which are undisturbed with the exception of the slight encroachment previously mentioned) will become special features of the landscape design featuring plant materials specially selected to serve as habitat for

⁶ Otherwise, the Petitioner will construct a 6’-6” fence around the perimeter of the Property.

butterflies, bees, and birds. Except where existing sewer easements and adjacency to stormwater facilities preclude it, stream valley buffers will be placed into forest conservation easements (that do not presently exist). In fact, the Project meets the forest conservation requirements, in part, through the creation of forest stands along the side and rear Property lines. The Petitioner is providing 1.05 acres of afforestation requirements on-site (out of the 1.20 acres required) through Category I Forest Conservation Easements and 0.15 acres off-site through forest banking.

The Property presently is not served by any stormwater management. As such, the Project proposes significant improvements to the treatment of stormwater management on-site. Environmental site design (ESD) techniques will be used to treat rainwater with micro bio-retention facilities. Micro-bioretenion facilities retain and treat stormwater runoff by filtering the runoff through a sand, soil, and organic matter media, before releasing it into the adjacent storm drain system via a perforated underdrain pipe. Per Chapter 5 of the MDE Stormwater Design Manual, each facility shall not have more than 20,000 square feet of drainage and must treat the first inch of runoff at a minimum. Furthermore, the system is designed so that rain from large storm events will bypass into the storm drain system via a riser located within the footprint of the facility. After the initial rainwater is captured and treated, any overflow will be released at an outfall approximately 80 feet from the drainage channel at the edge of the property allowing it to slow down, cool, release sediments, and disperse before entering the stream system. This will result in significant improvements to the treatment of stormwater, which currently is uncontrolled and runs directly off the Property without any treatment.

As previously mentioned, The Department of Permitting Services initially approved a Stormwater Management Concept Plan for the Project on June 25, 2020. The Petitioner is submitting a revised Stormwater Management Concept Plan concurrently with this Amended Application to respond to the changes in the building footprint and design. The revised Stormwater Management Concept Plan is substantially similar to the design approach that was previously approved by DPS and will result in significant improvements to the treatment of stormwater management on-site.

VI. ZONING ORDINANCE REQUIREMENTS

As described herein below, the Project will satisfy the applicable standards of the Zoning Ordinance for the proposed Residential Care Facility (over 16 persons) use in the RE-2 Zone, including the conditional use standards set forth in Article 59-3, the development standards set forth in Article 59-4, and the general development requirements set forth in Article 59-6.

a. Compliance with Standards in Article 59-3

As demonstrated below, the Project complies with the Conditional Use standards for a Residential Care Facility (over 16 persons) contained in Section 59-3.3.2.E.2.b.ii of the Zoning Ordinance:

- 1. The facility may provide ancillary services such as transportation, common dining room and kitchen, meeting or*

activity rooms, convenience commercial area or other services or facilities for the enjoyment, service or care of the residents. Any such service may be restricted by the Hearing Examiner.

The Project is served by adequate transportation and commercial services within one mile of the proposed residence. The Property is located within approximately 0.5 miles of the Potomac Village, which contains a variety of commercial services. The Project also is served by public transportation – the Project is served by Ride-On Bus Route T2, the stop for which is located approximately 500 feet from the Property. The facility also will provide transportation services and other on-site amenities for its residents.

2. *Where residential dwelling units are provided, the maximum density per lot area is 15 units per acre and the minimum green area is 50%.*

This provision is not applicable. The Assisted Living and Memory Care uses do not constitute dwelling units. Regardless, the Project provides a substantial amount of green area on-site (approximately 65%).

3. *Where facility size is based on the number of beds, not dwelling units, in the RE-2 Zone, the minimum lot area is 1,200 square feet per bed.*

As demonstrated in the Development Data Table, the Project will provide a minimum of 1,200 square feet per bed. As currently proposed, the Project will provide 130 Assisted Living and Memory Care beds.

4. *The minimum side setback is 20 feet.*

The Project greatly exceeds this requirement and provides a minimum setback of approximately 80 feet.

5. *Independent dwelling units must satisfy the MPDU provisions of Chapter 25 (Section 25.A-5).*

The Assisted Living and Memory Care uses do not constitute dwelling units. Therefore, no MPDUs are required.

6. *In a continuing care retirement community, occupancy of any independent dwelling unit is restricted to persons 62 years of age or older, subject to certain exceptions.*

This provision is not applicable.

7. *Height, density, coverage, and parking standards must be compatible with surrounding uses; the Hearing Examiner may modify any standards to maximize the compatibility of the*

building with the residential character of the surrounding neighborhood.

As discussed in detail above, the Project has been designed, in consultation with M-NCPPC Staff and the community, to promote compatibility with the surrounding residential neighborhoods. While the Petitioner believes the initial building design was compatible with the surrounding neighborhood (as did M-NCCP Staff and the Planning Board), for all the reasons asserted in the prior application materials, the Petitioner has made modifications to address comments received from the immediately surrounding community. Notably, the building height has been lowered from three to two-stories, which is comparable to the height of the surrounding single-family homes. The Project minimizes the amount of surface parking (greatly reduced, as compared to the existing commercial use) and locates a majority of the required parking in a concealed below-grade structure. The Project also will provide significant landscape buffers on all four sides, to screen the building from the surrounding uses. Furthermore, the building architecture has been designed to be residential in appearance and uses various colors, materials, projections and recesses to break down the perceived mass. As discussed in detail above, and reflected on the revised Conditional Use plans, the Petitioner has enhanced the landscaping and refined the building design to respond to specific comments received from the community, to further buffer the facility from the adjoining neighbors.

b. Compliance with Standards in Article 59-4

As demonstrated below, the Project complies with the development standards for the RE-2 Zone, as provided in Section 59-4.4.4 of the Zoning Ordinance:

TABLE 1 – ZONING ORDINANCE COMPLIANCE			
Article 59-4. Development Standards for Euclidean Zones		Permitted/ Required	Proposed
Division 4.4. Residential Zones	Section 4.4.4. Residential Estate - 2 Zone (RE-2)		
	B. RE-2 Zone, Standard Method Development Standards⁷		
	1. Lot and Density		
	<ul style="list-style-type: none"> • Lot (min.) 		

⁷ Applicable RE-2 Development Standards for "Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone" building type.

Lot area	2 acres	5.04 acres
Lot width at front building line	150'	650'
Lot width at front lot line	25'	645'
Frontage on Street or Open Space	Required, except as exempt under Chapter 50	Frontage on River Road provided.
• Density (max)		
Density (units/acre)	1,200 square feet per bed	1,690 square feet per bed (min)
• Coverage (max)		
Lot	25%	25%
2. Placement⁸		
Principal Building Setbacks (min)		
• Front setback	50'	50'
• Side setback ⁹	25'	80'
• Sum of side setbacks	35'	168'
• Rear setback	35'	45'
3. Height		
Height (max)		
• Principal building	50'	40'

⁸ The 8' tall fence will require Board of Appeals approval to allow for it to be located on the Property boundary. A 6-6" tall fence complies with the Zoning Ordinance.

⁹ Side Setback established by Section 59-3.3.2.C.2.b, which provides that the minimum side setback is 25 feet or as specified by the relevant zone, whichever is greater.

4. Form		
Allowed Building Elements		
• Porch/Stoop	Yes	N/A
• Balcony	Yes	N/A

c. Compliance with Standards in Article 59-6

As demonstrated below, and on the attached Conditional Use Plan, the Project complies with the general development standards contained in Section 59-6 of the Zoning Ordinance:

Article 59-6 General Development Requirements		Permitted/ Required	Proposed
Division 6.1 Site Access	Not applicable to Residential Detached zone.		
Division 6.2 Parking, Queuing and Loading	Section 6.2.4 Parking Requirements		
	Residential Care Facility – Vehicle Parking Spaces	59 spaces: Base parking requirement of 0.25 spaces/bed, plus 0.50 spaces per employee.	85 spaces
	Residential Care Facility – Bicycle Parking Spaces	None required for Assisted Living and	While not required, the Applicant will provide a

		Memory Care uses, because no dwelling units are provided.	minimum of six (6) bicycle parking either in front of the building or in the parking garage.
Section 6.2.5 Vehicle Parking Design Standards			
E. Size of Spaces			
See Section 6.2.5.E for detailed requirements.			8 ½ x 18
G. Drive Aisles			
See Section 6.2.5.G for detailed requirements.			20'
K. Facilities for Conditional Uses in Residential Detached Zones.			
1. Location			
Each parking facility must be located to maintain a residential character and a pedestrian-friendly street.			Complies. Majority of parking provided in structured parking garage. Surface parking is largely screened from view.
2. Setbacks			
a. The minimum rear parking setback equals the minimum rear setback required for the detached house.		35'	Complies (no rear parking provided)
b. The minimum side parking setback equals 2 times the minimum side		34' (from southern property line)	65'

	setback required for the detached house.	34' (from northern property line)	190'
Section 6.2.8 Loading Design Standards			
	2. Office and Professional, Group Living, Hospital, Educational Institution (Private), and Hotel and Motel Uses	1 space for 25,001 – 250,000 sf of GFA	1
Section 6.2.9.L Parking Lot Requirements for 10 or More Spaces			
1. Landscaped Area			
	<p>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. Where possible, any existing tree must be protected and incorporated into the design of the parking lot.</p> <p>b. A maximum of 20 parking spaces may be located between islands.</p> <p>c. A landscaped area may be used from stormwater management ESD facility.</p>	Complies	
	<p>2. Tree Canopy</p> <p>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.</p>	Complies. <i>See</i> Landscaping Plan.	
	<p>3. Perimeter Planting (not abutting an Agricultural, Rural Residential or Residential Detached zoned property that is vacant or improved with an agricultural or residential use)</p> <p>Must be a minimum of 6 feet wide, contain a hedge or low wall a minimum of 3 feet high; and have a canopy tree planted for 30 feet on center (unless the property</p>	Complies. <i>See</i> Landscaping Plan	

	abuts another parking lot, in which case a perimeter planting area is not required)	
	4. Lighting	
	Parking lot lighting must satisfy Section 6.4.4, General Outdoor Lighting Requirements.	See below
Division 6.3 Open Space and Recreation	No applicable requirements for development in Residential Detached Zone that does not provide MPDU or Cluster development methodology.	
Division 6.4 General Landscaping and Outdoor Lighting	Section 6.4.4. General Outdoor Lighting Requirements	
	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.	Complies (See <u>Exhibit E</u> , Photometrics Plan)
Division 6.5 Screening Requirements	Section 6.5.3. Screening Requirements	
	A. Location – Applicable along lot line shared with an abutting property that is vacant or improved with agricultural or residential use.	Complies along northern, eastern and southern lot lines.

As illustrated above, the Project will satisfy all applicable Zoning Ordinance requirements for development of a Residential Care Facility (over 16 persons) in the RE-2 Zone.

A minimal amount of project identification signage – including a single freestanding monument sign at the vehicular entrance along River Road, a sign along the knee wall in the approximate center of the site, and a building mounted sign over the main entrance – is proposed with the Project. Details of the proposed signs have been submitted into the record for the Hearing Examiner’s review and recommendation. However, the Petitioner understands that any new signage to be provided on the Property will be subject to review by the Montgomery County

Department of Permitting Services ("MCDPS"), and must be provided in accordance with the applicable Zoning Ordinance requirements and procedures for Division 6.7.

VII. REQUIRED FINDINGS (SECTION 7.3.1.E)

This Land Use Report confirms that the proposed Conditional Use will satisfy the required findings for Conditional Use approval specified in Zoning Ordinance Section 7.3.1.E.

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

The above-referenced Section is not applicable. The proposed Conditional Use will supersede the existing Special Exception (Case No. S-1782) approval for a retail nursery or garden center, and a wholesale nursery or greenhouse. There are no other previous approvals for the Property.

- b. *Section 7.3.1.E.1.b. [The conditional use] satisfies the requirements of the zone, use standards under Article 59-3, and applicable general requirements under Article 59-6;*

As discussed fully in Section VI of this Report, the proposed use complies with the applicable requirements of the RE-2 Zone, including the conditional use standards for Residential Care Facility (over 16 persons) set forth in Section 59.3.3.2.E of the Zoning Ordinance and the general requirements of Article 59-6.

- c. *Section 7.3.1.E.1.c. [The conditional use] substantially conforms with the recommendations of the applicable master plan;*

The proposed use substantially complies with the Master Plan, as discussed in Section V of this Report. As discussed herein, the Master Plan specifically recognizes the need for more senior housing within the Potomac Subregion. The proposed senior living facility has been designed to promote compatibility with the uses in the Surrounding Neighborhood. The facility is a residential use that has been designed to have a residential appearance. As such, the facility will have no material effect on the area's residential character.

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

As described in Section III of this Land Use Report, the Conditional Use has been designed to promote compatibility with the Surrounding Neighborhood. Additionally, as described in the Petitioner's Statement of Operations, submitted concurrently with this Land Use Report, the proposed senior living facility will be operated in a manner that ensures compatibility and preservation of the residential character of the Surrounding Neighborhood. The proposed setbacks and perimeter landscaping will provide a significant buffer from the adjacent single-family residential uses. Furthermore, the landscaping and berming proposed along River Road will

substantially screen the building from the street, allowing only strategically place views of the building. The building employs architecture that is residential in nature, and utilizes various materials, colors/tones, recesses and projections to minimize the perceived bulk and massing of the building. The Project will result in the redevelopment of the existing commercial use with a more compatible, residential use.

e. Section 7.3.1.E.1.e. [The conditional use] 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;

The proposed Conditional Use will replace the Special Exception that has existed on the Property for almost 30 years (Case No. S-1782, approved by the Board of Appeals on December 13, 1990). Therefore, the proposed Conditional Use will not increase the number of conditional uses in the Surrounding Neighborhood. Furthermore, the proposed Conditional Use will not affect the area adversely nor alter its residential character. The Conditional Use is residential in nature and has been designed to maximize compatibility with the surrounding properties, as discussed in detail in Section III above.

The Conditional Use substantially conforms to the recommendations of the Master Plan as described in Section V and specifically addresses the Master Plan's objective to provide additional senior housing within the Potomac Subregion.

f. Section 7.3.1.E.1.f. [The conditional use] 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.

As discussed above, a Preliminary Plan of Subdivision will be filed subsequent to Conditional Use approval to create a record lot. As such, the Montgomery County Planning Board

("Planning Board") will be responsible for determining whether Adequate Public Facilities ("APF") exist to support the proposed development of the Property. As demonstrated by the Traffic Statement prepared by the Petitioner's transportation consultant, Wells + Associates, the public facilities are more than adequate to support and service the Conditional Use. A garden center/nursery use has existed on the Property since before the existing Special Exception was approved in December 1990. Per the Local Area Transportation Review Guidelines, "if the proposed use will be replacing an existing land use and that land use was occupied for more than 12 years, the applicant may take credit for the existing site trips based on the current LATR trip generation methodology." (Page 24). The existing use currently generated 59 AM peak hour and 168 PM peak hour person trips, while the proposed senior living use will generate 38 AM peak hour and 53 PM peak hour person trips. Accordingly, the proposed use will reduce traffic on River Road by generating 21 fewer AM peak hour and 115 fewer PM peak hour person trips than the existing garden center. A Traffic Statement has been submitted in connection with the proposed Conditional Use.

Notably, although the Project provides new residential density, the proposed senior living facility use will not generate any new students. Thus, the Project will have no impact on public school capacity. Other public facilities and services – including police stations, firehouses and health care facilities – are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following construction of the Project. The nearest police station serving the Property is the 2nd District Police Station, located at 4823 Rugby Avenue in Bethesda, Maryland. The nearest firehouse is Cabin John Volunteer Fire Department located at 9404 Falls Road in Potomac, Maryland.

The Petitioner's civil engineers have confirmed that the Project will be served by public water and sewer systems, as shown on the Conditional Use Site Plan. Electric, gas and telecommunications services will also be available.

- g. Section 7.3.1.E.1.g. [The conditional use] 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.*

The Zoning Ordinance defines inherent adverse effects, as adverse effects that are created by the physical or operational characteristics necessarily associated with the particular conditional use, irrespective of its physical size or the scale of its operations. The Zoning Ordinance is clear that inherent adverse effects alone do not constitute a sufficient basis for denial of a Conditional Use, and must be evaluated in combination with non-inherent adverse effects. Non-inherent adverse effects are defined as adverse effects that arise from physical and operational

characteristics that are not necessarily associated with the particular conditional use, or adverse effects that are created by unusual characteristics of the site.

In a recent Hearing Examiner Report for Brandywine Senior Living at Potomac, LLC for the Residential Care Facility located at 10800 Potomac Tennis Lane in Potomac, Maryland, seven inherent effects were identified as being associated with a Residential Care Facility (over 16 persons) (Case No. 16-01). These inherent effects include: (1) the large size of the building; (2) outdoor amenity space for use by residents and visitors; (3) parking facilities; (4) outdoor lighting of parking and amenity spaces; (5) traffic to the site by staff, visitors and residents; (6) delivery vehicles and trash trucks on the area roads; and (7) noise associated with deliveries and trash pick-up.¹⁰

This Land Use Report finds each of these inherent effects of the Conditional Use will be acceptable and appropriate for the proposed location:

- Physical buildings and structures. As discussed in detail above, the proposed building and the site layout intentionally have been designed to preserve the residential character of the Surrounding Neighborhood and to promote compatibility. This Amended Application further promotes compatibility by decreasing the building height from three-stories to two-stories. In keeping with the surrounding neighborhoods, the architectural design features human-scale design elements that provide residential visual cues, making the building feel inviting and home-like. The architect achieved this effect by incorporating a variety of materials, colors/tones, projections and recesses to break down the perceived mass of the building. The facades incorporate traditional residential elements such as gables, dormers, shutters, brick soldier courses at window and door heads, large windows, traditional trim and details that tap into the rich architectural history of the area. The overall effect is that the design complements and enhances the residential character of the area, establishing a successful compatibility with the surrounding community. Additionally, the building itself will largely be screened from view from the surrounding homes and street by the proposed landscape buffers.
- Outdoor amenity space for use by residents and visitors. The design features beautiful outdoor spaces connected with each other by a walking path that circulates around the entire perimeter of the building. The wings reaching behind the building embrace a protected terrace where residents can enjoy shaded trellises, outdoor seating, gas fire pit to provide warmth for evening chats, water feature to bring coolness during hot weather, and a small grill for the occasional family meal. This area is fully screened from view from both the street and surrounding single-family homes by the perimeter landscaping buffer.

¹⁰ These inherent adverse effects are virtually identical to those identified in the Special Exception application for Hawthorne Development, LLC, for the Silver Spring Retirement Residence located at 13716 New Hampshire Avenue in Silver Spring (Case No. S-2882): (i) physical buildings and structures, as well as outdoor passive areas for the residents and visitors; (ii) lighting; (iii) traffic to and from the site by staff, visitors and residents; (iv) deliveries of supplies and trash pick-up; (v) parking areas; and (vi) noise associated with garbage pick-up and normal deliveries to individual residents.

The grading on-site (along with certain retaining walls) elevates many of the perimeter plantings, to further screen the building and amenity spaces. Seating and shade are provided along the walking path to provides places for residents to stop for a rest and watch butterflies, bees, and birds enjoy the specially landscaping. To ensure privacy for the neighbors and the building's residents, the outdoor spaces are setback approximately 45 to 90 feet from the side and rear property boundaries, and are buffered by significant plantings, elevation changes accomplished by retaining walls, and fencing. Finally, residents living in these type of facilities are quiet and peaceful by nature. Their intended use and enjoyment of their living facility is in harmony with the use and enjoyment of neighboring residential properties.

- Parking facilities. A notable feature of the proposed Project is that a majority of the vehicle parking is proposed in a structured parking underneath the building. The only visible part of the structured parking will be a custom “garage” door. Only a small number of parking spaces are proposed in front of the building to provide accessible and visitor parking. These spaces will be screened from view from River Road by the proposed landscaping along the Property’s frontage. More than ample parking is provided on-site to ensure no vehicles will park in the surrounding residential neighborhoods while accessing the senior living facility. Additionally, the lighting for the parking areas will be limited to the amount necessary to ensure safety.
- Outdoor lighting of parking and amenity spaces. As shown on the Photometric Plan, in conformance with the requirements of Section 6.4.4 of the Zoning Ordinance, lighting for the Project will fall to zero (0.0) footcandles well before approaching Property lines abutting the residential uses. Special fixtures have been selected that eliminate glare to surrounding properties.
- Traffic to and from the site by staff, visitors and residents. The Petitioner's Traffic Statement confirms that the Project is anticipated to result in a decrease in trips, as compared to the existing, approved nursery/garden center use. The Traffic Statement demonstrates that the Project will generate fewer trips than the existing use, thus reducing the impact of this Property on the adjacent road system. The existing use currently generates 59 AM peak hour and 168 PM peak hour person trips.¹¹ The proposed senior living use will generate 38 AM peak hour and 53 PM peak hour person trips. Therefore, the proposed use will reduce traffic on River Road by generating 21 fewer AM peak hour and 115 fewer PM peak hour person trips. The Petitioner also has prepared a site distance analysis for the proposed site access – SHA has reviewed the site distance analysis and confirmed that the proposed site access is acceptable and will be safe, adequate and efficient.

¹¹ Per the Local Area Transportation Review Guidelines, because a garden center/nursery use has existed on the Property for more than 12 years, the Petitioner can take credit for the existing site trips.

- Deliveries of supplies and trash pick-up. Loading will be accommodated to the south of the building. Generally, deliveries are arranged during regular business hours, in consideration of both the on-site residents and the surrounding community. Food deliveries are typically made twice per week by a 20' x 30' box truck. All other deliveries are made by USPS, FedEx and UPS on their standard routes. All laundry, linens, *etc.* is performed in house and require no outside vendors or deliveries. An enclosed dumpster will be located to the southeast of the building, near the underground parking entrance. Trash pick-up will occur approximately twice per week by a standard garbage truck.
- Noise associated with deliveries and trash pick-up. Noises associated with the Conditional Use will be those associated with a typical senior living facility which receives food deliveries and trash service. What noise is produced will be mitigated by both natural and physical design features. The existing natural vegetative buffers will be augmented by new landscaping featuring plant material selected to buffer sound. The physical buffers will include a substantial increase to the setback distance and a sunken location for the trash enclosure and generator. Loading and trash collection has been strategically located to the south of the building. The loading area will be significantly setback from the side property boundary and effectively screened by the existing and proposed perimeter landscaping. The proposed setback and enhanced landscaping and screening will provide an effective buffer from the adjacent single-family homes.

This Land Use Report has not identified any additional inherent effects associated with Residential Care Facility (over 16 persons). As such, as illustrated above, the proposed Conditional Use will not result in adverse effects over and above the above-described inherent impacts.

In addition, this Land Use Report has not identified any non-inherent adverse effects associated with the Conditional Use at the proposed location. This Land Use Report therefore finds that the Conditional Use will not cause undue harm to the Surrounding Neighborhood. There is no evidence that the Conditional Use will interfere with the use or enjoyment of the surrounding properties; result in undue traffic, noise, odors, dust, illumination, or a lack of parking; or interfere in any way with the health, safety, or welfare of neighboring residents, visitors, or employees.

Rather, as discussed in detail above, the proposed Conditional Use will be compatible with the Surrounding Neighborhood. The proposed Project, which is residential in nature and has been revised to respond to concerns raised by WMCCA and the community, will complement the surrounding uses, will provide significantly greater environmental controls than presently exist, and will complete a stretch along River Road that currently is unsightly in appearance.

VIII. CONCLUSION

As described above, the Project meets or exceeds all of the criteria and standards for a Residential Care Facility (over 16 persons) in the RE-2 Zone, as set forth in Divisions 59-3, 59-4, 59-6, and 59-7 of the Zoning Ordinance. The Petitioner, the community and WMCCA have

worked collaboratively and effectively to ensure that the project is compatible with the Surrounding Neighborhood. For these reasons and for other reasons discussed herein, this Land Use Report supports approval of the Conditional Use as proposed.