



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

MCPB
Item #
January 3, 2007

MEMORANDUM

DATE: December 21, 2007

TO: Montgomery County Board of Appeals

FROM: Renée M. Miller, AICP, Senior Planner *RM*
Development Review Division (301-495-4723)

VIA: Rose Krasnow, Chief, Development Review Division *RK*
Ralph Wilson, Acting Zoning Supervisor *RW*

SUBJECT: **A. S-2712: Special Exception Request for Sunrise Assisted Living**
B. Preliminary Forest Conservation Plan

MASTER PLAN: Olney Master Plan

FILING DATE: August 9, 2007

PLANNING BOARD: January 3, 2008

PUBLIC HEARING: January 14, 2008

STAFF RECOMMENDATION:

A. Approval of the assisted living facility subject to the following conditions:

1. The maximum allowable number of units (no kitchens) must not exceed 74 (94-beds).
2. The maximum allowable number of employees on-site at any one time is 30.
3. Except in emergencies, deliveries of food and medical supplies are limited to Monday through Friday, 8:30 A.M. to 5:00 P.M. and Saturday, 9:00 A.M. to 4:00 P.M., and trash pick-up is to be limited Monday through Friday, 9:00 A.M. to 5:00 P.M. and Saturday, 9:00 A.M. to 4:00 P.M.
4. The applicant must provide a 58-foot (wide) landscape buffer along Olney-Sandy Spring Road.
5. Before the issuance of a building permit, the applicant must apply for Preliminary Plan review and recordation of a plat, per Chapter 50 of the Montgomery County Code.
6. At the time of Preliminary Plan, to satisfy the FY2007-2009 Growth Policy APF test for

Policy Area Mobility Review (PAMR), the applicant must submit a traffic mitigation agreement for review and approval by MNCPPC Transportation Planning staff (to mitigate 25% of site-generated weekday peak-hour trips).

7. At the time of Preliminary Plan, the applicant must show on the plan the centerline for MD 108 and dedicate the land necessary to create a minimum right-of-way width of 75-feet from the centerline for MD 108 along the property frontage.
 8. The applicant must provide two (2) bike lockers for employees at the facility, the location of which is to be finalized at subdivision. (This is separate from any PAMR requirements that may be imposed as part of the preliminary plan.)
 9. At the time of Preliminary Plan, the applicant must submit an executed copy of a "private open space covenant."
- B. **Approval** of the Preliminary Forest Conservation Plan with the following condition:
1. The proposed development must comply with the conditions of the preliminary forest conservation plan, dated December 11, 2007. The applicant must satisfy all conditions before DPS issuance of sediment and erosion control permits.
 - a. Approval of Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan, prior to any clearing, grading or demolition on the site.

APPLICATION SUMMARY

Site Size and Location:	The site is 5.0 acres in size and is located on the north side of Olney-Sandy Spring Road, between Prince Phillip Drive and Old Baltimore Road. The area surrounding the subject site contains a mix of multi- and single-family residences as well as several medical-related office uses. (See Attachment 1.)
Zone and Proposed Use:	The site is classified in the RE-2/TDR Zone. The applicant is seeking approval to operate an assisted living facility.
Scope of Operations:	The number of units is limited to 74 (94 beds) and the number of employees is limited to a maximum of 30 on-site at any one time. The use is intended for a "domiciliary care home."
Master Plan Consistency:	The proposed use is consistent with the Olney Master Plan. The master plan indicates that special exceptions "should be compatible with the development pattern of the adjoining uses in terms of height, size, scale, traffic and visual impact of the structures and parking lots."
Applicant:	Sunrise Development, LLC (contract purchaser)

BACKGROUND INFORMATION

Statement of the Case

The applicant proposes to build a long-term care, assisted living facility, which will contain 74 units, with a maximum of 94 beds, and associated site amenities. Sunrise Assisted Living is a residential alternative to traditional institutional care, with personalized assistance, supportive services and health care in a professional managed environment. The building is designed to be a "Victorian-style farm house," with a port cochere¹ to break the line of sight. (See Attachment 2A.) In response to the County's "green" ordinance, which is under consideration by the Montgomery County Council, the applicant is proposing to install a green roof at this facility, as well as to incorporate green alternatives for stormwater management. (See Attachment 2B.) The proposed assisted living facility will consist of three floors with a maximum proposed building height of 43'-5" (to the midpoint of the roof) and a proposed maximum of 64,000 square feet. The building will contain living units, centralized kitchen and dining areas, a living/garden room, recreational facilities, such as wellness, spa and entertainment areas, and a resident laundry room.

Site access will be via an existing median break and curb cut on Olney-Sandy Spring Road. Vehicular circulation will be provided by a two-way drive aisle along the southwestern portion of the property and a one-way drive aisle with drop-off area adjacent to the front door of the facility. Parking is proposed along the west side and rear of the proposed building. Several sidewalks within the site are proposed and will be connected to the existing sidewalk along Olney-Sandy Spring Road. The applicant proposes 45 parking spaces (2 handicapped and 43 standard), in addition to one loading space for deliveries. (See Attachment 3.)

The applicant also proposes to minimize the removal of existing trees. Additional landscaping is being proposed at this site and includes a variety of trees from maple and white ash trees to juniper and holly, in addition to many species of shrubs and perennial. (See Attachment 4A and 4B.) According to the revised plans, submitted on December 2008, the applicant is proposing a 58-foot wide landscape buffer and berm along Olney-Sandy Spring Road. Pathways are proposed throughout the site to allow the residents to feel as if they are in more of a residential setting. The applicant is also proposing to construct two retaining walls (on the east and west sides of the property). With respect to the western retaining wall, the applicant also is providing a 6-foot fence and landscaping to further minimize conflicts with the adjacent home occupation's rear yard.

Lastly, the applicant states that the number of employees on-site at any one time will not exceed 30. It is anticipated that the staff will work in three shifts to provide around the clock care to the residents. The shifts are as follows: 7:00 A.M. to 3:00 P.M., 3:00 P.M. to 11:00 P.M., and 11:00 P.M. to 7:00 A.M. On-site security will be provided through the use of a "resident concierge manager" during business hours and electronically controlled with admittance via a staff member after the evening meal service.

¹ port cochere. A covered entranceway, as to a hotel, designed to accommodate cars. (French: "porte," door + "cochere," carriage)

Neighborhood and Site Conditions

This site is generally located on the north side of Olney-Sandy Spring Road, between Prince Phillip Drive and Old Baltimore Road and is in the RE-2/TDR zone. The lot is currently forested and the site's topography gently drops in elevation from Olney-Sandy Spring Road north towards the property's rear. (See Attachment 5.) The site has approximately 520-feet of frontage along Olney-Sandy Spring Road. A curb cut with a left turn median cut and a partially built driveway entrance exist along Olney-Sandy Spring Road, which the applicant will use for site access. This property is not subdivided and a preliminary plan is required, under Chapter 50 of the Montgomery County Code. (See Attachment 6.)

The information provided with this application shows an existing patio and metal fence, belonging to the adjacent property owner, and extending approximately 18-feet into the western portion of the Sunrise property. Staff understands that the applicant, Sunrise Senior Living, is currently in negotiations with the adjacent neighbors (2701 Olney-Sandy Spring Road) to provide additional screening using a retaining wall, landscaping materials and fencing in those areas where the patio crosses the property line in order for the neighbor to continue to enjoy the use of their patio.

Staff has defined the surrounding area to include those properties within ¼-mile of the proposed site. The site is surrounded by single- and multi-family residential dwelling units, in addition to several medical offices and a hospital use. (See Table 1 below and Attachment 7.) Additionally, two churches and a senior independent living facility exist within the surrounding area. A perimeter landscape berm exists along the edge of the Hallowell subdivision which shields the existing residential subdivision from the subject site. Lastly, the nearest dwelling unit to the proposed assisted living facility is approximately 170-feet away.

Table 1: Surrounding Zoning

Direction	Amendment Site		Surrounding Area	
	Zoning Designation	Existing Use	Zoning Designation	Existing Use
North	RE-2/TDR	Stream/Forested Area/Single-Family Res	RE-2/TDR	Single-Family Residential
South	N/A	Olney-Sandy Spring Rd	RE-2/TDR	Forested Area/Multi-Family Residential
East	RE-2/TDR	Stream/Forested Area/Single-Family Res	RE-2/TDR	Church/Single-Family Residential
West	R-200	Chiropractic Center/Veterinary Clinic	Thrift Store (Montgomery General Hospital)	R-200

Master Plan Conformance

The site is within the boundary of the approved and adopted 2005 Olney Master Plan (OMP). The Plan states that special exceptions "should be compatible with the development pattern of the adjoining uses in terms of height, size, scale, traffic and visual impact of the structures and

parking lots.” (OMP, page 42) Community-Based Planning staff, in their memorandum dated December 10, 2007, state that the proposed assisted living facility is compatible with the surrounding land uses and structures, due to the 58-foot wide landscaped buffer and building setback, as well as the fact that the parking is being provided along the western side away from the street frontage. (See Attachment 8.)

Transportation Planning Review

Transportation Planning staff recommends that the following conditions be part of the transportation-related requirements for grant of this special exception request:

- The applicant must limit development on the site to a 74-unit/94-bed assisted living (domiciliary care home) facility.
- To satisfy the FY2009-2011 Growth Policy APF test for Policy Area Mobility Review (PAMR), the applicant must submit a revised PAMR study, including a revised traffic mitigation proposal (to mitigate 25% of site-generated weekday peak-hour trips), for review and approval by MNCPPC Transportation Planning staff as part of the subdivision application.
- At the time of subdivision, the applicant must show on the plan the right-of-way centerline for MD 108 and a minimum roadway right-of-way dedication of 75-feet from the centerline along the property frontage.
- The applicant must provide two (2) bike lockers for employees, the location of which is to be finalized at subdivision. The applicant must meet requirements, if any, under the PAMR traffic mitigation proposal separately. This is separate from any PAMR requirements that may be imposed at the time of preliminary plan.

Staff notes that Olney-Sandy Spring Road/MD 108, Old Baltimore Road and Prince Phillip Drive are identified in the 2005 approved and adopted Olney Master Plan as “Master Plan Roadways and Pedestrian/Bikeway Facilities.” A Class I, shared use path along Olney-Sandy Spring and a Class III, shared use path along Prince Phillip and Old Baltimore Road exist in this area. (Refer to Attachment 9 for further information regarding Olney Master Plan roadways.)

With regards to the Local Area Transportation Review, transportation planning staff has indicated that a traffic study is not required as part of the FY2007-2009 Growth Policy Adequate Public Facilities test, as the proposed facility is estimated to generate less than 30 peak-hour trips during the weekday morning (6:30 A.M. – 9:30 A.M.) and evening (4:00 P.M. – 7:00 P.M.) peak periods. (Refer to Attachment 9 for further information regarding the summary of trip generation for this request.)

This application is required to satisfy the 2007-2009 Growth Policy test for Policy Area Mobility Review (PAMR). The proposed use is estimated to generate more trips than the threshold value of three peak-hour trips during the weekday morning and evening peak-periods. For FY 2007, to satisfy the PAMR test in the Olney Policy Area, an applicant is required to mitigate 25% of peak-hour site-generated trips. In this instance, with a trip generation of 24 peak-hour trips, six (6) peak-hour trips during both the morning and evening peak periods will need to be mitigated. (See Attachment 9 for additional information regarding the PAMR and proposed PAMR mitigation from the applicant.)

Environmental Planning Review

Environmental Planning staff, in their memorandum dated December 5, 2007, recommends approval of the special exception with the following condition: "the proposed development shall comply with the conditions of the preliminary forest conservation plan. The applicant shall satisfy all conditions prior to recording of the plat(s) or Montgomery County Department of Permitting Services issuance of sediment and erosion control permits." (See Attachment 10.)

Further, Environmental Planning staff indicates that the property is within the Patuxent Primary Management Area (PMA), but is not subject to the PMA requirements because this site's density is greater than RE-2. This site is also not subject to an impervious limit of 10% for that portion of the property within the "transition area to the PMA." The site is subject to the "non-conformance standards," which include best management practices (BMPs), to minimize the impacts of the higher density. Lastly, this site is subject to the Montgomery County Forest Conservation Law and a Forest Conservation Plan has been submitted for approval. The applicant is retaining 2.08 acres of forested area in a Category I Forest Conservation Easement.

Stormwater Management: The concept stormwater management is currently under review by the Montgomery County Department of Permitting Services (DPS).

Community Comments/Concerns

As of this writing, staff has not received any comments or concerns regarding this project.

Inherent and Non-Inherent Effects

The standard for evaluation under 59-G-1.21 requires consideration of the inherent and non-inherent effects of the proposed use at the proposed location. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects, alone, are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are the physical and operational effects not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with inherent effects, are a sufficient basis to deny a special exception.

The inherent characteristics of a domiciliary (assisted living) care home include: (1) buildings and structures, as well as outdoor passive areas for the residents and visitors; (2) lighting; (3) delivery of food and materials for the operation and maintenance of the assisted living facility; (4) traffic associated with trips to and from the site by employees, visitors and residents engaged in off-site activities.; (5) parking areas to accommodate visitors and staff; (6) dust and noise associated with the loading and unloading of food and equipment and garbage pick-up; and (7) noise from ambulances in emergencies.

In reviewing this case, staff has not identified non-inherent effects that would adversely impact the area. Staff finds that the size, scale and scope of the proposed use are minimal and are not likely to result in any adverse noise, traffic disruption or any environmental impact. Additionally, there are no unusual characteristics associated with the proposed use.

Adequate parking is available for the residents, guests and employees of the proposed assisted living facility. The applicant is proposing a Victorian style architecture that will blend with the

surrounding area and is providing an ample landscape buffer along Olney-Sandy Spring Road to retain the residential character of the street, creating a 58-foot building setback.

Analysis

59-G-1.2.1 Standard for evaluation.

- (a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:**

- (1) Is a permissible special exception in the zone.**

An assisted living facility is a permitted use under §59-C-1.31 of the Montgomery County Zoning Ordinance.

- (2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.**

The proposed application for an assisted living facility satisfies the requirements of §59-G-2.37 Nursing Home or Domiciliary Care Home. Staff notes that although several special exceptions exist in the area of this request, the nature of this request will not alter the residential character of the area of the zone, the existing special exceptions are medically related and the majority are housed in buildings that are residential in appearance.

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.**

The Plan does not include specific recommendations for this site relating to nursing and/or domiciliary care facilities; however, it does acknowledge the need for such a facility in this area due to the aging population. Community-Based Planning staff state that the proposed assisted living facility is compatible with the surrounding land uses and structures, due to the provided 58-foot building setback and the provided parking along the side away from the street frontage. (See Attachment 8.)

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures,**

intensity and character of activity, traffic and parking conditions and number of similar uses.

This use will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk, traffic and parking conditions and number of similar uses. The site is being developed with minimal impact on the natural environment in that several of the larger, existing trees will be saved during construction. In consideration of the 58-foot building setback the proposed development will be consistent with the existing front yard setbacks along Olney-Sandy Spring Road. The maximum 74 units with 94 beds is compatible with the residential densities of the neighborhood. The lot area provided by this development will exceed the minimum lot area requirements per §59-G.2.37 of 1,200 square feet per bed.

(5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site. The subject property is surrounded by existing development on all sides. Staff notes that surrounding this site are existing medical-related facilities, including a veterinary hospital, a chiropractic center and Montgomery General Hospital. With regards to the residential neighborhoods adjacent to the subject site, the multi-family and single-family residences are shielded from this development by a perimeter buffer and a forested stream valley. Plans received from the applicant indicate that the nearest residence is located more than 100-feet away from the proposed building. The applicant has provided cross-sections from Olney-Sandy Spring Road showing the proposed building's height to the street's frontage and the adjacent residential homes. (See Attachment 11.)

(6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed assisted living facility is buffered well from the existing residential homes, with the closest residential dwelling over 100-feet away from the building. With regards to the illumination or glare associated with the development, the applicant has provided photometric plans showing the types, location and spillover effect that the associated lighting will have on the surrounding properties. The applicant is proposing a mix of lighting to enhance the residential feel of the site. As such the different types of lighting proposed will have several illumination levels, from the lowest which will be along the pathways to the brightest, which will light the parking area. The provided photometric plan meets the lighting requirements necessary for this special exception. However, a minimal amount of light (0.1 foot-candles) spills over to the adjacent property). Staff notes that in the area where lighting levels spillover occurs, no structure or driveway is within 40' of this measurement. The location, in which the spillover occurs, is adjacent to a forested area.

Deliveries, garbage pick-up, and potential ambulance transportation (emergency only) will produce minimal noise, fumes, and dust; and the restriction on times of deliveries and garbage pick-up will further limit the disturbance of this development.

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.**

The approval of this special exception request will not increase the number, intensity or scope of special exception uses sufficiently to adversely affect or alter the predominantly residential nature of the area. This area has 5 existing special exceptions and several "by right" non-residential uses. Although several special exceptions exist in the area, the proposed special exception is consistent with the recommendation of the applicable master plan and will not change the residential characteristic of the area. Please see below (and Attachment 7) for adjacent special exceptions:

1. Montgomery General Hospital: 1810 Prince Phillip Drive. Multiple Special Exception requests: CBA-2521- (A-H), BAS 1920, BAS 1921, S-511, BAS-343
2. Montgomery General Hospital: 2805 Olney-Sandy Spring Rd. BAS 1920, and BAS 1921. Request for a group residence (9-14 elderly persons)
3. Montgomery General Hospital: 2805 Olney-Sandy Spring Rd. S-511. Request for a thrift shop.
4. Town and Country Animal Clinic: 2715 Olney-Sandy Spring Rd. BAS-715 and BAS-715A. Request for a veterinary clinic.
5. St. Andrews Kim Korean Catholic Church: 17615 Old Baltimore Rd. S-2441. Request for the development and operation of 75 one-bedroom apartments, elderly independent low-income and one-bedroom apartment of resident manager.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

The proposed assisted living facility will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area. The applicant has indicated rigorous evacuation plans for the residents in case of a natural disaster or emergency situation and that staff is trained to evacuate the residents at such time.

- (9) 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.**

- i. If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception. If the

special exception does not require approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Board of Appeals when the special exception is considered. The adequacy of public facilities review must include the Local Area Transportation Review and the Policy Area Transportation Review, as required in the applicable Annual Growth Policy.

The proposed special exception requires preliminary plan of subdivision approval and the adequacy of public facilities will be determined at the time of preliminary plan review.

- ii. With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will not reduce the safety of vehicular or pedestrian traffic.**

This project will not reduce the safety of vehicular or pedestrian traffic.

- (b) Nothing in this Article relieves an applicant from complying with all requirements to obtain a building permit or any other approval required by law. The Board's finding of any facts regarding public facilities does not bind any other agency or department which approves or licenses the project.**

Acknowledged by the applicant.

- (c) The applicant for a special exception has the burden of proof to show that the proposed use satisfies all applicable general and specific standards under this Article. This burden includes the burden of going forward with the evidence, and the burden of persuasion on all questions of fact.**

Acknowledged by the applicant.

Sec. 59-G-2.37. Nursing Home or Domiciliary Care Home

- (a) A nursing home of any size or a domiciliary care home for more than 16 residents (for 16 residents or less see "Group Home") may be allowed if the board can find as prerequisites that:**

- (1) The use will not adversely affect the present character or future development of the surrounding residential community due to bulk, traffic, noise, or number of residents;**

This use will not adversely affect the present character or future development of the surrounding residential community due to bulk, traffic, noise or number of residents. The site is being developed with minimal intrusion onto the natural environment in that a majority of the larger, existing trees will be saved during construction. Additionally, the applicant is proposing to set the building back 58-feet from the front property line, which, along with the proposed landscaping, will be in keeping with the width of the adjacent Hallowell Subdivision's buffer. In terms of number of residents, the applicant has stated, that the majority of residents, if not all residents, will depend on

transportation provided by Sunrise. Transportation Planning staff, in their memorandum dated December 5, 2007, have indicated that this site will generate 24 A.M. Peak-Hour Trips and 24 P.M. Peak-Hour Trips. As part of the FY2009-2011 Growth Policy Adequate Public Facilities test for Local Area Transportation Review (LATR), a traffic study is not required, since the proposed facility is estimated to have less than 30 peak-hour trips during the typical weekday morning and evening peak periods.

With respect to bulk and scale, the applicant has provided several cross-sections indicating that the scale of the proposed building is in harmony with the surrounding area. (See Attachment 11.) Additionally, a berm which surrounds the closest residents provides a "bowl" so that the dwelling units appear to be lower in elevation. The berm, in conjunction with the topography and proposed landscape keep the proposed building within a proper scale of the surrounding neighborhood.

(2) The use will be housed in buildings architecturally compatible with other buildings in the surrounding neighborhood; and

As proposed, the assisted living facility is architecturally compatible with other buildings in the surrounding neighborhood. The proposed architecture is based on a "Victorian farmhouse style" with several peaks (apexes) which will provide an illusion of several roof line elevations. Low porches and a port cochere "break-up" the front building elevation. (See Attachment 2B for the provided architectural renderings.)

(3) The use will be adequately protected from noise, air pollution, and other potential dangers to the residents.

As stated previously, the proposed assisted living facility will be adequately screened from the surrounding residential developments. The applicant is proposing to protect numerous large trees during construction and also is providing landscaping along Olney-Sandy Spring Road. It is anticipated that some noise will occur from deliveries as well as garbage pick-up, and potential ambulance transportation (emergency only); however, with the restriction of deliveries and garbage pick-up times, staff believes the disturbance will be minimized.

(4) The Board of Appeals may approve separate living quarters, including a dwelling unit, for a resident staff member within a nursing home or domiciliary care home.

Not applicable. Applicant is not proposing a separate living quarters as part of this request.

(b) The following requirements must apply to a nursing home housing 5 patients or less:

- (1) The minimum lot area must be as stated for the applicable zone but in no case less than 7,500 square feet.**
- (2) The minimum street frontage must be 50 feet.**
- (3) Minimum setbacks, minimum green area, maximum coverage and maximum height are those prescribed in these regulations for the zone.**

(c) The following requirements apply to all new nursing homes, additions to existing nursing homes where the total number of residents is 6 or more, and to all domiciliary care homes for more than 16 residents.

(1) The minimum lot area in the rural zone must be 5 acres or 2,000 square feet per bed, whichever is greater.

(2) In all other zones, the minimum lot area must be 2 acres or the following, whichever is greater:

a. In the RE-2, RE-2C, RE-1 and R-200 zones, 1,200 square feet for each bed.

This site is classified in the RE-2/TDR zone. The applicant proposes a maximum of 94 beds. Based on this request, it is required the applicant provide a minimum of 112,800 square feet for the residences. The square feet for the subject property is 213,092 square feet or 4.89 acres, which satisfies this standard.

b. In the R-150, R-90, R-60 and R-40 zones, 800 square feet for each bed.

c. In the R-T, R-30, and R-20 zones, 600 square feet.

d. In the R-10, R-H, C-O, C-T and C-2, 300 square feet for each bed.

e. In the town sector and planned neighborhood zones, 800 square feet per bed.

(3) Minimum side yards are those specified in the zone, but in no case less than 20 feet.

The applicant has provided for building setbacks for the side yards in excess of 100 feet on each side, which satisfies this standard.

(4) Maximum coverage, minimum lot frontage, minimum green area, minimum front and rear yards and maximum height are as specified in the applicable zone.

Table 2 below outlines how development standards are met based on the submitted plans. (See Attachment 3 for the site plan.) As proposed, the site plan meets all applicable development standards identified in the RE-2/TDR zone. Staff notes, the applicant has submitted a photometric (lighting) plan and landscape plan. Staff has determined that the applicant has met the standards with regards to lighting and landscaping. In addition, the applicant is working with DPWT in order to plant additional trees in the right-of-way, along Olney-Sandy Spring Road. With regards to on-site lighting, the applicant has provided a photometric plan proposing 3 types of lighting for the site. The light's intensity for the parking lot will not "spillover" onto the adjacent properties.

The applicant has provided a landscape plan which identifies those forested areas to be preserved through construction in addition to proposed landscaping which "replaces" those areas lost to the development. The general landscape plan meets the screening

requirements set forth in the code. With regards to potential landscaping conflicts within the stormwater detention basins, actual plantings details within the stormwater management areas will be determined at the time of conceptual stormwater management approval.

Table 2: Development Standards- RE-2/TDR/Domiciliary Care Special Exception

Development Standards	Requirement	Provided
Minimum Tract Area (§59-C-1.321(a))	N/A	213,092 (4.89 AC)
Maximum Density (d.u./usable acre) (§59-C1.32(b))	N/A	N/A
Lot Area (§59-G-2.37(c)(2)a.)	1,200 SF/bed or 2 ac, whichever is greater (94 beds*1,200 SF= 112,800 SF)	213,092 SF
Lot Width (§59-C-1.322(b)): @ Front of Bldg Line @ Street	150' 25'	±520' ±425'
Yard Requirements (main building): From Street (§59-C-1.323(a)) From Adjoining Lot Side Yards (§59-G-2.37(b)(3)) One Side Both Sides Rear Yard (§59-C-1.323(b))	50' 17' 35' 35'	58' ±102' ±245' ±222'
Building Height (maximum) (§59-C-1.237)	50'	43'-5" (ridge line)
Coverage (maximum net lot area) (§59-C-1.328)	25%	13%
Parking/Loading Facilities Setback (§59-E-2.83) Front/Rear Yard of applicable zone Side Yard (2xs side yard of applicable zone)	50'/35', respectively 35' (17*2)	±165'/70' 35'
Off-Street Parking (§59-E-3.7) Residential Units – 1 space/4 beds Employees- 1 space/2 employees	(94/4) + (32/2) = 39	45 (43 standard, 2 HC)
Driveways (§59-E-2.41) Entrance/Exit 2-way drive aisle	Min. of 20' in width Min of 20' in width	20' minimum 20' minimum

(d) Off-street parking must be provided in the amount of one space for every 4 beds and one space for 2 employees on the largest work shift, except the board may specify additional off-street parking space where the method of operation or type of care to be provided indicates an increase will be needed.

This special exception request satisfies the parking requirements. As depicted on the special exception plan, the applicant proposes 45 parking spaces (2 handicapped and 43 standard).

(e) An application must be accompanied by a site plan, drawn to scale, showing the location of the building or buildings, parking areas, landscaping, screening, access roads, height of

buildings, topography, and the location of sewers, water lines, and other utility lines. The site plan must also show property lines, streets, and existing buildings within 100 feet of the property and indicate the proposed routes of ingress and egress for automobiles and service vehicles. A vicinity map showing major thoroughfares and current zone boundaries within one mile of the proposed home, must be included.

The applicant has provided the above information with regards to the proposed special exception. Staff notes that the provided site plan satisfies the development standards of the RE-2/TDR zone.

- (f) An application for special exception for this use must include an expansion plan showing the location and form of any expansions expected to be made in the future on the same site.**

The applicant is not proposing any expansions in the future.

- (g) Any nursing home, or domiciliary care home for more than 16 residents lawfully established prior to November 22, 1997, in not a nonconforming use, and may be extended enlarged or modified by special exception subject to the provisions set forth in the sections.**

Not Applicable.

- (h) Any application for nursing home and/or care home which is pending at the Board of Appeals as of February 24, 1997, at the request of the applicant, may be processed under the applicable provisions of the Zoning Ordinance in effect at the time the application was filed.**

Not Applicable.

Conclusion

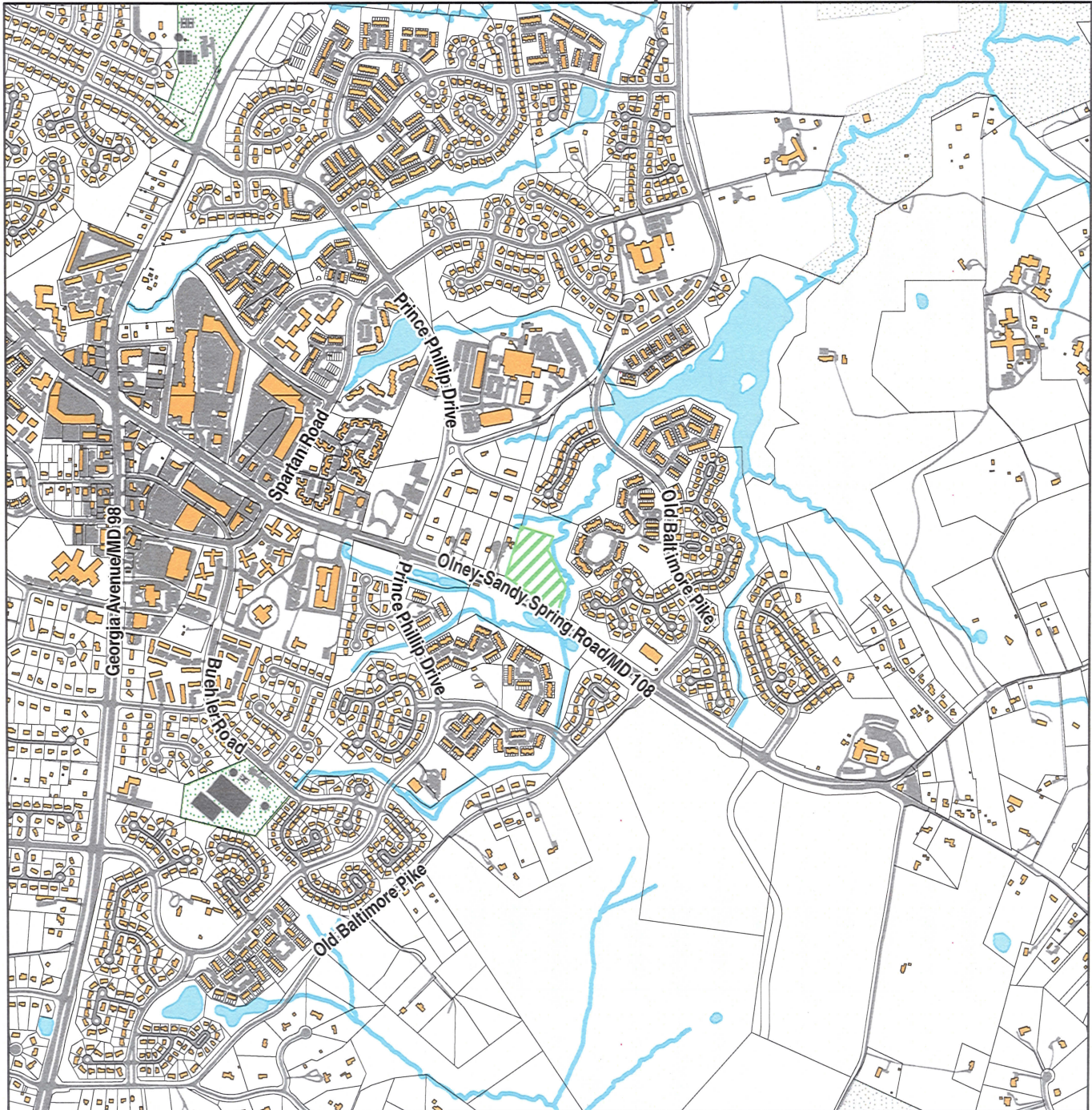
Based on review of the application and all information of record, staff concludes that the application, with the operational limitations and site improvements imposed by staff, satisfies all relevant standards for grant of a domiciliary care home special exception at the proposed site. For these reasons, staff recommends that application S-2712 for a domiciliary care home special exception on the north side of Olney-Sandy Spring Road, between Prince Phillip Drive and Old Baltimore Road, Olney, MD, be granted by the Board of Appeals.

ATTACHMENTS

- Attachment 1-** Location Map
- Attachment 2-** A. Conceptual Elevation, received December 2007
B. Illustrative Plan, received August 2007
- Attachment 3-** Revised Special Exception Site Plan, received December 2007
- Attachment 4-** A. Revised Special Exception Landscape Plan, received December 2007
B. Revised Special Exception Planting Schedule, received December 2007
- Attachment 5-** Site Photographs/Aerial Photography
- Attachment 6-** Memorandum from Taslima Alam, Development Review Division to Renée M. Miller, Development Review Division, dated November 15, 2007
- Attachment 7-** Surrounding Area
- Attachment 8-** Memorandum from Khalid Afzal, Community-Based Planning, received December 10, 2007
- Attachment 9-** Memorandum from Cherian Eapen, Transportation Planning Division, to Renée M. Miller, Development Review Division, December 5, 2007
- Attachment 10-** Memorandum from Amy Lindsey, Environmental Planning Division, to Renée M. Miller, Development Review Division, December 5, 2007
- Attachment 11-** Revised Cross-Sections, received December 2007

ATTACHMENT 1

Generalized Location Map



LEGEND

-  S-2712 Site
-  Parcel
-  Building
-  Paved Area
-  Lake and Pond
-  Stream and River

NOTICE:

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.

1 inch = 1/4 mile

Address: Olney-Sandy Spring Drive

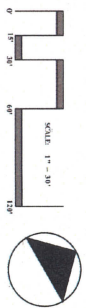
Key Map

NTS



ATTACHMENT 2A





RECEIVED
DEC 11 2007

DEC 11 2007

DEVELOPMENT REVIEW DIVISION

ATTACHMENT 4B

PLANT SCHEDULE

KEY QTY.	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	COMMENTS
TREES					
AR 1	<i>Acer rubrum</i> 'Jamestown'	Jamestown Red Maple	2.5-3" cal, 12-14' ht.	B4B	Branched 6 1/2" from ground, Seedless
PA 1	<i>Fraxinus americana</i> 'Autumn Purple'	Autumn Purple White Ash	2.5-3" cal, 12-14' ht.	B4B	Branched 6 1/2" from ground
FP 1	<i>Fraxinus pennsylvanica</i> 'Marshall's Seedless'	Marshall's Seedless Green Ash	2.5-3" cal, 12-14' ht.	B4B	Branched 6 1/2" from ground, Seedless
LR 5	<i>Liquidambar styraciflua</i> 'Rotundifolium'	Fruitless American Sweetgum	2.5-3" cal, 12-14' ht.	B4B	Branched 6 1/2" from ground, Fruitless
QW 1	<i>Quercus phellos</i>	Willow Oak	2.5-3" cal, 12-14' ht.	B4B	Branched 6 1/2" from ground
QR 7	<i>Quercus rubra</i>	Red Oak	2.5-3" cal, 12-14' ht.	B4B	Branched 6 1/2" from ground
EVERGREEN TREES					
CL 43	<i>x Cupressocyparis leylandii</i>	Leyland Cypress	6-8' ht.	B4B	Std.
JS 12	<i>Juniperus scopulorum</i> 'Patriot'	Patriot Juniper	6-8' ht.	B4B	Narrow pyramidal-conical form
IA 21	<i>Ilex x attenuata</i> 'Foster'	Foster's Holly	6-8' ht.	B4B	Std.
PQ 24	<i>Picea omorika</i>	Serbian Spruce	6-8' ht.	B4B	Std.
PS 12	<i>Pinus strobus</i>	White Pine	6-8' ht.	B4B	Std.
ORNAMENTAL TREES					
OC 8	<i>Cercis canadensis</i>	Eastern Redbud	1.5-1.75" cal, 7-9' ht.	B4B	Std.
CV 2	<i>Chionanthus virginicus</i>	White Fringetree	1.5-1.75" cal, 7-9' ht.	B4B	Std.
CF 17	<i>Cornus florida</i>	Flowering Dogwood	1.5-1.75" cal, 7-9' ht.	B4B	Std.
HC 5	<i>Halesia carolina</i>	Carolina Silverbell	1.5-1.75" cal, 7-9' ht.	B4B	Std.
LI 4	<i>Lagerstroemia</i> 'Stouffville' or 'Tussocks'	Dark Pink Crape myrtle	1.5-1.75" cal, 7-9' ht.	B4B	Std.
MA 5	<i>Malus 'Centaur'</i> or 'Prairie Fire'	Red Flowering Crabapple	1.5-1.75" cal, 7-9' ht.	B4B	Std.
MS 5	<i>Magnolia soulangiana</i>	Saucer Magnolia	1.5-1.75" cal, 7-9' ht.	B4B	Std.
MY 5	<i>Magnolia virginiana</i>	Sweetbay Magnolia	7-9' ht.	B4B	Multi-stem
OA 4	<i>Oxydendron arboreum</i>	Sourwood	1.5-1.75" cal, 7-9' ht.	B4B	Std.
PY 8	<i>Prunus x yedoensis</i>	Yoshino Cherry	1.5-1.75" cal, 7-9' ht.	B4B	Std.
SHRUBS					
Az1 80	<i>Azalea</i> 'Delaware Valley White'	Delaware Valley White Azalea	18-24" Ht.	#3 Cont.	White, Prune after bloom
Az2 80	<i>Azalea</i> 'Mother's Day'	Mother's Day Azalea	18-24" Ht.	#3 Cont.	Red, Prune after bloom
Ca 54	<i>Clethra alnifolia</i> 'Hummingbird'	Dwarf Summersweet	18-24" Ht.	#3 Cont.	White - pale pink
Fg 41	<i>Fothergilla gardenii</i> 'Mount Airy'	Mount Airy Fothergilla	18-24" Ht.	#3 Cont.	White
Fx 18	<i>Forsythia x 'Purpy-Red'</i>	Purpy-Red Forsythia	18-24" Ht.	#3 Cont.	Yellow, red in stems and leaves
Hh 15	<i>Hypericum x 'Hidcote'</i>	Hidcote St. Johnswort	18-24" Ht.	#3 Cont.	Yellow
Hg 10	<i>Hydrangea quercifolia</i>	Oak-leaved Hydrangea	24-30" Ht.	#3 Cont.	Shade tolerant
Ic 43	<i>Ilex crenata</i> 'Green Lustre'	Green Lustre Japanese Holly	18-24" Ht.	#3 Cont.	Evergreen
Jh 7	<i>Juniperus horizontalis</i> 'Youngstown'	Youngstown Andorra Juniper	18-24" Ht.	B4B / Cont.	Creeping Evergreen
Le 26	<i>Leucothoe 'Birch's Rainbow'</i>	Vortegated Leucothoe	18-24" Ht.	#3 Cont.	Evergreen, shade tolerant
Mp 28	<i>Myrica pensylvanica</i>	Northern Bayberry	18-24" Ht.	B4B / Cont.	Semi-evergreen
Pt 15	<i>Pieris taiwanensis</i> 'Snowdrift'	Snowdrift Compact Pieris	18-24" Ht.	#3 Cont.	Evergreen, White
Rc 15	<i>Rhododendron 'Catawbiense'</i> -var.	Catawba Rhododendron	24-30" Ht.	B4B	Mix varieties/various colors, Evergreen
Rm 11	<i>Rhododendron maximum</i>	Rosebay Rhododendron	24-30" Ht.	B4B	Evergreen, pink-lavender
Sp 24	<i>Spiraea 'Little Princess'</i>	Little Princess Spiraea	18-24" Ht.	#3 Cont.	Deep pink blooms
Vd 46	<i>Viburnum davidii</i>	David Viburnum	18-24" Ht.	#3 Cont.	Evergreen, white blooms, blue drupe
Vh 27	<i>Viburnum nudum</i> 'Winterthur'	Smooth Winterthur Viburnum	30-36" Ht.	#3 Cont.	White blooms, variable color drupe
PERENNIALS/GROUNDCOVERS					
Chv 400	<i>Chrysogonum virginicum</i>	Green and Gold	1 qt.	Cont.	Yellow flowers, 12" o.c.
Gr 12	<i>Coreopsis rosea</i> 'American Dream'	American Dream Tickseed	#2	Cont.	Rose pink flowers, 18" o.c.
Hb 22	<i>Hemerocallis 'Little Business'</i>	Little Business Daylily	#2	Cont.	Rose red flowers, 18" o.c.
Hc 17	<i>Hemerocallis 'Stella d'Oro'</i>	Stella d'Oro Daylily	#2	Cont.	Yellow flowers, 18" o.c.
Ln 400	<i>Lysimachia nummularia</i>	Creeping Jenny	1 qt.	Cont.	Yellow flowers, 18" o.c.
Ls 600	<i>Liriope spicata</i> 'Silver Dragon'	Silver Dragon Lily-turf	4" Pot or Mats	Cont.	White flowers, 12" o.c.
Pbr 600	<i>Phlox stolonifera</i> 'Blue Ridge'	Blue Ridge Creeping Phlox	1 qt.	Cont.	Pale Blue flowers, 18" o.c.
Sd 115	<i>Stylophorum diphyllum</i>	Celandine Poppy	#1	Cont.	Yellow flowers, 18" o.c.
En 17	<i>Salvia nemorosa</i> 'Blue Hill'	Blue Hill Salvia	#1	Cont.	Pale Blue flowers, 18" o.c.
Vn 350	<i>Vinca minor</i>	Periwinkle	2.25" Mats	Cont.	Blue flowers, 12" o.c.
Vs 15	<i>Veronica spicata</i> 'Royal Candles'	Dwarf Spike Speedwell	#1	Cont.	Deep blue-purple flowers, 18" o.c.

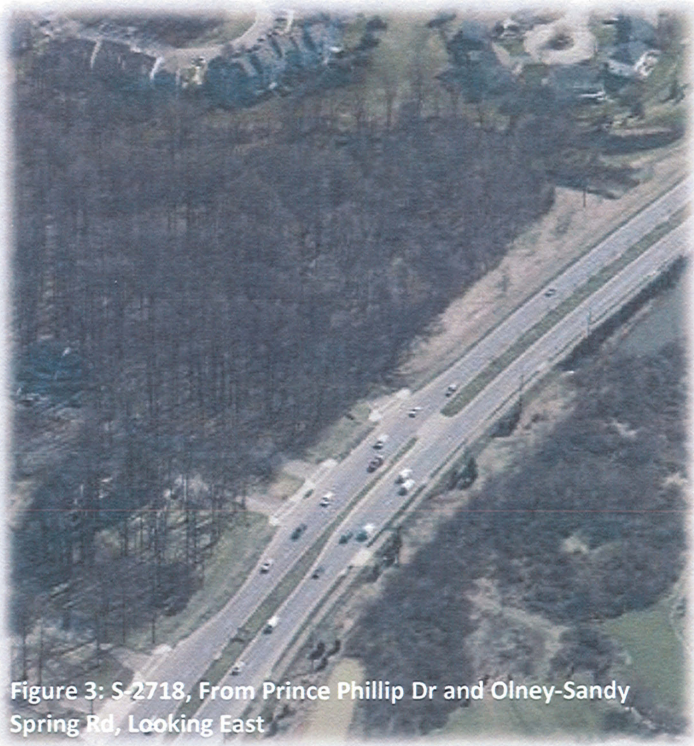
LANDSCAPE QUANTITIES TO BE VERIFIED BY THE LANDSCAPE CONTRACTOR.

ATTACHMENT 5

Figure 1: Olney-Sandy Spring Road, Looking West



Figure 2: Hallowell Subdivision Berm, Looking West



ATTACHMENT 6



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



MEMORANDUM

DATE: November 15, 2007

TO: Renee Miller
Development Review Division

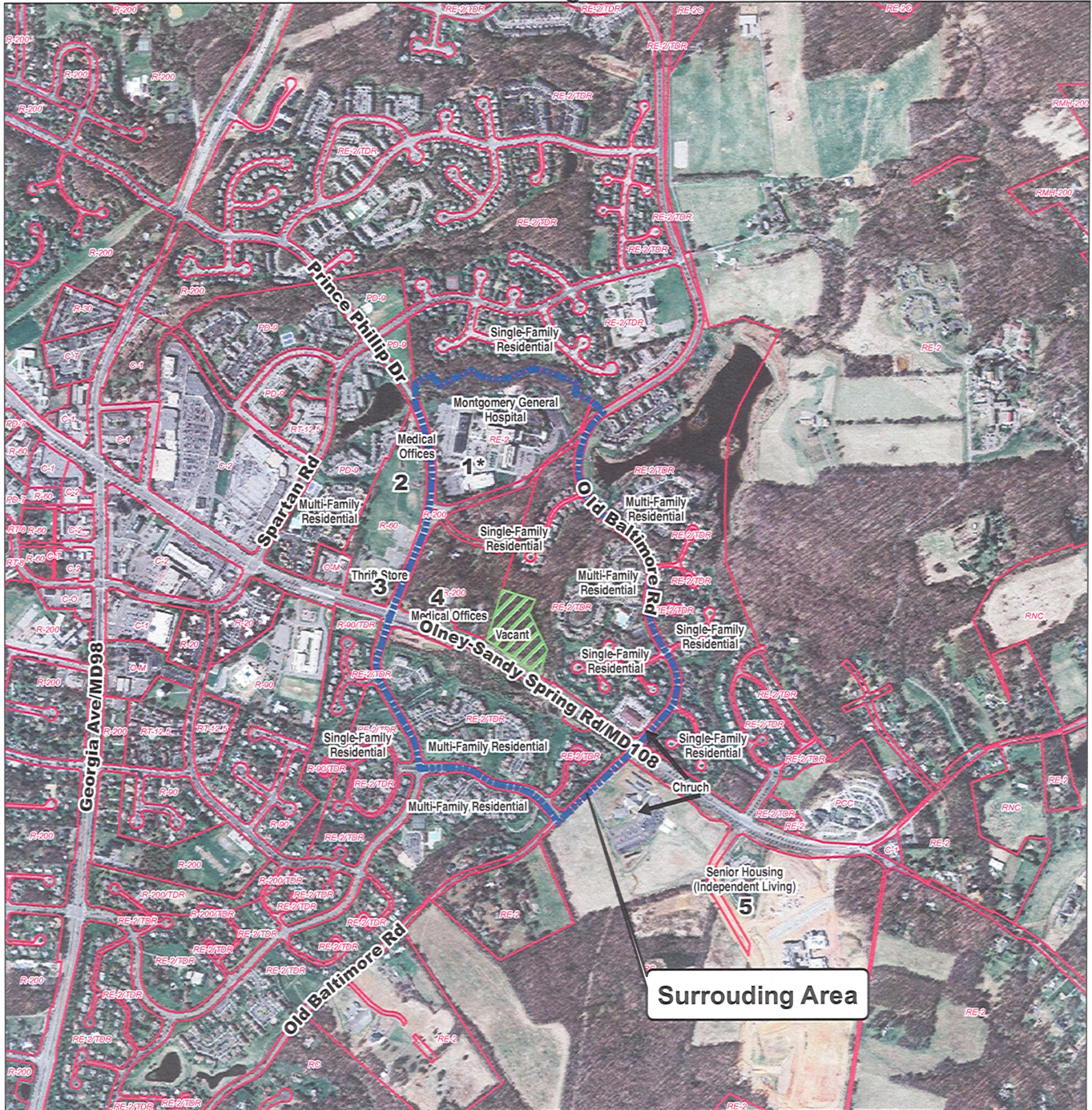
FROM: Taslima Alam
Development Review Division

SUBJECT: Board of Appeals Petition No. S-2712



The proposed development requires subdivision. Prior to the release of any building permits the applicant will be required to submit a Preliminary Plan Application and record a plat in the land records pursuant to Chapter 50 of the Subdivision Regulation.

ATTACHMENT 7

Surrounding Area



LEGEND

-  S-2712 Site
-  Zone

NOTICE:

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.

** Please refer to Section II.A. of the report for further information regarding the five (5) special exceptions previously approved in the surrounding area.*

1" = 1/4 mi
Address: Olney-Sandy Spring Rd

Key Map

NTS



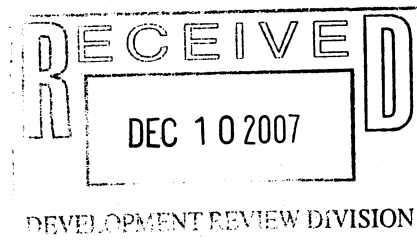
ATTACHMENT 8



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

December 10, 2007



MEMORANDUM

To: Renee Miller, Zoning Analyst
Development Review Division

From: Khalid Afzal, Team Leader *KA*
Georgia Avenue Team
Community-Based Planning Division

SUBJECT: S-2712, Special Exception for Sunrise Senior Living on MD 108 in Olney.

The proposed special exception is located in the 2005 Olney Master Plan. The Master Plan, on page 42 of the Land Use Chapter, states, among other things, that special exceptions "should be compatible with the development pattern of the adjoining uses in terms of height, size, scale, traffic and visual impact of the structures and parking lots". (See attached).

The approximately 5.0-acre property is located on the north side of Olney-Sandy Spring Road (MD 108) between Prince Phillip Drive and Old Baltimore Road. Community-Base Planning staff believes that the property's close proximity to the Montgomery General Hospital and its easy access to the Olney Town Center make it a suitable location for a senior living facility. The proposed design with a three-story building, its front setback of 58 feet along MD 108, and parking on side and away from the street frontage make it compatible with the its surrounding land uses and structures.

Staff believes the proposed special exception to be consistent with the goals and objectives of the 2005 Olney Mater Plan. Staff recommends, however, that additional landscaping be provided between the property line and the existing bike path along MD 108 to increase the tree buffer between the building and the street. This will help reduce the negative impact of tree removal from the property to the current visual character of MD 108 as a green boulevard in this area.

D:\S-2712- Sunrise senior living-Olney

Special Exceptions

Special exceptions are specific uses defined in the Zoning Ordinance and may be allowed if they meet the requirements for such uses as set forth in the Zoning Ordinance.

Special exception projects should be compatible with the development pattern of the adjoining uses in terms of height, size, scale, traffic and visual impact of the structures and parking lots. In addition, special exception uses of a commercial nature that do not need large properties and can be located in the Town Center should be discouraged in residential areas, especially along major streets. The section of Georgia Avenue between Norbeck Road and the Town Center especially should be kept free of any large uses that would change its low-density residential character and create pressure to allow other such developments along this stretch. Sites with existing special exception uses may be considered for redevelopment and alternative special exception uses, provided that they are consistent with the Master Plan.

Recommendations:

- 1. Discourage special exception uses along Georgia Avenue between Norbeck Road and the Town Center to preserve its low-density residential character.**
- 2. Minimize the negative impacts of special exception uses such as non-residential character, visibility of parking lots, excessive size, height and scale of buildings, and intrusive lighting.**
- 3. Discourage special exception uses with excessive imperviousness levels.**



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

December 17, 2007

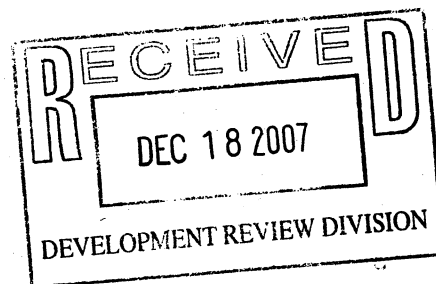
MEMORANDUM

TO: Renee Miller, Senior Planner
Development Review Division

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Cherian Eapen, Planner/Coordinator *CE*
Transportation Planning
301-495-4525

SUBJECT: Special Exception Case No. S-2712
Proposed Assisted Living Facility (Domiciliary Care Home)
Sunrise Senior Living of Olney, Olney
Parcel 359
Sunrise Development LLC
Olney-Sandy Spring Rd (MD 108), between Prince Philip Dr, and Old Baltimore Rd
Olney Policy Area



This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of a request for a special exception permit by Sunrise Development LLC to build a 74-unit/94-bed assisted living (domiciliary care home) facility on a 5.0 acre property located on Olney-Sandy Spring Road (MD 108) between Prince Philip Drive and Old Baltimore Road in Olney. The site is located within the Olney Policy Area, and is zoned RE-2/TDR.

RECOMMENDATIONS

Transportation Planning staff recommends that the Planning Board require the following conditions to be part of the transportation-related requirements to grant this special exception request:

1. The applicant must limit development on the site to a 74-unit/94-bed assisted living (domiciliary care home) facility.

2. As part of the subdivision application, to satisfy the 2007-2009 Growth Policy APF test for Policy Area Mobility Review (PAMR), the applicant must submit a revised PAMR study including a mitigation proposal for review and approval by MNCPPC Transportation Planning staff (to mitigate 25% of site-generated weekday peak-hour trips).
3. At the time of subdivision, the applicant must show on the plan the right-of-way centerline for MD 108 and a minimum roadway right-of-way dedication width of 75-feet from the centerline along the property frontage.
4. The applicant must provide two (2) bike lockers for employees at the facility, the location of which to be finalized at subdivision. The applicant must meet requirements, if any, under the PAMR traffic mitigation proposal separately.

DISCUSSION

Site Location, Vehicular/Pedestrian Access, Transit Availability

The planned Sunrise Senior Living facility is proposed to be located on a parcel along the north side of Olney-Sandy Spring Road (MD 108) in Olney, between Prince Philip Drive (to the west) and Old Baltimore Road (to the east). Access to the facility will be via an existing curb cut on MD 108 to the property. The proposed special exception use will not adversely affect area pedestrian/bicyclist accessibility or safety.

MD 108 is a four-lane east-west median-divided highway between Olney Mill Road to the west and Dr. Bird Road to the east. The MD 108 intersections with Prince Philip Drive and Old Baltimore Road are signalized. The roadway is currently built to master plan recommendations with a shared use path on both sides.

Land use in the vicinity of the proposed facility is predominantly residential. The commercial/retail centers and the Montgomery General Hospital in Olney are located to the west of the facility. The Good Counsel High School is located to the east of the facility.

MD 108 is serviced by Metrobus route Z2 and has stops near Prince Philip Drive (to the west, approximately 900 feet from the facility). Prince Philip Drive is also serviced by RideOn route 53.

Master Plan Roadway and Pedestrian/Bikeway Facilities

The 2005 Approved and Adopted *Olney Master Plan* includes the following nearby master-planned roadways and pedestrian/bikeway facilities:

1. Olney-Sandy Spring Road (MD 108), along the site frontage, classified as a four-lane divided major highway (M-60) between Laytonsville to the west and Dr. Bird Road (MD 182) to the east, with a recommended minimum right-of-way width of 150 feet. A Class I bikeway (shared use path; SP-35 between Georgia Avenue to the west and Dr. Bird Road to the east in

both the *Olney Master Plan* and the *Countywide Bikeways Functional Master Plan*) is recommended for MD 108, and currently exists along both sides of MD 108.

2. Prince Philip Drive, to the west of the site, classified as a four-lane arterial (A-46) between MD 108 to the southeast and Georgia Avenue to the northwest, with a recommended minimum right-of-way width of 80 feet. A Class III bikeway (shared roadway; B-30 between MD 108 to the south and Georgia Avenue to the north) is recommended for Prince Philip Drive, and currently exists between Spartan Road and Georgia Avenue.
3. Old Baltimore Road, to the east of the site, classified as a two-lane primary residential street (P-13) between MD 108 to the south and Gold Mine Road to the north, with a recommended minimum right-of-way width of 70 feet. A Class III bikeway (shared roadway; B-23 between MD 108 to the south and Gold Mine Road to the north) is recommended for Old Baltimore Road, and currently exists. Between MD 108 and Georgia Avenue, Old Baltimore Road is classified as a two-lane arterial (A-312) with a recommended minimum right-of-way width of 70-feet.

Local Area Transportation Review

The petitioner's December 3, 2007 traffic statement (which updated a July 3, 2007 statement) estimated that the proposed 74-unit/94-bed assisted living facility will generate approximately 24 trips during both the weekday morning and evening peak-hours. This is summarized in Table 1.

**TABLE 1
SUMMARY OF TRIP GENERATION
PROPOSED SUNRISE SENIOR LIVING FACILITY, OLNEY**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Site Trips (74 units with 94 beds)	15	9	24	8	16	24

Source: Wells and Associates, Inc., Sunrise Olney Updated Traffic Statement; December 3, 2007.

As part of the 2007-2009 Growth Policy APF test for Local Area Transportation Review (LATR), a traffic study is not required for the above use since the proposed facility was estimated to generate less than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods, and therefore passes the APF test for LATR.

Policy Area Mobility Review

As a special exception application filed on August 9, 2007, the proposed 74-unit/94-bed assisted living facility is required to satisfy the 2007-2009 Growth Policy test for Policy Area Mobility Review (PAMR) at the time of subdivision since:

- a subdivision application for the special exception site will be filed after January 1, 2007, and
- the proposed use was estimated to generate more trips than the threshold value of three peak-hour trips during the weekday morning and evening peak-periods.

To satisfy the 2007-2009 Growth Policy PAMR test in the Olney Policy Area (currently operating under "acceptable with partial mitigation" condition), an applicant is required to mitigate 25% of the peak-hour site-generated trips. For the proposed special exception use, with a site trip generation of 24 peak-hour trips during both the morning and evening peak periods, this translates to six (6) peak-hour trips.

To address the requirements of the APF test, the consultant for the applicant has submitted a PAMR statement dated December 13, 2007, as a supplement to the December 3, 2007 LATR statement. In the statement, the applicant has proposed to submit a final traffic mitigation proposal to address PAMR requirements at the time of subdivision for review and approval by Transportation Planning staff. Staff agrees with the applicant's proposal since the retroactivity clause associated with the new Growth Policy applies only to subdivision cases filed on or after January 1, 2007 and two areas of procedural interpretation remain inconclusive. First, staff is following the procedures contained in the Staff Draft of the Local Area Transportation Review and Policy Area Transportation Review Guidelines, completed November 29, 2007 and the subject of a Planning Board Public Hearing on December 13, 2007. Second, a Zoning Text Amendment (ZTA 07-17) was introduced to the County Council on December 11, 2007, to clarify that the new Growth Policy will apply to those special exception cases filed on or after November 15, 2007. A public hearing on the referenced ZTA is currently scheduled for January 29, 2007.

The applicant's PAMR mitigation proposal states that the applicant will consider several of the mitigation options available under the new Growth Policy to mitigate either site-generated trips or to reduce peak-hour trips within the Olney Policy Area. Given the relatively low number of trips that the applicant is required to mitigate, staff finds that there is reasonable probable fruition that the subject special exception use could pass the APF test for PAMR at the subdivision stage, as required by the new Growth Policy. Due to the uncertain status of the retroactivity clause and the LATR / PAMR requirements at this time, staff recommends deferring further details regarding PAMR mitigation on this case to the subdivision process. The applicant will need to submit a revised LATR and PAMR study as part of the subdivision application process following the rules and guidelines in place at the time of study scope development.

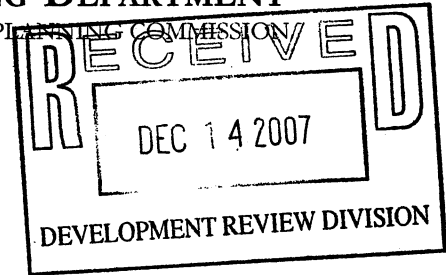
DKH:CE:tc

cc: John Borkowski
Greg Leck
Cathy Conlon
Khalid Afzal
Barbara Kearney
Cindy Bar, Esq.
Michael Workosky

mmo to RM re S-2712.doc



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



MEMORANDUM

TO: Renee Miller, Development Review

VIA: Stephen Federline, Supervisor, Environmental Planning

FROM: Amy Lindsey, Environmental Planning *ALL*

DATE: December 14, 2007

SUBJECT: Board of Appeals Petition S-2712
Sunrise Assisted Living at Olney

This report includes staff recommendations for Planning Board approval of the preliminary forest conservation plan, and also staff recommendations on the special exception for integration into the Department's staff recommendation. The Board shall take action on the preliminary forest conservation plan prior to making final recommendations on the special exception.

STAFF RECOMMENDATION:

Approval of the preliminary forest conservation plan subject to the following condition:

1. Compliance with the conditions of approval for the preliminary forest conservation plan dated December 11, 2007. The applicant must meet all conditions prior to MCDPS issuance of sediment and erosion control permit(s), as appropriate.
 - a) Approval of Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan, as may be revised at subdivision or site plan review, prior to any clearing, grading or demolition on the site.

DISCUSSION

The 4.89-acre property is located in Montgomery County on Olney-Sandy Spring Road in Olney, which is covered by the Olney Master Plan. The applicant proposes to construct an assisted-living facility. There are 4.68-acres of forest onsite and numerous large and specimen trees. There are streams off-site and wetlands, floodplain and associated buffers on-site. The property is within the Hawlings River watershed; a Use IV/IV-P watershed.

Forest Conservation

This property is subject to the Montgomery County Forest Conservation Law and a Forest Conservation Plan has been submitted for approval. There are 4.68- acres of forest existing on-site and 2.08-acres of forest will be retained in a Category I Forest Conservation Easement. There is no planting requirement and all areas of the stream valley buffer will be forested. The concept for meeting forest conservation requirements is acceptable.

Environmental Guidelines

The James Creek runs to the east of the property and a tributary is directly to the north. There are two patches of wetlands onsite and a floodplain associated with James Creek. All environmental buffers are protected by a Category I Forest Conservation Easement and the only encroachment is for stormwater management facilities.

This property is entirely within the Patuxent Primary Management Area but is not subject to the PMA requirements due to the existing zoning, RE2/TDR. It is subject to the non-conformance standards, which include using Best Management Practices (BMPs) to minimize the impacts of the higher density

The part of the property that lies outside the environmental buffer is considered to be the transition area of the PMA. The Planning Board's Environmental Guidelines recommend an impervious limit of 10 percent only for transition areas that are zoned RE-2 or less dense. Since the subject property is zoned RE2/TDR-2, which is of greater density than RE-2, the imperviousness guideline limit does not apply.

Properties which are zoned for greater density than RE-2 are subject to the non-conformance standards, as per the Environmental Guidelines. The non-conformance standards include using stormwater management and best management practices (BMPs) to minimize the impacts of the higher density. The Environmental Guidelines recommend the use of stormwater management (SWM) and best management practices to minimize the impacts of higher density zones.

In response to this requirement, the applicant has proposed the use of a green roof and has minimized the footprint of the building. The green roof is in addition to an otherwise effective stormwater management system, currently under review by the Montgomery County Department of Permitting Services (DPS). The stormwater management concept currently under review consists of sand filters to provide on-site water quality control. DPS is not requiring channel protection volume controls because the one-year post-development peak discharge is no more than 2.0 cubic feet per second.

Green Building

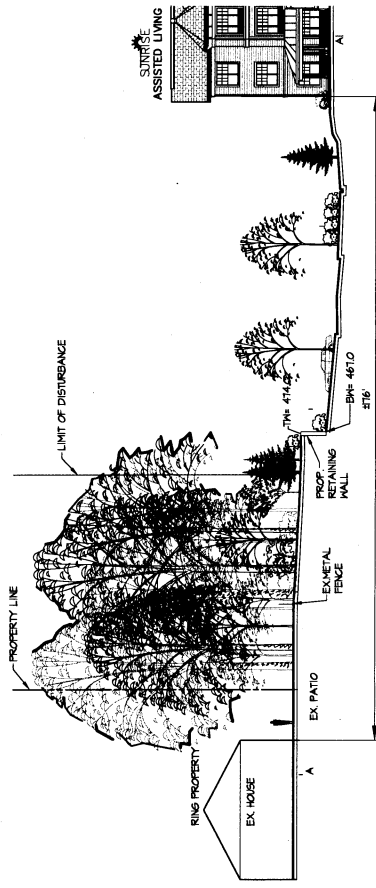
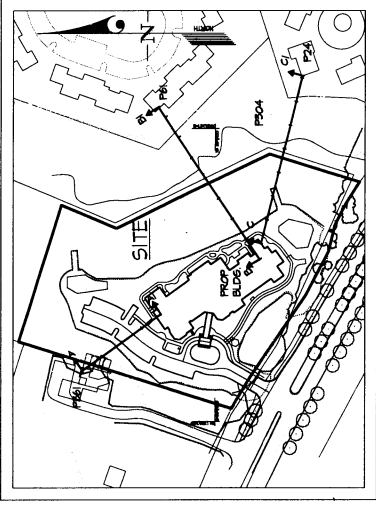
This project will need to comply with County Council Bill 17-06, Montgomery County Green Buildings Law. The applicant has proposed a green roof and will include other green technologies to minimize energy use.

Water Quality

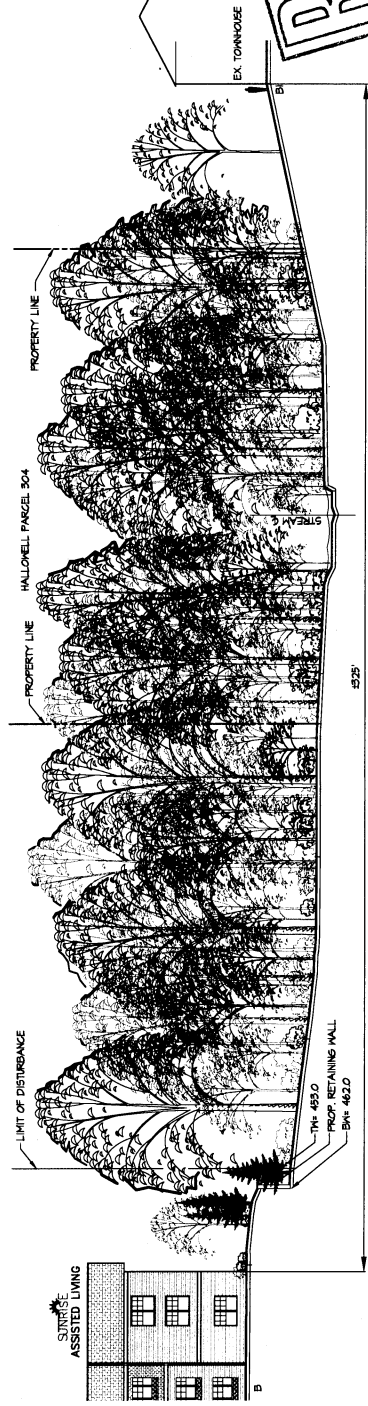
The subject property is located in the Upper James Creek subwatershed of the Hawlings River watershed. The *Countywide Stream Protection Strategy* (CSPS) assesses this tributary as having poor overall conditions. The subwatershed is designated a Watershed Restoration Area where the CSPS recommends restoration efforts to improve conditions.

ATTACHMENT 1

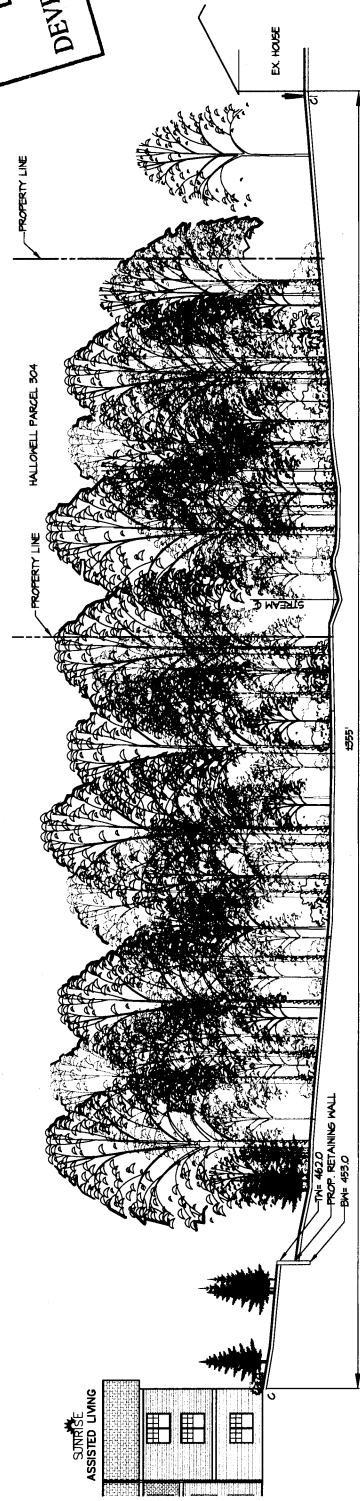
RECEIVED
DEC 11 2007
DEVELOPMENT REVIEW DIVISION



SECTION A-AI



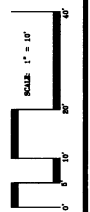
SECTION B-BI



SECTION C-CI

GLW GUNICK LITTLE & WILSON, P.A.
CIVIL ENGINEERS
11111 W. 11TH AVE., SUITE 100
DENVER, CO 80233
TEL: 724-7500-1148

NO.	DATE	BY	CHK	DESCRIPTION
1	11/11/07	GLW	GLW	PREPARED FOR SUBMITTAL
2	11/11/07	GLW	GLW	REVISION



PREPARED FOR:
SUNRISE SENIOR LIVING, LLC
11111 W. 11TH AVE., SUITE 100
DENVER, CO 80233
TEL: 724-7500-1148

CROSS SECTIONS
SUNRISE SENIOR LIVING OF OLNEY
11111 W. 11TH AVE., SUITE 100
DENVER, CO 80233
TEL: 724-7500-1148

SCALE	DATE	BY	CHK	DESCRIPTION
1"=10'	APRIL, 2007	GLW	GLW	PREPARED FOR SUBMITTAL
1"=10'	APRIL, 2007	GLW	GLW	REVISION

Seal and signature of the professional engineer are required for all drawings. The seal and signature of the professional engineer are required for all drawings. The seal and signature of the professional engineer are required for all drawings.

