

St. Anne's Episcopal Church, Senior Independent Living Facility, Conditional Use No. 2018-11

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Completed: 11/2/2018

Description

Request: Conditional use approval to operate a senior independent living facility

Site Address: 25100 Ridge Road
Damascus, MD 20872

Property Size: 3.44 acres

Zoning: R-200

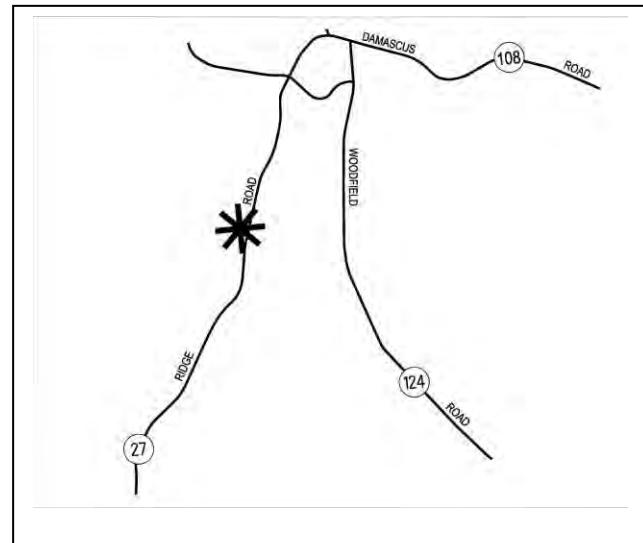
Master Plan: Damascus Master Plan (2006)

Applicant: St. Anne's Episcopal Community Development Corp.

Filing Date: June 12, 2018

Hearing Examiner

Public Hearing: December 7, 2018



SUMMARY

- With recommended conditions, the conditional use conforms to Sec. 59-4.4.7 (Residential - 200 Zone), Sec. 59-7.3.1 (Conditional Use) and Sec. 59-3.3.2.C (Independent Living Facility for Seniors or Persons with Disabilities) of the Montgomery County Zoning Ordinance.
- Currently, there exists a 15,500-sq. ft., 270 seat church on the site, and one detached house.
- The proposed use is consistent with the Damascus Master Plan.
- The Project complies with Montgomery County Environmental Guidelines, as conditioned.
- There are no significant land use or environmental impacts associated with the request.

Section I: Staff Recommendations and Conditions of Approvals

Staff recommends approval of Conditional Use No. 2018-11 to an independent living facility for seniors or persons with disabilities, subject to the following conditions:

- 1) Physical improvements to the Subject Property are limited to those shown on the Applicant's Conditional Use site plan, landscaping plan, and lighting plan that are part of the submitted Application.
- 2) The maximum number of dwelling units is limited to 76 units and such units are limited to seniors or persons with disabilities.
- 3) The maximum number of weekday employees is limited to four (4) persons during normal business hours. Weekend staff is limited to one (1) person. Additional staff may be permitted for occasional special events.
- 4) The Applicant must provide reasonable transportation services to medical services, shopping areas, recreation and other community services desired by resident senior adults as required by Sec. 59-3.3.2.C.2.c.i.
- 5) The collection of solid waste refuse and recyclable materials must occur on a weekday and not on Saturday or Sunday.
- 6) Prior to the approval of the subject Conditional Use application, the Applicant must demonstrate compliance with Sec. 59-3.3.2.C.2.c.iii, that a minimum of 15 percent of the dwelling units are permanently reserved for households of very low income, or 20 percent for households of low income, or 30 percent for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs.
- 7) Prior to the issuance of any building permit for the subject conditional use, the Applicant must obtain approval of a Preliminary Plan Subdivision and Record Plat pursuant to Chapter 50 of the Montgomery County Code.
- 8) Prior to the approval of a Preliminary Plan Subdivision, the Applicant must demonstrate compliance with the Bicycle Master Plan recommendations, including the recommended shared-use side-path along the west side of Ridge Road (MD 27) along the frontage of the subject property, or an alternative method of compliance as acceptable to staff of M-NCPPC.
- 9) Prior to the approval of a Preliminary Plan Subdivision application, the Applicant must demonstrate an adequate pedestrian circulation plan that is appropriate for the subdivision given its location and type of development and use pursuant to Sec. 50-4.2.D.1.

- 10) Promptly upon approval of the subject Conditional Use application, the parties to the Joint Parking Agreement, with text acceptable to staff of M-NCPPC, will execute that document and will record it among the Land Records of Montgomery County. A copy of the recorded Joint Parking Agreement will be provided to the Office of Zoning and Administrative Hearings for inclusion in the record of the conditional use application.
- 11) Prior to the issuance of a building permit, the Applicant must obtain approval of a Variance from the Board of Appeals for required yard setbacks as shown on the Applicant's conditional use site plan.
- 12) Prior to the approval of the Preliminary Plan of Subdivision application, the Applicant must obtain an approved stormwater management plan from the County Department of Permitting Services.
- 13) Prior to the approval of a Preliminary Plan of Subdivision application, the Applicant must obtain an approved revision to the Final Forest Conservation Plan in substantial conformance to the Applicant's preliminary revision. Elements of change may include stormwater management design, final location of infrastructure and supplemental plantings.
- 14) As part of the approval of a Preliminary Plan of Subdivision application, the Applicant must obtain an approved final forest conservation plan revision. Elements of change include disturbance to the forest along the site frontage, revisions to the stormwater management design, final location of infrastructure, and supplemental plantings.

Section II: Project Description

A. Background

Built in 1962, the 15,500 sq. ft. church contains a 270-seat worship hall, with space for customary offices, meeting and class rooms. It is operated by St. Anne's Episcopal Church of Damascus. Associated with the church, is a weekday child care center with a capacity for 20 children. There are 73 existing parking spaces for the church.

Accepted for filing on June 14, 2018 and pursuant to Section 59-7.3.1, the Applicant has requested approval of a conditional use to allow the construction and operation of an independent living facility for seniors or persons with disabilities in the R-200 zone (Project), located at 25100 Ridge Road, Damascus, Maryland (Subject Property or Property).



Figure 1 – Aerial view of the subject Property

B. Site Description

The Property is situated on the west side of Ridge Road (MD 27), about 1.5 miles south of Main Street in Damascus. Access to the Property is from Ridge Road. The 10.24-acre Property has a varied and hilly topography. There are relatively steep slopes with mature trees cover that extend from an elevation of about 700 ft. at Ridge Road to about 720 ft. to a flatter area of the Property where the church building and parking lot is located. The parcel is irregularly shaped with 778 ft. of frontage along Ridge Road.

The Property is developed with an approximately 15,500 sq. ft. church building and a separate two-story frame dwelling used for church-related services. The church building is set back approximately 200 ft. from the front property line. The dwelling is setback approximately 250 ft. from the front property line. There is a 25 ft. wide driveway with access from Ridge Road that serves a parking lot for 73 cars, and also provides access to the dwelling.

Landscaping is present on the remainder of the Property. The landscaping consists of an ornamental lawn, meadowed areas, and a variety of trees, shrubs, evergreens and some invasive species. A dense line of mature evergreen trees is located along the Property's highest elevation, near the western property line.

There are 2.75 acres of existing forest cover as shown on the existing forest conservation plan (SC2002011). The forested areas are in the northwestern section of the Property, along the north property line; and the southeastern corner, which contains an ephemeral stream channel. The slope along Ridge Road consists of mainly forest cover, with some shrubs and evergreens. Another ephemeral channel is located near the northeastern property corner near Ridge Road.

There are no wetlands or known rare or endangered species present. There are no historically significant structures or sites located on or near the Property.

Figure 2 (below) shows the existing Property conditions.

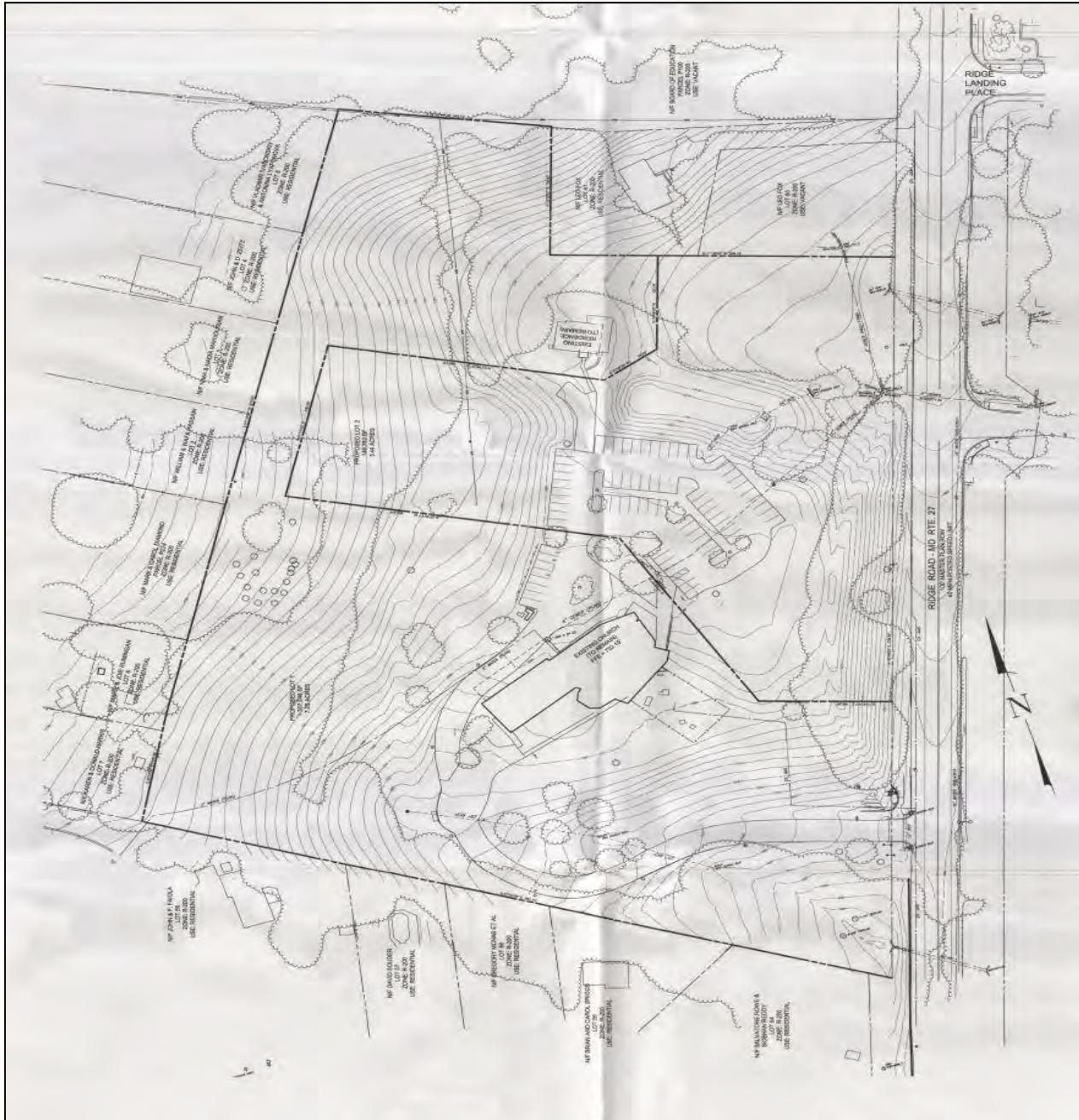


Figure 2 – Existing conditions, buildings, and parking.

C. Neighborhood Description

For the purposes of this application, staff has defined the surrounding neighborhood as all abutting and confronting property. The boundaries of the defined neighborhood generally consist of parkland and street rights-of-way. This neighborhood itself primarily consists of suburban residential and vacant school district property. The neighborhood boundary begins at the intersection of Oak Drive and Ridge Road, follows south along Oak Drive to the intersection of Ridge Road at Joh Haines Park, north on Ridge Road to Bloom Drive, west on Bloom Drive, then roughly north along the western boundary of

Upper Magruder Branch Park to Valley Park Drive, then west to the intersection with Ridge Road and north to Oak Drive. There are no known pending or proposed Project approvals within the defined neighborhood vicinity.

Table 2 below displays the existing zoning and land uses within the defined neighborhood (Figure 3).

Table 1 - Neighborhood Description

Existing Zoning	
Subject:	R-200 (Residential 200)
North	R-200, R-90
South:	R-200
East:	RT-12.5 (Residential-Townhouse)
West:	R-200

Existing Land Use	
Subject:	Church and daycare
North:	Detached dwellings, vacant land
South:	Detached dwellings, veterinary clinic
East:	Townhomes
West:	Detached dwelling

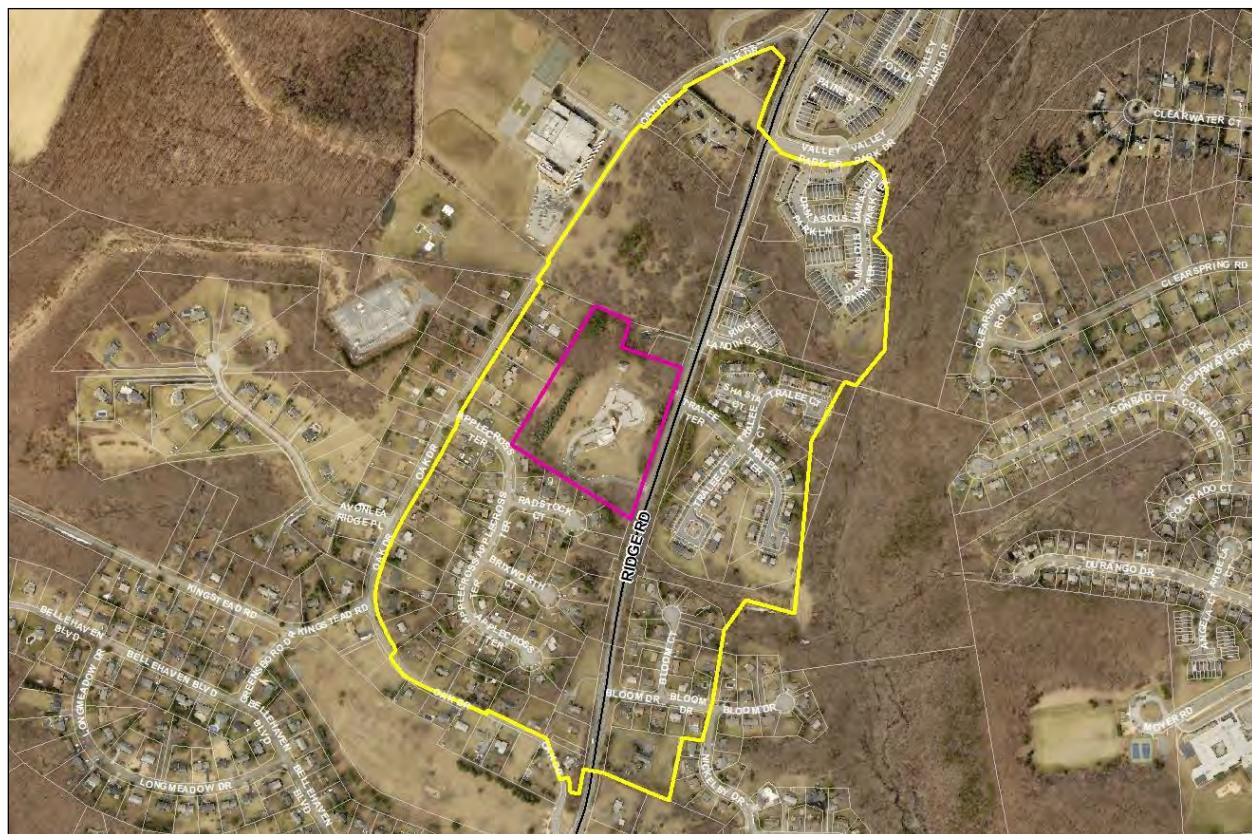


Figure 3 – Defined Neighborhood Map

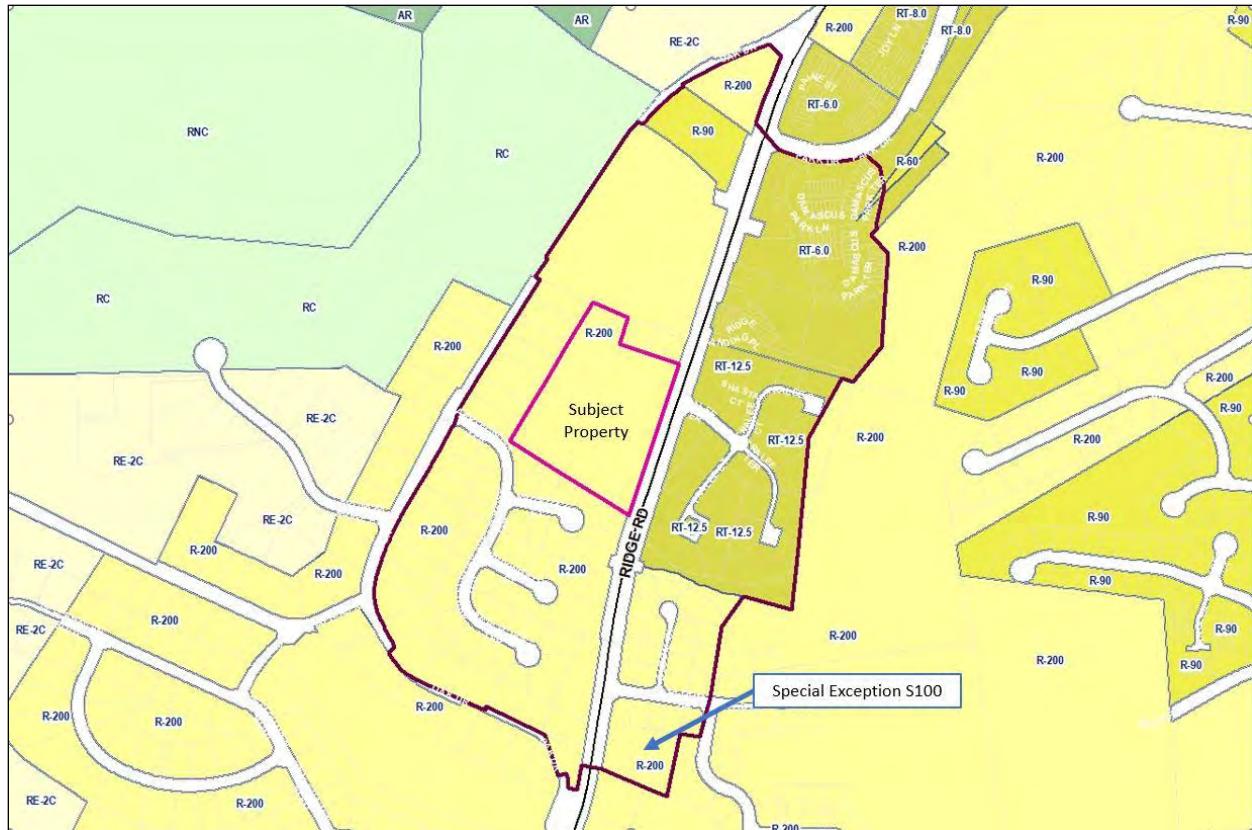


Figure 4 – Zoning map and conditional uses located within the defined neighborhood.

There is one conditional use/special exception (S100) located within the defined neighborhood at 24939 Ridge Road (Figure 4). Approved in 1972, Special Exception S100 authorized a veterinary hospital, which has been in continuous operation.

D. Zoning History

The Property is zoned R-200. The church building was constructed in 1962. The construction date of the existing house is unknown. Much of the immediate neighborhood was developed from between the 1950s through the mid- 2000s. There are no other known conditional uses associated with this Property. The *Damascus Master Plan* was adopted in 2006 and is applicable for this neighborhood. The Property lies within the Town Neighborhood Transition Area of the Master Plan.

E. Proposed Use

The Project consists of the construction and operation of an independent senior living facility in a new 73,000 sq. ft., four-story, 76-unit apartment building (See Figure 5). The portion of the Property subject to the conditional use review consist of 3.44 acres of the 10.24-acre Property and is delineated as Lot 2. See site plan below (Figure 5) and Attachment No. 1.

The facility will include a resident community room, sitting room, library, wellness suite, fitness room, cybercafé, and on-site property management.

Customary support staff include a property manager, assistant manager, maintenance technician, and porter. Typically, staff will be present on weekdays between the hours of 9:00 am and 5:00 pm., and during evenings and weekends if special events for residents are planned. The maximum weekday staff proposed are three. The maximum weekend staff proposed is one, unless a special event is scheduled. Specialists may visit the facility to conduct programs beneficial to senior residents. Examples of such programs are bridge or card game lessons, educational or travel presentations, wellness classes, and the like. The Applicant proposes to coordinate other similar activities with the church and residents.

Vehicular ingress and egress are from Ridge Road via a 25 ft. wide driveway. The parking lot is set back approximately 51 ft. from the front property line and is obscured by the forested slope on Ridge Road. Thirty-four (34) surface car parking spaces, 20 bicycle parking spaces, and three accessible spaces (including one van accessible space) are provided. The proposed parking lot, which is situated between the church and the apartment building, contains a total of 114 spaces and will be used by both the church and the conditional use through a joint shared use agreement (Attachment No. 4).

To satisfy Sec. 59-3.3.0.C.2.ii, the Applicant indicates that a majority of units will be reserved for persons with incomes below 60 percent of the average median income (AMI) for Montgomery County. Occupancy of dwelling units will be restricted to senior adults, members of the household of a senior adult, and a resident care-giver as provided by Sec. 59-3.3.2.C.2ii.

Retaining walls within the Property interior will be built to support parking lots and drive aisle access. The maximum height of the retaining wall is 13.5 ft. Due to the interior location of the retaining walls and the site topography, walls are not visible from off-site views or are adequately obscured by landscaping and mature trees. Retaining walls may be partially visible from Ridge Road from the driveway entrance, but due to the distance setback from the roadway, the impact on the viewshed from Ridge Road is not significant.

The house is situated between north side property line and the proposed apartment building. The house is set back approximately 250 ft. from the front property line and approximately 112 ft. from the north side property line.

Preliminary Plan

As part of a separate application, the Applicant indicates that a Preliminary Plan No. 120180230 for a two-lot subdivision has been submitted. This subdivision will create a 7.05-acre lot for the church and house (Lot 1), and a 3.44-acre lot for the apartment building (Lot 2).

Variance

Additionally, and as part of a separate application filed with the Board of Appeals, the Applicant has sought approval of a variance associated with the proposed retaining walls and parking facilities setback. Retaining walls over 6 ft.-6 in. are treated as accessory structures. Therefore, the Applicant seeks relief from the accessory structure side and front yard setback requirements. Secondly, the Applicant seeks relief from the parking facility side yard setback requirement.

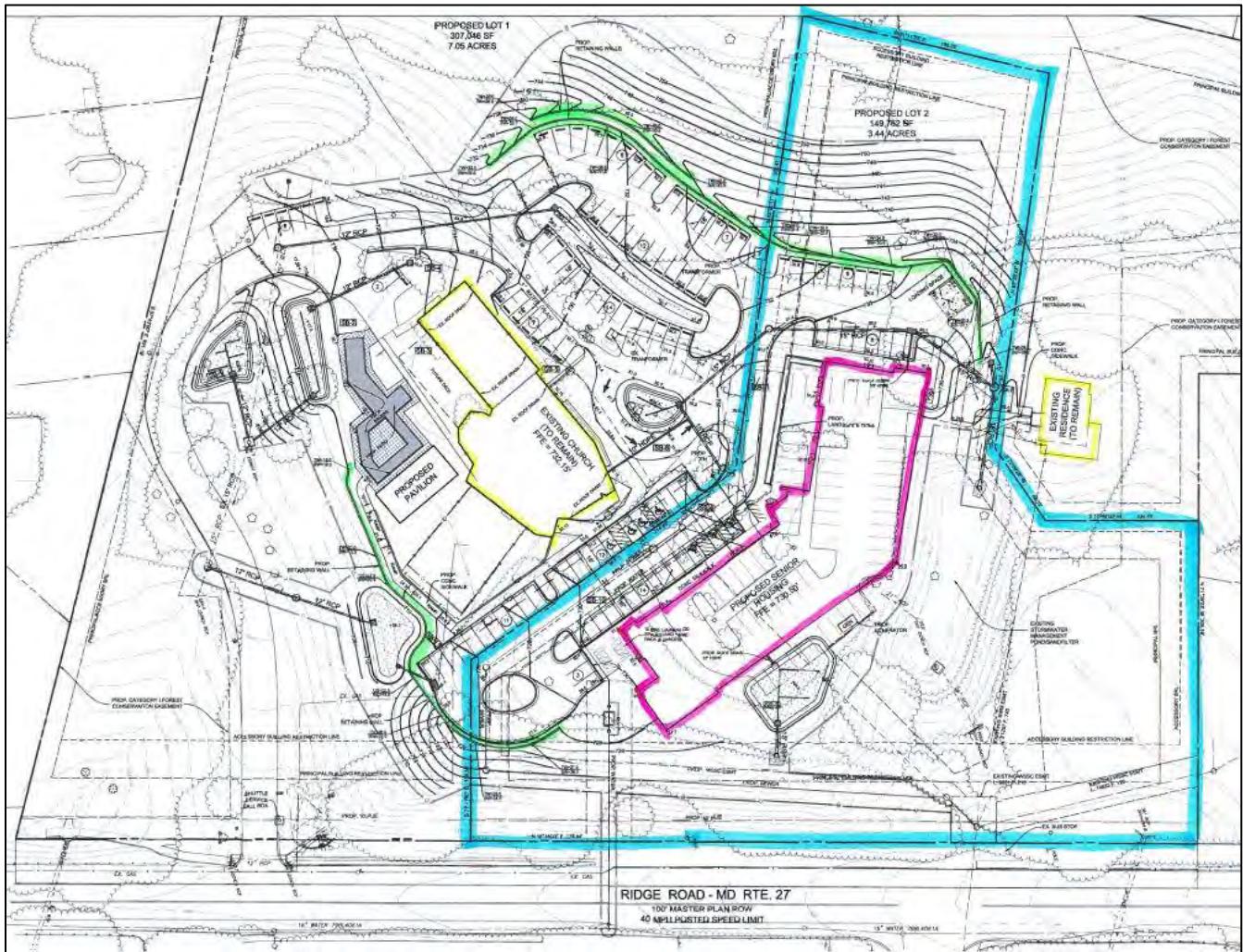


Figure 5 – Existing church and house (yellow), with proposed building (pink), retaining walls (green), and new lot #2 lines (blue).

Section III: Analysis and Findings

1. Development Standards

The following table displays the relevant R-200 development standards for the portion of the Property identified in the conditional use application as proposed Lot 2. The Project complies with the following development standards:

Table 2 – Development Standards

Development Standards (R-200)	Required	Proposed
Minimum Lot Area	20,000 sq. ft.	3.44 acres
Minimum Lot Width		
At street line (front lot line)	25 ft.	479 ft.
At building line	100 ft.	479 ft.
Maximum Lot Coverage	25%	13%
Minimum Building Setback		
Front	40 ft.	73 ft.
Side	40 ft.	32 ft.
Sum of Side Setbacks	50 ft.	82 ft.
Rear	30 ft.	208 ft.
Maximum Building Height	60 ft.	45 ft.
Maximum Density	As determined by Hearing Examiner	22 units per acre (76 units on 3.44 acres)
Minimum Accessory Building Setback		
Front	65 ft.	51 ft. (retaining wall) ¹
Side setback	12 ft.	0 ft. (retaining wall) ¹
Rear setback	12 ft.	140 ft. (retaining wall)
Minimum Parking Setback		
Rear	30 ft.	150 ft.
Side	24 ft.	0 ft. ¹
Parking Requirements (59-6.2.4)		
1.0 spaces per unit, 0.5 spaces per employee.	39 spaces total ²	34 spaces provided ³
Reduced by 0.5 per senior housing adjustment	Accessible: 2 Bicycle: 19	Accessible: 3 (including 1 van sp.) Bicycle: 20
Off-Street Loading (Sec. 59-6.2.8.B.1)	1 space per 50 units and above	1 space
Minimum Green Area	60%	75%

¹ Variance application pending

² Parking adjustment factor applied (0.5 reduction for senior housing per 59-6.2.3.l.2.b)

³ Joint shared use agreement for parking provides the required 39 spaces total.

2. Master Plan:

The Project is located in the 2006 *Damascus Master Plan* (Master Plan, Plan). Damascus lies in the northernmost portion of Montgomery County, and is approximately 23 miles northwest of downtown Silver Spring. The Project is located about 1.5 miles south of the intersection of Main Street and Ridge Road in the Damascus town center.

The Master Plan established three transition areas that reflect decreasing residential density: Town Neighborhood, Neighborhood Transition, and Rural Transition areas. These transition areas serve as a bridge between the higher density development found in the Damascus town center. The Property is located in the Town Neighborhood transition area. The Master Plan discusses interrelated themes to address challenges and opportunities with land development to provide “a variety of housing options including affordable housing and housing opportunities for seniors suitable to the small-town character of Damascus” (*Damascus Master Plan*, 2006, p. 43).

There are no specific recommendations in the Master Plan concerning the Property. However, the Project substantially conforms with the general recommendations of the Master Plan and is not inconsistent with the Plan’s general land use and housing goals.

The Project is compatible with the following general policies contained in the Master Plan:

- *Provide a variety of housing options including affordable housing and housing opportunities for seniors suitable to the small-town character of Damascus (2006, p. 43).*

The Project consists of age-restricted affordable senior housing units. The Applicant has not determined the number of affordable units but has indicated at least a majority of the units will be affordable. As conditioned, the Project is consistent with this recommendation.

- *Ridge Road South Neighborhood: The R-200 Zone is proposed in this neighborhood located along the west side of Ridge Road between Bethesda Church Road and Oak Drive. Although few properties without homes remain, some lots are large enough that some re-development might occur. (2006, p.25).*

The Project consist of age-restricted senior housing and affordable housing units. The Property is located on the west side of Ridge Road between Bethesda Church Road and Oak Drive. The Property is large enough in land area to accommodate the proposed building. As such, the Project is consistent with this recommendation.

- *Special Exception Guidelines [conditional uses]: Guideline for Rural Vista Protection – The visual character of the Rural Areas surrounding Damascus are unique as they are the highest elevations in the County. When special exceptions are proposed in Transition and Rural Areas within the Damascus Master Plan area, their review should*

take into special consideration the preservation of these long vistas that are a part of the unique character of this community. Any proposed land use that would impede those vistas should be discouraged unless it serves an important public purpose. (2006, p. 103).

This recommendation for conditional uses does not apply because the Property is not located in a rural area or Rural Transition Area.

3. Transportation

Master-Planned Roadway and Bikeways

The Property is located along Ridge Rd. (MD 27), identified by the Master Plan of Highways and Transitways as a two-lane arterial with a 100 ft. right-of-way; no additional right of way dedication is required.

The proposed 2018 Bicycle Master Plan recommends a 10-ft. wide, shared-use sidepath along the west side of MD 27 along the frontage of the Subject Property. Due to the significant slope along the frontage of the Property that would necessitate major regrading, retaining walls, and removal of a large area of vegetation, the environmental cost of implementing this section of sidepath is considered to be unreasonably high at this time for current installation given that it will not connect to or improve on another existing bike or pedestrian infrastructure. However, Staff continues to recommend the eventual construction of the full sidepath, with the belief that it could be a candidate for eventual Capital Improvement Program (CIP) funding. Alternately, Staff recommends that the Applicant provide a contribution equal to the estimated engineered cost of constructing a segment of bike path of equal to the length of the Subject Property frontage but without the cost of grading to approach a cost closer to area averages. Staff recommends this contribution be finalized as part of the Preliminary Plan, with the contribution provided to help fund the nearby Oak Drive pedestrian improvement CIP project, or other similar nearby project as determined by Staff.

Pedestrian and Bicycle Facilities

There are no existing pedestrian or bike facilities located along the frontage of the Subject Property. As mentioned, the proposed 2018 Bicycle Master Plan calls for a 10 ft. wide shared use sidepath to be built along the frontage; however, as detailed above, Staff recommends that the applicant provide a contribution to the nearby Oak Drive CIP project instead of constructing this segment given the significant up-front environmental costs of implementation without any near-term benefit, until nearby bike and pedestrian facilities are built. Internal to the site, this application proposes adding ADA compliant sidewalk running along the south facing side of the proposed senior housing structure. An additional sidewalk is proposed along the south facing side of the existing church, providing access to a proposed pavilion and plaza area.

The Applicant's landscape plan (Attachment No. 2) shows pedestrian circulation concept plan consisting of natural surface paths connecting the proposed building with the church, as well as a circuitous path around the property.

Additionally, the Applicant proposes a call box at the driveway entrance for use by those who may need access from Ridge Road. There is approximately 20 ft. of grade change between the existing entrance drive and the proposed pavilion and patio area. An accessible path up this slope would require eight 30 ft. long switchbacks, including additional retaining walls. Therefore and in lieu of this, the Applicant proposes a shuttle service call box at the site entrance so that pedestrians requiring access may be picked up and transported to the senior housing facility.

Staff recommends that the final pedestrian circulation plan be approved as part the Preliminary Plan Subdivision application.

Public Transit Service

Ride-On Route 90 operates along Ridge Road between Milestone Center and the Shady Grove Metrorail Station with half hour headways on weekdays only. The nearest bus stop is located approximately 200 ft. to the north of the site driveway access.

Local Area Transportation Review

The proposed application is for 76 dwelling units. According to the Institute of Transportation Engineer's (ITE) 10th Edition Trip Generation Manual and adjusted for the Damascus Policy Area, this project will produce a net increase of 34 AM peak hour trips and 31 PM peak hour trips. The Applicant is not required to submit a traffic study to satisfy the LATR test because the proposed land use generates fewer than 50 peak-hour person trips within the weekday morning and evening peak periods.

Circulation and Connectivity

The Property is accessed by an existing driveway onto Ridge Rd. (MD 27). There are no existing or proposed turning lanes (right or left) to access the driveway on Ridge Road. As determined by SHA and Planning Staff, there are no sightline or access issues with the driveway, which is safe and adequate for both the current and proposed uses. Internal to the site, the existing parking facilities have been expanded, with adequate parking for both the existing church as well as the proposed housing. The circulation pattern as proposed is safe and adequate for the use.

As conditioned, the proposed use is consistent with the *Damascus Master Plan*, the Master Plan of Highways and Transitways, and the proposed 2018 Bicycle Master Plan.

4. Landscaping

The Project is adequately screened from the adjoining residential lots by existing forest, landscaped trees, and reforestation plantings as shown on the landscape plan (Attachment No. 2). A mature screening of spruce trees is situated near the west property line. Approximately two acres of forest is located in the upper northwest corner

of the Property, as well as approximately 0.43 of forest abutting Ridge Road in the southwest corner of the site. About 0.32 acres of trees and landscape on the slope along Ridge Road provide additional screening from off-site views. Additionally, the Project's visibility is adequately screened by existing site topography from off-site view to the west. The site's unique characteristics containing steep slopes and forested land precludes the requirements additional property boundary screening. As such, the Project complies with Sec. 59-6.8.1 Alternative Method of Compliance with regard to Sec. 59-6.5.3.C (Screening Requirements by Building Type).

The Project's parking lot landscaped areas, tree canopy and perimeter plantings meet or exceeds the required landscaping as required by Sec. 6.2.9.C as shown on the Applicant's landscape plan. Additionally, the Applicant provides additional interior landscaping around the building and patio area consisting of shrubs, trees, groundcover, and other deciduous and perennial plantings. This standard is satisfied.

5. General Outdoor Lighting Requirements

The photometric plan provided by the Applicant shows the projected lighting intensity across the entire Property in foot-candles, locations where lighting fixtures will be mounted, and manufacturer's specifications on the lighting fixtures being proposed. The lighting proposed for the Property will provide safe and adequate illumination for vehicular and pedestrian circulation.

Pole mounted light fixtures, wall fixtures, and recessed light canisters are proposed as shown on the Applicant's lighting plan and schedule. All lights are LED fixtures with full cut-off to eliminate horizontal light cast. The photometric plan predicts that no light above 0.0 foot-candles will spill across any Property boundary of the existing property lines and adjoining residences. The lighting plan is adequate, providing visibility to the areas for vehicular and pedestrian circulation during nighttime hours. The lighting will not have a negative impact to neighboring property owners with either direct light or light glare. As such, the lighting plan satisfies the requirements of Sec. 6.4.4. This standard is satisfied.

6. Signs

No signs are proposed at this time for the conditional use. As such, this standard is not applicable.

7. Environment and Forest Conservation

The site is located in within the Great Seneca Creek watershed, a Use I stream in fair condition. An intermittent stream originates at the end of a stormwater management outfall on the south side of the entrance drive. Approximately 40 percent of the site is composed of highly erodible soils. These are clustered primarily in upper undisturbed shelf on the north western edge and along the southern third of the site.

The existing forest conservation plan (SC2002011) was approved as part of the church expansion in 2002. The forest conservation plan required that 2.2 acres of the existing 2.75 acres of forest be permanently protected with a Category I easement. This easement was never recorded, but the areas of forest protection remain undisturbed as approved. This revision to the forest conservation plan proposes to rearrange the original configuration of the protected areas:

- a. The forested slope along the Property frontage will not be shown as forest protection. Although this extreme steep slope should be left undisturbed to keep the soils stable, the required public utility easement along the Ridge Road right-of-way reduced the width of the forest to less than 50-feet and no longer meets the definition of forest.
- b. The area of easement on the south side of the driveway should be extended to the edge of the driveway maintenance area and planted with forest to further protect the intermittent stream.
- c. The areas of proposed easement on the upper shelf of the Property will be extended to make up for the easement acreage lost to the Property frontage. Forest planting will take place in all unforested easement areas.

The final easement area will match the area required on the original forest conservation plan. The location of the easement areas will be impacted by final design of the stormwater management system and the location of necessary utilities.

8. Community Concerns

At the time of the publication of the staff report, no communication has been received by staff from community organizations or members of the public.

Section IV: Compliance with Necessary Findings

Section 59.7.3.1.E Conditional Use

E. Necessary Findings

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

- a. *Satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;*

Staff Response: This finding is satisfied. Currently, the Property is developed with a church building, one detached dwelling, and parking lot. As discussed in Section II above, the existing church building was constructed in 1962 and has continuously operated as a church. The construction date of the house is unknown. The Project consists of a new 76-unit age-restricted (senior) apartment building on a separate lot. Therefore, with the approval of the conditional use and Preliminary Plan, the Project complies with the applicable requirements under an approved conditional use.

- b. *Satisfies the requirements of the zone, use standards under Article 59-3 (Uses and Use Standards), and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6 (General Development Requirements);*

Staff Response: This finding is satisfied. The Project satisfies applicable provisions under Article 59-3 (Uses and Use Standards) as shown in Section IV of this report. The Project satisfies applicable provisions under Article 59-6 (General Development Requirements) as shown in Section III of this report. Therefore, with the approved conditional use, this finding is satisfied.

- c. *Section 59.7.3.1.E.1.c: Substantially conforms with the recommendations of the applicable master plan.*

Staff Response: This finding is satisfied. As discussed in Section III.2 of this report, the Project substantially conforms with the recommendations of the *Damascus Master Plan*. Therefore, the evidence presented supports a finding that the Project conforms to the recommendations of the Master Plan.

- d. *Is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan.*

Staff response: This finding is satisfied. This finding includes both Master Plan analysis and other compatibility considerations. The Master Plan issues have been discussed in

the preceding section. The character of the surrounding area is residential, consisting of single-family attached and detached homes. The Project will not alter the character of the surrounding neighborhood in a manner inconsistent with the master plan because the use is residential in character and adequately buffered with landscaping, and sufficiently located away from any sensitive land uses or dwelling units. Staff concludes that the use will be harmonious with the surrounding uses.

- e. *Section 59.7.3.1.E.1.e: Will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area.*

Staff Response: This finding is satisfied. As discussed in Section III of this report, the Project substantially conforms to the polices and recommendations contained in the Master Plan. There are no residential areas that would be adversely affected or altered by the Project because the Project is a residential use and the site is sufficiently buffered and located away from existing residential neighborhoods. Furthermore, as discussed above in Section II, only one conditional use/special exceptions currently exist in the vicinity. As such, there would not be an overconcentration of conditional uses in the area.

- f. *Section 59.7.3.1.E.1.f: will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal 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 facilities, including schools, police and fire protection, water, sanitary sewer, public roads, or storm drainage; or*
- ii. *If a preliminary plan of subdivision 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.*

Staff Response: This finding is satisfied. Adequate public services and facilities will be reviewed as part of proposed Preliminary Plan No. 120180230.

- g. *Section 59.7.3.1.E.1.g: will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:*
- i. *The use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;*
 - ii. *Traffic, noise, odors, dust, illumination or lack of parking; or*
 - iii. *The health, safety or welfare of neighboring residents, visitors or employees.*

Staff Response: This finding is satisfied. The inherent physical and operational characteristics associated with a senior residential apartment building will not cause undue harm to the neighborhood.

The inherent characteristics include:

- Vehicle and pedestrian trips to and from the Property;
- Parking for residents and employees;
- Varied hours of operation;
- Noise or odors associated with vehicles;
- Noise or odors associated with trash collection and trucks;
- Emergency electrical generator; and
- Lighting.

These characteristics are inherent and typically associated with similar uses and do not exceed what is normally expected. Residential uses adjoining the Property to the north, west and south are well-buffered from the Project in distance, topography, and by existing landscape.

Non-inherent characteristics are unique to the physical location, operation, or size of a proposed use. In this case, the Property has significant topographic change. There is approximately a 60 ft. grade differential between the northwest corner of the site (elevation 760) and the grade level of Ridge Road (elevation 700) in front of the property. The property's topography varies and includes about 2.75 acres of forest conservation area. Both characteristics, topography and forested areas, restrict the land area where the facility can be built. Because some retaining wall sections exceed 6.5 ft. in height, they are treated as "accessory structures" and must comply with setback requirements for accessory structures. This non-inherent characteristic also applies to a portion of the parking area, which is within the side yard setback due to topography and forested areas.

With an approved Variance as described in Section II of this report, the Project's non-inherent characteristics would not cause an adverse effect with regard to inherent or non-inherent characteristics, or combination thereof, or in any of the following categories: the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood; traffic, noise, odors,

dust, illumination or lack of parking; or the health, safety or welfare of neighboring residents, visitors or employees.

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

Staff Response: This finding is satisfied. There is a variety of building scales, forms, and design details exhibited in the neighborhood. The existing church architecture is modern and is representative of 1962 institutional designs of this type. The architecture of the Project is contemporary in design and form. The visual character of the neighborhood is mixed with detached dwelling, townhomes and institutional uses, such a church and school buildings. Therefore, the proposed residential building is not out of character and is compatible with the surrounding residential neighborhoods.

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

Staff Response: Acknowledged by the Applicant.

4. *In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Hearing Examiner must consider that the impact does not necessarily need to be controlled as stringently as if it were abutting a Residential zone.*

Staff Response: This finding is not applicable. The Applicant does not propose an agricultural conditional use. The Project is a conditional use approval for an independent living facility for seniors or persons with disabilities.

5. *The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:*

- i. *Filling Station;*
- ii. *Light Vehicle Sales and Rental (Outdoor);*
- iii. *Swimming Pool (Community); and*
- iv. *the following Recreation and Entertainment Facility use: swimming pool, commercial.*

Staff Response: The finding is not applicable. The Project is a not a filling station, light vehicle sales and rental (outdoor), swimming pool (community); or a swimming pool, commercial. The Project is an independent living facility for seniors or persons with disabilities.

6. *The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood:*

- i. Funeral Home; Undertaker;
- ii. Hotel, Motel;
- iii. Shooting Range (Outdoor);
- iv. Drive-Thru
- v. Landfill, Incinerator, or Transfer Station; and
- vi. a Public Use Helipad, Heliport or a Public Use Helistop.

Staff Response: This finding is not applicable. The Project is not a funeral home, undertaker, hotel, motel, shooting range (outdoor), drive-thru, landfill, incinerator, transfer station, public use helipad, heliport or a public use helistop. The Project is an independent living facility for seniors or persons with disabilities.

Section 59-3.3.2.C Conditions for Approval of Independent Living Facility for Seniors or Persons with Disabilities

2. *Use Standards:*¹

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

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

Staff Response: Acknowledged by the Applicant.

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

Staff Response: Acknowledged by the Applicant.

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

- a) a senior adult, as defined in Section 1.4.2, Defined Terms;
- b) other members of the household of a senior adult, regardless of age;
- c) a resident care-giver, if needed to assist a senior resident; or
- d) person authorized to occupy housing provided under any federal or state program that is specifically designed and operated to assist seniors as defined in that program.
- e) If imposing age restrictions that would limit occupancy otherwise allowed by this Subsection, the facility must only impose age restrictions that satisfy at least one type of exemption for housing for older persons from the familial status requirements of the federal "Fair Housing Act," Title VIII of the Civil Rights Act of 1968, as amended, or the state Fair Housing Act, Subtitle 7 of Title 20 of the Annotated Code of Maryland, State Government Article, as amended.

Staff Response: Acknowledged by the Applicant.

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

¹ Pursuant to Sec. 59-3.3.2.c, where a conditional use for an Independent Living Facility is allowed, findings for limited use standards and conditional use standards are required.

- i. The facility must meet all applicable federal, state, and County licensure, certificate, and regulatory requirements.

Staff Response: Acknowledged by the Applicant.

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

Staff Response: Acknowledged by the Applicant.

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

- a) a person with disabilities, as defined in Section 1.4.2, Defined Terms;
- b) other members of the household of a person with a disability, regardless of age;
- c) a resident caregiver, if needed to assist a resident with a disability; or
- d) a person authorized to occupy housing provided under any federal or state program that is specifically designed and operated to assist persons with disabilities as defined in that program.

Staff Response: Acknowledged by the Applicant.

- c. *Where an Independent Living Facility for Seniors or Persons with Disabilities is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards, Section 7.3.7, Conditional Use, and the following standards:*

- i. *The site or the proposed facility has adequate accessibility to or provides on-site public transportation, medical service, shopping areas, recreation and other community services frequently desired by senior adults or persons with disabilities. The application must include a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility.*

Staff Response: As conditioned, this standard is satisfied. The Applicant indicates they will coordinate with St. Anne's Church to provide transportation to surrounding commercial, medical, and public services as typically needed for senior residents.

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

Staff Response: This standard is not applicable. No ancillary services to non-residents are proposed. No retail facilities are proposed.

- iii. *A minimum of 15% of the dwelling units is permanently reserved for households of very low income, or 20% for households of low income, or 30% for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs under Executive regulations. Income levels are defined in Section 1.4.2, Defined Terms.*

Staff Response: This standard is satisfied. As conditioned, the Applicant will provide at least the minimum number of units required for households of low income or MPDU income as required or agreed to with the County Department of Housing and Community Affairs.

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

Staff Response: This standard is satisfied. The proposed building height is 45 ft. and is below the 60 ft. maximum allowed. Applicant acknowledges the maximum density is determined by the Hearing Examiner.

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

Staff Response: This standard is satisfied. While the footprint, massing and building height are not typical of the surrounding neighborhood, the existing site conditions, topography, landscaping, and placement of the building maximize the compatibility of the building with the surrounding area.

- vi. *The minimum front setback is 50 feet. Except for an access driveway, this setback area must be maintained as green area; however, if development does not exceed the height limit of the applicable Residential zone, the minimum setback specified by the zone applies.*

Staff Response: This standard is satisfied. As shown on the Applicant's site plan and in Table 2 of this report, no structure is located within 50 ft. of the front setback.

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

Staff Response: This standard is satisfied. As shown on the Applicant's site plan and in Table 2 of this report, the side and rear setbacks are greater than 25 ft. and comply with the requirements of the R-200 zone.

viii. *The minimum green area is:*

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

Staff Response: This standard is not applicable. The Property is located in the R-200 zone.

- b) *60% in the R-200 zone; and*

Staff Response: This standard is satisfied. As shown on the applicant's site plan and in Table 2 of this report, the green area for the conditional use is 75 percent.

- c) *50% in the R-60, R-90, and Residential Townhouse zones.*

Staff Response: This standard is not applicable. The Property is located in the R-200 zone.

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

Staff Response: This standard is not applicable. The Project satisfies the minimum amount of green area.

Section V: Conclusion

The proposed independent living facility for seniors or persons with disabilities, as recommended in Section I of this report, satisfies all applicable requirements for the approval of a conditional use as specified in the Montgomery County Zoning Ordinance and is consistent with the recommendations of the 2006 *Damascus Master Plan*. There are no known unacceptable land use or environmental impacts associated with the Project as submitted by the Applicant and as recommended by staff.

Attachments

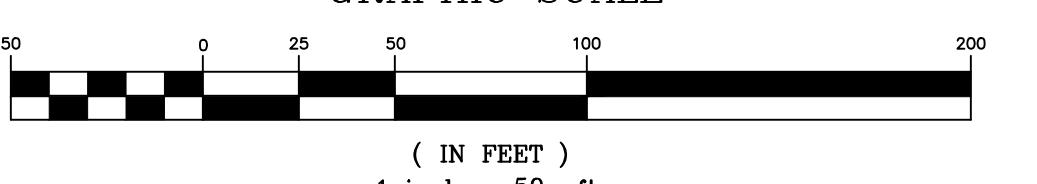
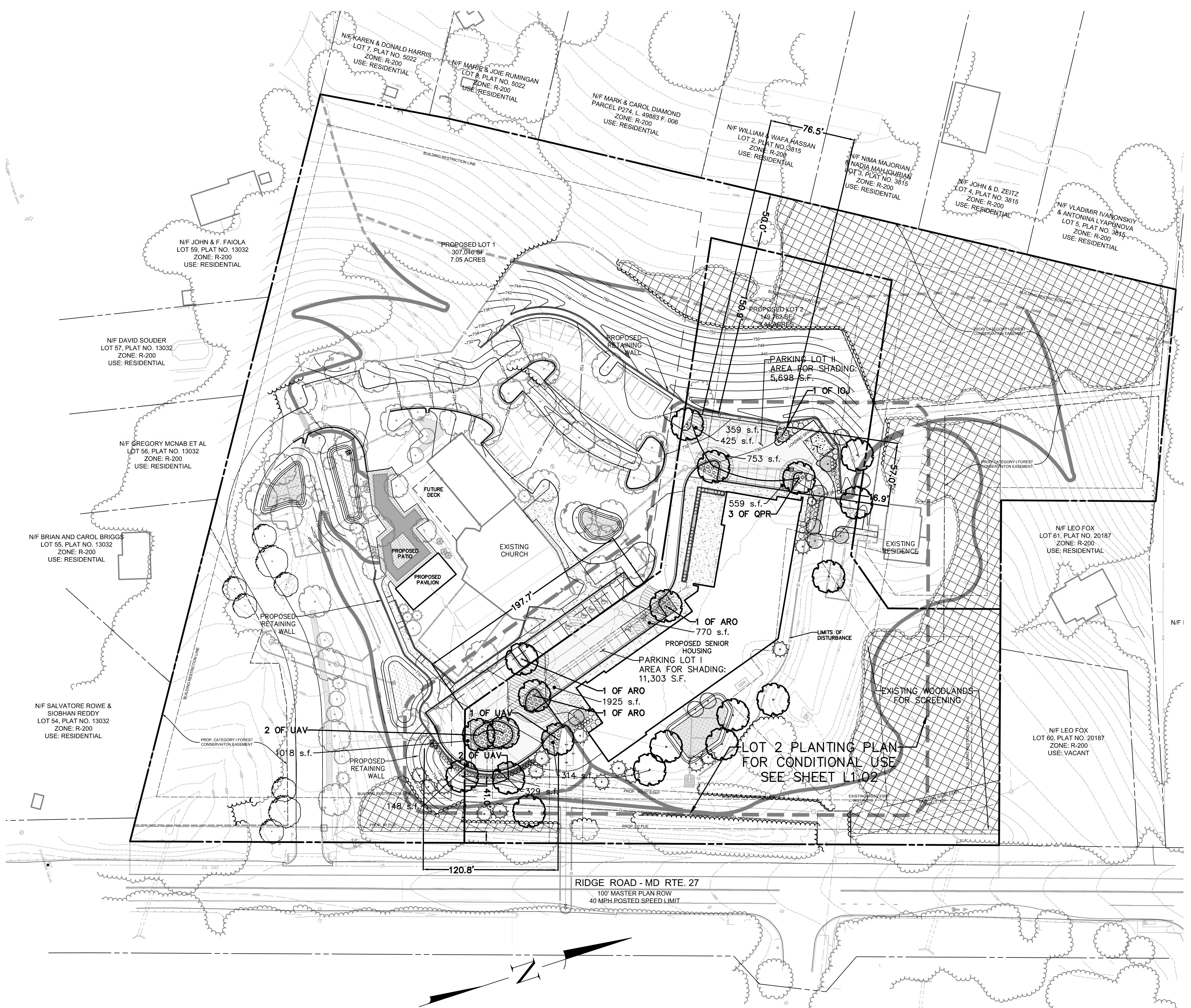
1. Applicant's conditional use site plan
2. Applicant's landscape plan
3. Site photographs
4. Draft Joint Use Parking Agreement



Civil Engineers
Land Planners
Landscape Architects
Land Surveyors

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TREE CANOPY COVERAGE FOR PARKING LOT AREA (Zoning Ordinance Sec. 6.2.9.C.2)

TREE SPECIES RECEIVING CREDIT FOR CANOPY COVERAGE			
KEY	BOTANICAL NAME	COMMON NAME	20 YEAR CANOPY (DIA IN FT)*
ARO	Acer rubrum 'October Glory'	October Glory Red Maple	48
IOJ	Ilex opaca 'Jersey Princess'	Jersey Princess American Holly	12
QPR	Quercus prinus	Chestnut Oak	35
UAV	Ulmus americana 'Valley Forge'	Valley Forge Elm	26

* 20-year canopy as shown in the Montgomery County Trees Technical Manual (September 1992). Appendix C, 'Plant Species Information: Montgomery County Maryland Landscape Tree Evaluation Criteria'. Canopy diameters not listed in the Technical Manual are taken from 'Manual of Woody Landscape Plants' by Michael A. Dirr.

811
Know what's below.
Call before you dig.
FOR UTILITY LOCATIONS
CONTACT "ONE CALL" AT 811
AT LEAST 48 HOURS
PRIOR TO CONSTRUCTION

LEGEND

- PROPOSED SHADE TREES
- PROPOSED ORNAMENTAL TREES
- PROPOSED EVERGREEN TREES
- TOTAL PARKING LOT AREA SUBJECT TO 25% SHADING REQUIREMENT
- PARKING LOT LANDSCAPE ISLAND AREAS
- PARKING LOT AREA TO BE SHADED BY 20-YEAR TREE CANOPY
- EXISTING WOODLANDS AND LANDSCAPE TREES TO SCREEN PROPOSED BUILDING FROM ADJOINING PROPERTY
- PROPOSED NATURAL SURFACE PATH
- EXISTING NATURAL SURFACE PATH (NOT MAINTAINED; MAY BE ANIMAL TRACK)
- EXISTING NATURAL SURFACE PATH (SOMEWHAT MAINTAINED)

LOT 2 – SENIOR HOUSING

TABLE 1: Parking Lot Requirements for 10 or More Spaces (Section 6.2.9.C.)

	REQUIRED/PERMITTED	PROVIDED
1. Landscaped Area		
A. Parking Lot I		
1. Minimum Landscaped Island Area (Parking Area = 11,303 s.f.)	100 s.f. min. island area; and 5% of total parking lot area (566 s.f.)	155 s.f. min.; and 11.2% (1,268 s.f.)
2. Maximum Parking Spaces between Islands	20	14
3. SWM Facility in Landscaped Area	Permitted	None Provided
B. Parking Lot II		
1. Minimum Landscaped Island Area (Parking Area = 5,698 s.f.)	100 s.f. min. island area; and 5% of total parking lot area (285 s.f.)	109 s.f. min.; and 8.5% (483 s.f.)
2. Maximum Parking Spaces between Islands	20	9
3. SWM Facility in Landscaped Area	Permitted	None Provided
2. Tree Canopy		
A. Parking Lot I	25% of Parking Area in 20 years	
1. Minimum Tree Canopy (Parking Area = 11,303 s.f.)	2,826 s.f.	4,504 s.f. (39.8%)
20-year Tree Canopy Area		
B. Parking Lot II	25% of Parking Area in 20 years	
1. Minimum Tree Canopy (Parking Area = 5,698 s.f.)	1,424 s.f.	2,096 s.f. (36.8%)
20-year Tree Canopy Area		
3. Parking Lot Perimeter Planting		
A. Segment A (Parking Lot I) Length = 197.7'		
1. Planting Area that abuts any right-of-way or property improved with a use other than agricultural or residential (6.2.9.C.3.b)		
i. Minimum Width	N/A	
ii. Wall or Hedge Height	N/A	
iii. Canopy Trees	N/A	
iv. Perimeter abuts another parking lot	No Planting Area required	The proposed parking area abuts another proposed parking lot
B. Segment B (Parking Lot I) Length = 120.8'		
1. Planting Area that abuts any right-of-way or property improved with a use other than agricultural or residential (6.2.9.C.3.b)		
i. Minimum Width	6	41'
ii. Wall or Hedge Height	3' min.	Existing woodland to remain undisturbed
iii. Canopy Trees	30' o.c.	
iv. Perimeter abuts another parking lot	N/A	
C. Segment C (Parking Lot II) Length = 76.5'		
1. Planting Area that abuts a residential attached One-d property that is vacant or improved with a residential use (6.2.9.C.3.a)		
i. Minimum Width	10'	151'
ii. Wall or Hedge Height	6'	
iii. Canopy Trees	30' o.c.	Part of existing woodland to remain undisturbed
iv. Understory Trees	2 per Canopy Tree	
D. Segment D (Parking Lot II) Length = 57.0'		
1. Planting Area that abuts any right-of-way or property improved with a use other than agricultural or residential (6.2.9.C.3.b)		
i. Minimum Width	10'	17'
ii. Wall or Hedge Height	6'	Wall varies 0'-11'
iii. Canopy Trees	30' o.c.	
iv. Understory Trees	2 per Canopy Tree	4

Property Boundary Screening Requirements (Section 6.5.3.C)

The proposed Conditional Use building is screened from the adjoining residential lots by existing woodlands, landscape trees and reforestation plantings.

PROJECT NO. 16.135.11
SHEET NO. 1 OF 3

CONDITIONAL USE LANDSCAPE PLAN

OVERALL PLAN

L1.01

PARCEL A

CHESNEYS SUBDIVISION

ST. ANNE'S EPISCOPAL CHURCH

PROJ. MGR KJD

DRAWN BY GSH

SCALE 1" = 50'

DATE 10.9.18

TAX MAP FX341 WSSC 235NW10

PLAT NO. 6531

12TH ELECTION DISTRICT MONTGOMERY COUNTY MARYLAND

Attachment No. 3
CU 18-11: Site Photos



Photo Key Map

Attachment No. 3
CU 18-11: Site Photos



Photo No. 1 South view of Ridge Road from driveway



Photo No. 2 North view of Ridge Road from driveway

Attachment No. 3
CU 18-11: Site Photos



Photo No. 3 South view of front property line and bus stop from northeast corner of property



Photo No. 4 View of church from driveway

Attachment No. 3
CU 18-11: Site Photos



Photo No. 5 View of property interior and house from northeast corner of property



Photo No. 6 View of property interior and parking lot from west slope of property

Attachment No. 3
CU 18-11: Site Photos



Photo No. 7 View of parking lot and church from west slope of property



Photo No. 8 View from driveway near church towards exit and Ridge Road

TAX ACCOUNT #: 12-00926447

JOINT PARKING AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, ____ (the “Effective Date”) by and between the **RECTOR, WARDENS AND VESTRYMAN OF ST. ANNE’S EPISCOPAL CHURCH EPISCOPAL CHURCH**, a separate congregation of the convention of the Protestant Episcopal Church of the Diocese of Washington (“Church”) and **ST. ANNE’S EPISCOPAL COMMUNITY DEVELOPMENT CORPORATION**, a Maryland non-stock corporation (“Development Corporation”).

WHEREAS, Church is the owner in fee simple of certain property located in Montgomery County, Maryland known as Parcel A as per plat entitled “Chesney’s Subdivision,” duly recorded among the Land Records of said County at Plat No. 6531, containing 10.24 acres, as further described in a Deed dated June 30, 1976 and recorded at Liber 4877, folio 827 among the Land Records for Montgomery County, Maryland (the “Property”), and identified as “Lot 1” on the Conditional Use Site Plan (the “Church Property”); and

WHEREAS, Development Corporation leases a portion of the Property from Church, identified as Lot 2 on the Conditional Use Site Plan (the “Leased Premises”) incorporated in the record of Conditional Use Application No. CU 18-11 before the Office of Zoning and Administrative Hearings of Montgomery County, Maryland; and

WHEREAS, the Montgomery County Zoning Ordinance requires a certain number of parking spaces be provided at the Leased Premises to serve the use contemplated for the Leased Premises by Development Corporation, and the Staff of the Maryland-National Capital Park and

Planning Commission (MNCPPC) and has determined that thirty-nine (39) parking spaces are required to serve the Leased Premises; and

WHEREAS, the Staff of MNCPPC has determined that the thirty-four (34) parking spaces to be available on the Leased Premises results in a deficit of five (5) required spaces; and

WHEREAS, there are eighty (80) parking spaces located on the Church Property when only sixty-eight (68) are required, resulting in a surplus of twelve (12) spaces on the Church Property; and

WHEREAS, when the parking spaces on the Church Property are combined with the parking spaces available at the Leased Premises there results an overall surplus of seven (7) parking spaces at the Property; and

WHEREAS, the surplus of parking spaces located on the Church Property can be utilized to satisfy the parking requirements for the Church Property and the Leased Premises, provided that the parties enter into this Joint Parking Agreement; and

WHEREAS, the Church desires to make any of the parking spaces on the Church Property available for use by the Development Corporation for the benefit of the Leased Premises, and the Development Corporation is amenable to entering this Joint Parking Agreement to govern such use.

NOW, THEREFORE, in consideration of the premises stated herein, and intending to be legally bound hereby, the Church and the Development Corporation do hereby covenant and agree, individually and jointly, and for themselves, and for all of their purchasers, lessees, successors and assigns as follows:

1. The Church will allow any of the eighty (80) parking spaces (the “Shared Parking Spaces”) located on the Church Property to be available for use by the Development Corporation, for the benefit of the Leased Premises.
2. The Church does covenant and agree, for itself, its successors and assigns, that it will maintain the Shared Parking Spaces in good maintenance and repair for as long as the Church continues to own the Property.
3. The Development Corporation does covenant and agree, for itself, its successors and assigns, that it will maintain the 34 parking spaces on the Leased Premises for as long as it continues to lease the Leased Premises.
4. The Church and the Development Corporation do covenant and agree, individually and jointly, for themselves, their successors and assigns, that they will defend, indemnify and save harmless the other from and against all suits, actions, claims, damages or costs of every name and description to which the other party may be subject or put as a result of the grant of use of the Shared Parking as specified herein.
5. The initial term of this Agreement shall be five (5) years from the Effective Date, with automatic 5-year renewal terms, for so long as the Leased Premises is used for the purposes set forth on the Conditional Use Site Plan.
6. The foregoing covenants shall be deemed to run with and bind the Church Property and the Leased Premises, and shall inure to the benefit of and be enforceable by the parties hereto and their respective successors and assigns.

[Signatures Follow]

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals as of the day, month and year first above written.

**ST. ANNE'S EPISCOPAL CHURCH EPISCOPAL
CHURCH, A SEPARATE CONGREGATION OF THE
CONVENTION OF THE PROTESTANT EPISCOPAL
CHURCH OF THE DIOCESE OF WASHINGTON**

By: _____

Name: _____

Title: _____

**ST. ANNE'S EPISCOPAL COMMUNITY
DEVELOPMENT CORPORATION**

By: _____

Name: _____

Title: _____

[Notaries Follow]

State of Maryland
County of Montgomery

On this the _____ day of _____, 2018, before me, the undersigned officer, personally appeared _____, who acknowledged herself or himself to be _____ of St. Anne's Episcopal Church Episcopal Church, A Separate Congregation Of The Convention Of The Protestant Episcopal Church Of The Diocese Of Washington, and that she or he, as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Church by herself or himself as _____.

In witness whereof I hereunto set my hand and official seal.

Notary Public
My commission expires _____

State of Maryland
County of Montgomery

On this the _____ day of _____, 2018, before me, the undersigned officer, personally appeared _____, who acknowledged herself or himself to be _____ of St. Anne's Episcopal Community Development Corporation, a non-stock corporation organized and existing under the laws of the State of Maryland, and that she or he, as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by herself or himself as _____.

In witness whereof I hereunto set my hand and official seal.

Notary Public
My commission expires _____

APPLICANT'S STATEMENT IN
SUPPORT OF A SHARED PARKING ARRANGEMENT

I. INTRODUCTION

Upon completion of Conditional Use Application No. CU 18-11, and upon completion of resubdivision of the St. Anne's Episcopal Church property located at 25100 Ridge Road, Damascus, the subject property will be partitioned into two lots. One lot will contain the existing church building and the second lot will contain the proposed seniors' housing building.

The Church lot will contain 80 parking spaces; the required number of spaces needed to satisfy the Church's uses is 68. The seniors' housing structure on the second lot requires per the Zoning Ordinance, 39 parking spaces; 34 spaces will be provided on that lot. Therefore, on the entire site there will be 114 parking spaces provided and there is a Zoning Ordinance requirement for 107 spaces to accommodate the existing and proposed structures on the property. However, the parking spaces are not located in such a manner that the parking requirement for each use is satisfied on its respective lot; in point of fact, the Church lot will have a surplus of 12 spaces and the seniors' facility lot will have a deficit of 5 spaces.

In light of this situation, the Applicant wishes to take advantage of the provisions of Section 59.6.2.3.G ("Off-Site Parking by Agreement") provided in the County Zoning Ordinance. That Section states that a property owner may satisfy its requirement for on-site parking by using surplus "off-site parking on property located within $\frac{1}{4}$ mile of the subject property." In this case, the subject property is the lot and land area proposed to be subjected to a conditional use and the "off-site" source of parking will be the immediately adjacent land area and lot containing the existing Church and its parking which exceeds the code requirement by 12 spaces.

The availability of off-site parking must be secured through a “joint use agreement” covering the following facts:

1. Be for a property under the control of the involved parties.

Both lots will be owned by the Rector, Warden and Vestrymen of St. Anne’s Episcopal Church. The seniors’ housing lot will be leased to the conditional use applicant, St. Anne’s Episcopal Community Development Corporation, an entity of which St. Anne’s Episcopal Church is a partner. Therefore, all parties with an interest in the subject lots are parties to the Agreement.

2. The Agreement must have a term of a minimum of five years.

The draft Agreement (attached) provides for a minimum term of five years.

3. Be approved by the deciding body.

The shared parking arrangement proposed in this case will be reviewed and approved by the Hearing Examiner in the context of the review and approval of Conditional Use Application No. CU 18-11. The Applicant expects that a condition of approval of Conditional Use Application No. 18-11 will be that a joint use agreement acceptable to staff of MNCPPC be executed and recorded and a copy be placed in the OZAH file on CU 18-11.

II. JUSTIFICATION FOR GRANTING OF THE REQUESTED WAIVER

A. Church Parking Demand

The St. Anne's Episcopal Community Development Corporation's Conditional Use Application and this parking waiver request presents a classic "shared parking" opportunity for the two users.

On any given weekday, the typical parking associated with the Church's activities would be in the range of 5 spaces generally related to the Church's offices and the weekday child daycare center operations. Maximum weekday / Saturday demand for parking would be 20 – 25 range occurring on Tuesday afternoons when a Women's Auxiliary group meets at the Church. So at all weekday and Saturday times, absent special events, there will be substantial surplus parking available on what will be the Church lot.

Sunday parking demand is different. The Church holds two services on Sunday, one at 8:00 am. and one at 10:00 am. Attendance at the early service is light and would normally involve use of 20 – 25 parking spaces.

The 10:00 am. service is more popular but even that service would typically only require 70 to 75 spaces to accommodate all of the parishioners in attendance.

Therefore, at all times, even during the times of heaviest parking demand for the Church, there will be adequate surplus spaces available to cover the shortfall on the seniors' housing lot.

B. Parking Required by Code to Support the Senior Housing Facility is Deemed Conservative

The experience of the Applicant's partner and the building designer is that the Zoning Ordinance parking requirement (0.5 spaces) is conservative and probably overstates the actual parking requirement for a mature senior housing facility. The Applicant acknowledges that the initial entry population will be younger (70 – 75) and, since, there are not attractive public

transportation options available to residents, the County's zoning requirement is legitimate. However, as the residents "age in place," and the Applicant implements a focused shuttle van program for the benefit of the residents, it is anticipated that the actual parking demand will fall below the minimum number required by code.

III. VAN TRANSPORTATION PROGRAM

Relying on connections and activities already established by St. Anne's Church with transportation service providers located in Damascus, the Applicant expects to implement a robust program that will provide bus, van or individual vehicle services for such events as a) junkets for residents for cultural or entertainment opportunities, b) periodic group trips to various local shopping destinations, c) conveyance to medical and dental services, or d) trips for specialized needs of individual residents. It is anticipated that when the travel patterns and needs of residents become established and known, these transportation services will encourage elderly residents to give up their personal vehicles.

IV. EVENT COORDINATION

Since the principal determinant of availability of off-site parking to serve the needs of the seniors' facility is the activity level of the Church, it will be essential for these two entities to coordinate their respective event schedules. But since the Church is the sponsor of this senior housing proposal, and is a partner in the entity operating in the facility, it will have the opportunity and the interest in ensuring that activities at the two facilities are complementary so that there will always be parking available on the Church lot to serve the needs of the seniors' facility.

V. SUMMARY

There will always be vacant parking spaces available on the adjacent Church lot to serve the (probably diminishing) demand for parking on the seniors' facility lot. Therefore shared parking is an appropriate solution to address the parking needs of these two related properties.