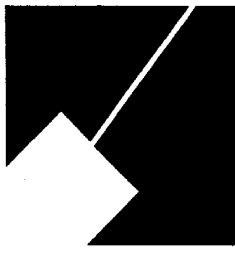


M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

**MCPB**  
**Item # 3 + 4**  
**Date: 09/22/05**

**MEMORANDUM:**

**DATE:** September 16, 2005

**TO:** Montgomery County Board of Appeals

**VIA:** Rose Krasnow, Chief, Development Review Division *RJK*  
Carlton W. Gilbert, Zoning Supervisor, Development Review  
Division

**FROM:** Elsabett Tesfaye, Senior Planner, Development Review Division *ET*  
(301) 495-1301

**SUBJECT:**

- 1. Special Exception S-2648: Alpha House—Special Exception to Establish Housing and Related Facilities for Senior Adults and Persons with Disabilities on Parcels 708 and 655 at 14124 Seneca Road, Germantown.**
- 2. Preliminary Forest Conservation Plan, S-2648, Alpha House.**

Metropolitan Washington Orthodox Senior Housing, Inc., applicant  
9.08 acres, RE-2 Zone,  
2002 Potomac Subregion Master Plan

**FILING DATE:** May 23, 2005  
**PLANNING BOARD** September 22, 2005  
**PUBLIC HEARING:** October 3, 2005

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**RECOMMENDATION: Approval of Special Exception S-2648 and Preliminary Forest Conservation Plan, S-2648 with the following conditions:**

1. The applicant shall revise the site development and landscape plans and submit to the Hearing Examiner at the time of the public hearing. The revised plans shall incorporate the following:

- a. The total number of parking spaces for the handicapped shall be increased from four to eight to comply with the requirements of Section 4.1.2 (5)(d)(ii) of the Maryland Accessibility Code.
  - b. A five-foot-wide sidewalk shall be constructed along the property's entire frontage on Seneca Road in accordance with the Master Plan goal of a pedestrian friendly rural village.
  - c. Site Tabulation Note No. 8 (Parking Tabulation) of the Site Development Plan (SE-1) shall be corrected to reflect 35 units instead of 36 units.
  - d. The storm water management area shall be labeled as such and the type of vegetation on top of it shall be identified as "grass".
2. At the Public Hearing before the Hearing Examiner, the applicant shall provide a revised staff schedule reflecting the total number of employees specified in the proposal. The schedule shall also clarify whether the total number of employees includes part-time staff.
3. The development under this special exception shall be limited to operating a residential housing facility (assisted living) for 35 senior adults and persons with disabilities.
4. Between 15 and 30 percent of the total 35 units shall meet the affordability requirements of 59-G-2.35 (a)(1) A through D. The applicant shall provide documentary evidence to the hearing examiner to demonstrate compliance with these requirements.
5. At the time of subdivision, the applicant shall dedicate 40 feet from the centerline to provide for an 80-foot right-of-way required for Seneca Road (MD 112).
6. The applicant shall coordinate with the State Highway Administration (SHA) regarding the proposed access to Seneca Road (MD 112).
7. At the time of the Planning Board hearing, the applicant shall provide information to demonstrate compliance with Section 59-G-2.35 (g) (2) and (3) with respect to retail facilities and a vicinity map.
8. The applicant must submit a Final Forest Conservation Plan (FCP) prior to Montgomery County Department of Permitting Services' (DPS) release of the sediment and erosion control permit. This plan must demonstrate full compliance with the requirements of Forest Conservation Law, Section 22A. A detailed Tree Save Plan prepared by an ISA certified arborist for the large trees on the northwestern portion of the site, and details of an offsite reforestation and planting plan, shall be part of FCP.
9. At the time of the Planning Board Hearing, the applicant must submit into the record of this case documentary evidence or a letter of confirmation from DHCA,

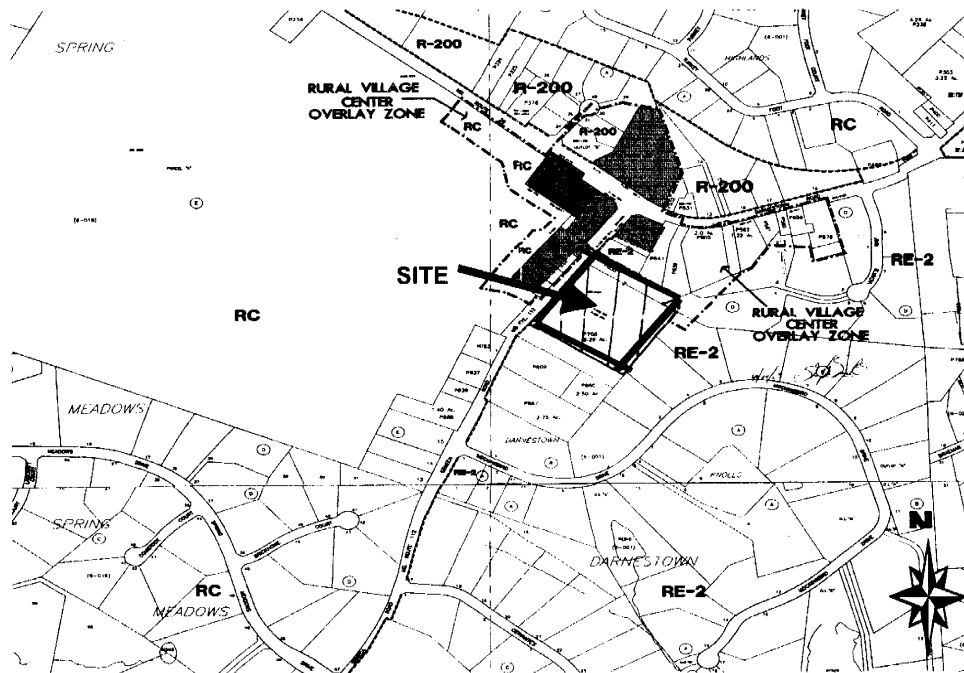
indicating that the proposed facility qualifies for exemption from the federal "Fair Housing Act requirements.

10. Afforestation requirements shall be accommodated within parcel P655 unless this area is committed for use as a septic field for the adjacent property.
11. Prior to the Public Hearing of this case by the Hearing Examiner, the applicant shall petition the Board of Appeals to revoke S-2484, in conjunction with the approval of S-2648, stating that the owner does not intend to develop the property in accordance with that special exception.

## FINDINGS:

### A. PROJECT SUMMARY

The applicant, Metropolitan Washington Orthodox Senior Housing, Inc. (MWOSH), proposes to construct a two-story plus basement, 35-unit assisted living facility (Alpha House) for senior adults and persons with disabilities. The proposal also includes the construction of 36 parking spaces and a stormwater management system (under ground). The subject property is located in the RE-2 Zone, which permits the proposed special exception.



### B. Site Description

The subject site is located on the east side of Seneca Road (MD 112), approximately 400 feet south of its intersection with Darnestown Road. The site consists of two parcels. The property, which is identified as Parcels P 708 and P

655 at 14124 Seneca Road, Darnestown, is generally rectangular in shape with a slight indentation at its northeastern corner. It consists of two parcels with a combined area of approximately 8.17 acres (net) of land. The property is currently undeveloped and contains very little vegetation (One stand of mature trees along the southern property line and another at the northwestern corner of the property, along Seneca Road). The property has approximately 598 feet of frontage on Seneca Road (west) from which it is accessed.

### C. Neighborhood Description

The neighborhood in which the subject site is located is generally defined by Darnestown Road to the north, the eastern boundary of the Darnestown Knolls subdivision to the east, properties within the Darnestown Knolls subdivision (fronting on Mockingbird drive) to the south and southwest and Seneca Road (including properties located on the west side of the road) to the west.



The subject property abuts undeveloped parcels of land to the north and south and two single-family dwellings to the east, in the RE-2 and RE-2/Rural Village Center Overlay (RVCO) Zones. To the west, across Seneca Road, are located Our Lady of the Visitation Parish and Mary of Nazareth Elementary School in the RC Zone and three commercial properties in C-1/ RVCO Zone. The Darnestown commercial center is located further north of the subject property at the intersection of Seneca and Darnestown Roads in the C-1/ RVCO Zone.

**D. Land Use and Zoning History:** The 2002 approved Master Plan for the Potomac Subregion recommends that the subject property be retained in the R-E-2 Zone. A preliminary plan was approved in December of 1999 to allow the subdivision of the property into three single family detached lots. On April 8, 2002, the Board of Appeals for Montgomery County approved Special Exception No.S-2484, to allow an assisted living group home for 16 residents on the property.

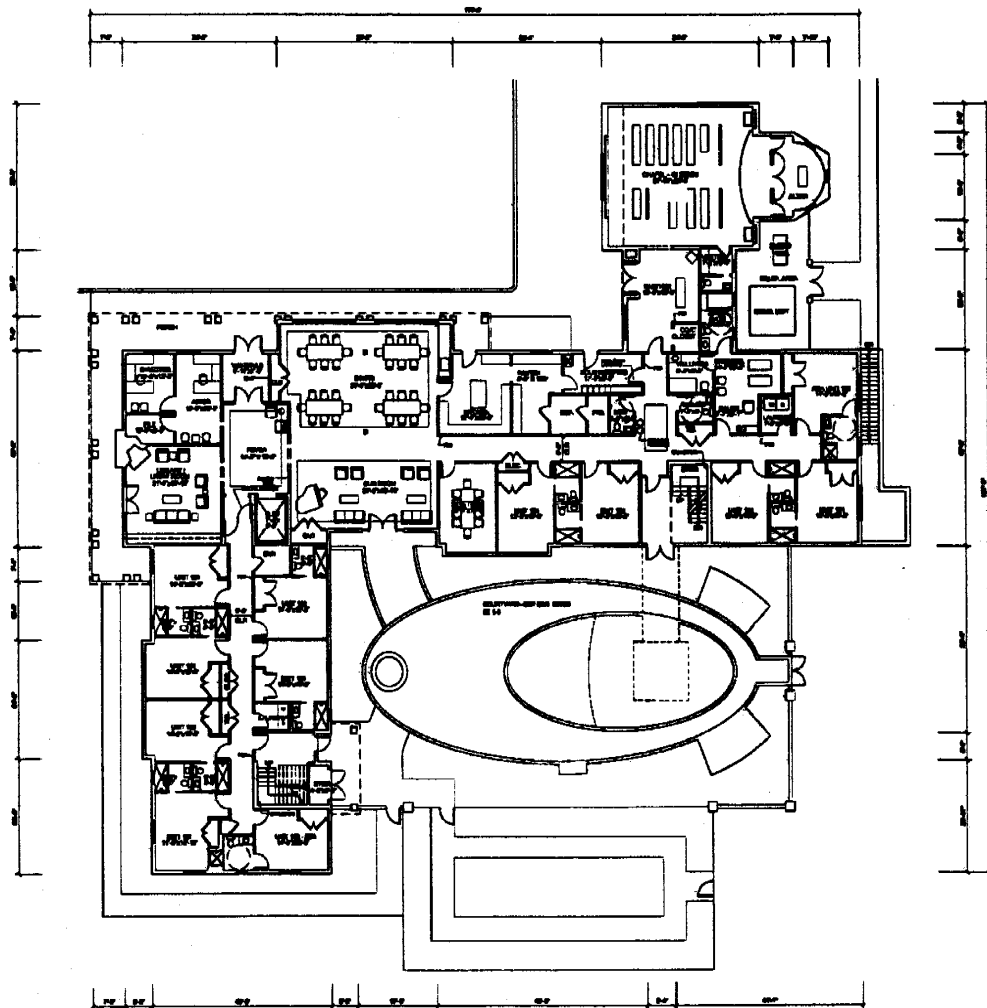
On June 2, 2005, the Planning Board agreed to initiate a corrective Map Amendment to make a technical adjustment to have the zoning boundary correspond with the Potomac Subregion Master Plan by extending the Rural Village Center Overlay Zone boundary to include Parcels 708 and 655. The County Council will consider the Amendment in autumn of 2005.



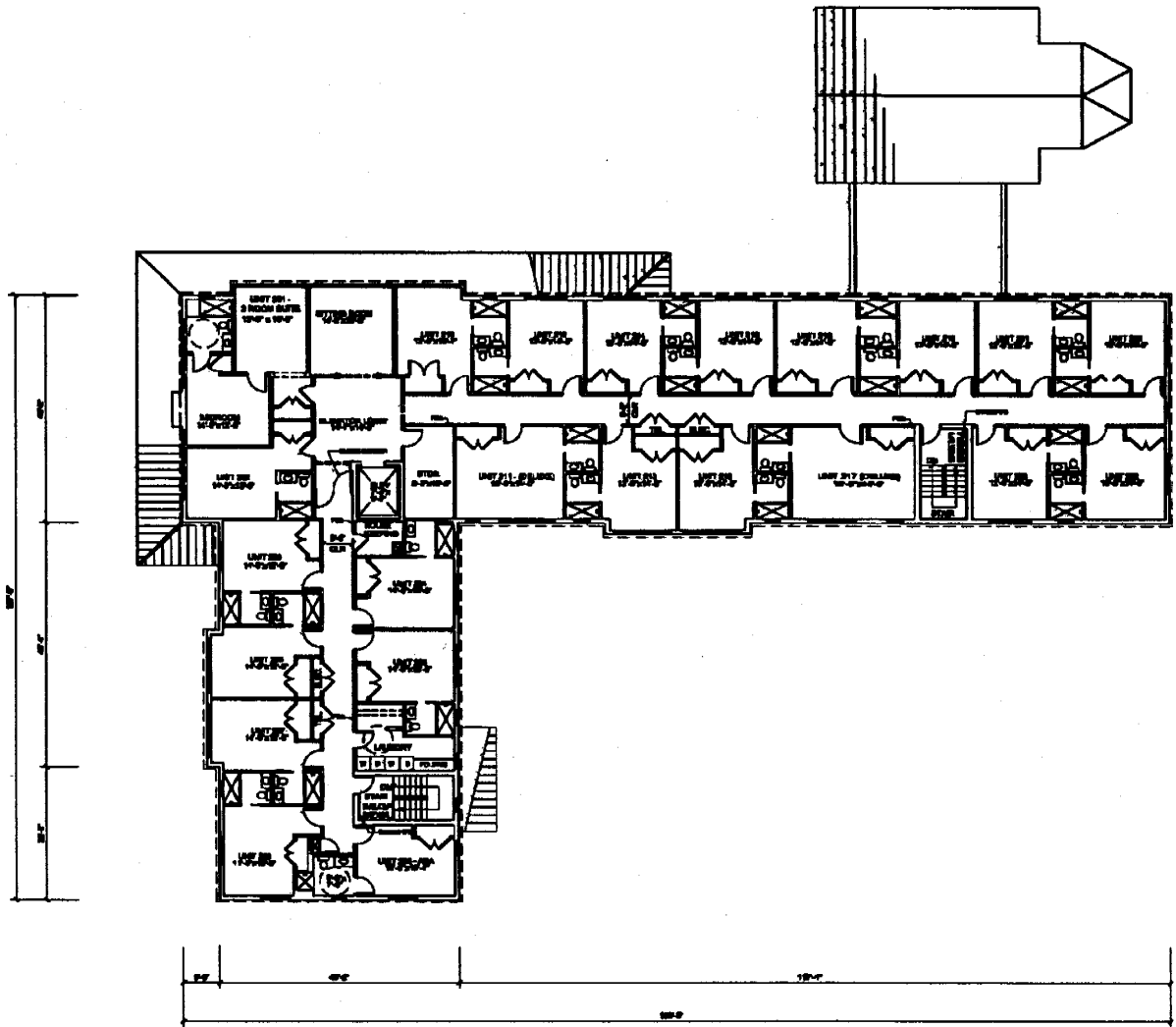
**E. Elements of Proposal**

The applicant, Metropolitan Washington Orthodox Senior Housing, Inc., proposes to construct a two-story plus basement, 35-unit, residential facility (Alpha House) for the elderly. The applicant indicated that shareholders of MWOSH represent the four Washington, D.C. area Greek Orthodox Christian churches. MWOSH was formed to provide the ways and means for the establishment, maintenance and operation of facilities in the Washington D.C. metropolitan area to serve the housing and related needs of senior Orthodox citizens. The proposed building will have a gross floor area of 23,661 square feet (11, 281 sq. ft. on the first floor,

9427 sq. ft on the second floor and 2, 953 sq. ft in the basement). The floor plan submitted with the application shows that the 35 living units include 34 single rooms and one two-room (living room) suite. Three of the single units are labeled as ADA units, two measuring 14'-0" x 12'-6" and one measuring 16'-5" x 10'. The majority of the single rooms are 14'-0" x 12'-6" in size with a slight variation of sizes with the corner rooms. Two of the single units are labeled "deluxe", each measuring 18'-0" x 14'-0" and 18'-9" x 14'-0". All 35 units have private bathrooms. The floor plan also indicates that in addition to the living units, the proposed building will contain a chapel, a commercial size kitchen with pantry, a communal dining area, a sunroom exercise room, a beauty salon, a librarian office and various laundry and housekeeping storage rooms.



**FLOOR PLAN-1ST FLOOR**



**FLOOR PLAN-2<sup>ND</sup> FLOOR**

The applicant 's statement indicates that the proposed facility will be operated around the clock with staff working in three shifts with the following shift schedule:

Day Shift:	7.00 A.M. – 3.30 P.M.
Evening Shift	3:00 P.M. – 11:30 P.M.
Night Shift	11:00 P.M – 7:30 A.M.

The proposed facility will be staffed with a total of 10 employees including a director, an assistant director, three day time assistants, two evening assistants and one night assistant and two cooks. The applicant has provided the following breakdown of staff's schedule for the facility:

1 facility manager present during the day shift

3 nurses' aides on the day shift  
2 nurses aides on the evening shift  
1 nurse aid on the night shift  
1 cook and 1 assistant cook 10:00 A.M.- 6:30 P.M.

The break down of staff's schedule as shown above is not consistent with the total number of employees (10). The applicant shall revise the schedule to reflect the total number of employees specified in the proposal. The schedule should also clarify whether the total number of employees includes part-time staff.

## **F. ANALYSIS**

### **Master Plan:**

Upon reviewing the proposal for Master Plan consistency, the Community Based Planning Division has offered the following comments:

The property is located within the Darnestown Village Center and within the area of the approved and adopted Potomac Subregion Master Plan of 2002. The Master Plan found that the previous combination of zoning and septic requirements precluded some desirable uses, such as restaurants, and recommended an Overlay Zone for Darnestown Village designed to allow compatible uses in a rural village pattern. Its purpose was to retain and enhance the commercial crossroads character through compatible scale, massing, siting, and setbacks for new and expanded uses; to encourage a variety of uses to serve the needs of the local community, including a restaurant, to provide opportunities for new and existing business expansion, and to keep the commercial area compact and low density.

Prior to the filing of the current application, planning staff realized that the boundary of the Rural Center Overlay Zone on the existing zoning map did not correspond with Map 25 on Page 100 of the Potomac Subregion Master Plan, and that Parcels 708 and 655 had been omitted, due to a mapping error. Planning staff made the property owner and their legal representative aware of their intent to file a Corrective Map Amendment to rectify this. On June 2, 2005, the Planning Board agreed to initiate a Corrective Map Amendment to make a technical adjustment to the zoning boundary so that it would correspond with the Potomac Subregion Master Plan. No objections were offered, and the County Council will consider the Amendment in the Fall.

Specific Master Plan recommendations intended to create a cohesive, pedestrian friendly, rural center for the Darnestown community included the following:



- Allow residential properties adjacent to commercial properties to be used for septic fields (to serve the commercial properties) where recommended by the Master Plan.
- Apply the RE-2 / Country Inn Zone to 11 acres on the east side of Seneca Road, including parcels 708, 655 (the subject parcels) and parcel 641.

The Master Plan also recommends that a Class II bikeway (bike lane) be constructed along Seneca Road from Darnestown Road to River Road. Seneca Road already provides scenic and rural recreational rides for many on-road cyclists and is mentioned in several different cycling guides for the area.

The subject property has an existing special exception (S-2484) approved on April 8, 2002 for an assisted living group home for sixteen residents. The site development plan that accompanied that application left room at the northern end of the MWOSH site for parking or excess septic capacity for a future restaurant/tavern or country inn on the adjacent property (Parcel 641) to the north. To fulfill the objectives of the Potomac Subregion Master Plan, it is essential that the current petition do likewise.

The current site development plan (revised September 2, 2005) indicates "Possible future area for septic, +/- 1.0 acre available" on Parcel 655 and the northern portion of Parcel 708. The latest Forest Conservation Plan accompanying the application indicates "Possible / future septic field to serve adjoining parcel" in the same vicinity. It is important to note that, absent the necessity to provide reserve septic capacity for the adjoining parcel, the northern portion of the property would fall subject to reforestation requirements, thus the applicant is not being denied additional capacity.

The applicants (MWOSH) have taken part in extensive and amicable discussions with the Darnestown Civic Association (DCA) regarding the septic capacity issue and have agreed to assist in achieving the DCA goal of a successful Country Inn (see attachments). It appears to community planning staff that DCA has no objection in principle to the current application, as long as the goal of providing a restaurant or country inn on the adjacent property is not jeopardized. The parties have reached informal agreement on material points, and it is anticipated that a future formal agreement will be forthcoming as a Declaration of Covenants. Community-Based Planning staff finds the site development plan to be in conformance with the Potomac Subregion Master Plan and recommends APPROVAL. Staff recommends that the applicant provide a sidewalk to accord with the Master Plan goal of a pedestrian friendly rural village.

Although the Master Plan recommends a Class II bikeway on Seneca Road, facility planning by the State Highway Administration has not yet been programmed and provision of a sidewalk linking the proposed senior housing with the village center is considered preferable to a fragment of a bike lane.

Community planning staff is encouraged by the progress towards an agreement between MWOSH and DCA and is aware that the Planning Board cannot force or enforce an agreement between private parties. Since the applicant has already complied with the staff request to reference the reserve septic capacity for the adjacent property on the amended site development and forest conservation plans, and since these plans are binding, there appears to be no need for an associated specific condition. If the special exception application is ultimately approved, the preliminary plan regulatory process will further address the septic capacity issue.

## **Transportation**

Due to the nature of the use, it is unlikely that the proposed building would generate a level of traffic that would raise concern for congestion on the streets. The Transportation Planning staff has offered the following comments:

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject special exception petition. The subject special exception is for establishing and operating a residential housing facility (assisted living) for 35 senior adults and persons with disabilities on a site located at 14124 Seneca Road (MD 112), Germantown.

Based on the trip generation rates for the assisted-living facility contained in the Local Area Transportation Review Guidelines submitted traffic statement, the proposed assisted-living facility for 35 senior adults would generate fewer than 30 peak-hour trips during the weekday morning (6:30 a.m. to 9:30 a.m.) and evening (4:00 p.m. to 7:00 p.m.) peak periods. Therefore, no traffic study is required to satisfy the Local Area Transportation Review test.

Access to the site is proposed from Seneca Road (MD 112). Seneca Road (MD 112) is a two-lane undivided arterial street without any sidewalks. Staff supports the State Highway Administration's requirement for providing an appropriate accel/decel lane on MD 112 at the entrance. Staff finds that the site access and pedestrian and vehicular circulation system shown on the site development plan are safe and adequate to accommodate the vehicular movements in and out of the proposed facility.

Staff finds that the approval of the subject special exception petition will not adversely affect the surrounding roadway system.

The transportation staff recommends the following conditions as part of the APF test related to approval of the subject special exception application:

1. The development under this special exception is limited to operating a residential housing facility (assisted living) for 35 senior adults and persons with disabilities as shown on the site development plan.
2. At time of subdivision, the applicant shall dedicate 40 feet from the centerline to provide for an 80-foot right-of-way required for Seneca Road (MD 112), an arterial road according to the Potomac Master Plan.
3. The applicant shall coordinate with the State Highway Administration (SHA) regarding the proposed access to Seneca Road (MD 112).

## **Environment**

Upon reviewing the proposal and the applicant's Preliminary Forest Conservation Plan (FCP) for compliance with environmental related requirements, the Environmental Planning Staff has offered the following comments:

### **Forest Conservation**

The project has an approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD)(No. 4-05225 issued February 23, 2005) and a Preliminary Forest Conservation Plan. There are no forests on the 8.17-acre tract. Individual trees onsite include 5 significant trees and 9 specimen trees, which will be retained. The conservation threshold is 2.04 acres and the reforestation threshold is 1.63. The total afforestation/reforestation requirement is 1.63 acres. Section 22A-12 (e) of the Forest Conservation law places a high preference on onsite planting to meet afforestation and reforestation requirements. There is a potential need for the likely onsite forest planting area (within the dashed line on parcel P655) to serve as a septic field for the adjacent property. This is in keeping with the *2002 Potomac Subregion Master Plan*, which recommends that residential properties with excess capacity, adjacent to commercial properties (e.g. Parcel 641), should be used for septic fields to serve these commercial properties. The potential for septic capacity on Parcel P655 will be jeopardized if afforestation requirements are met

there. The applicant should be allowed to meet afforestation requirements with offsite planting only if parcel P655 is committed for use as a septic field for the adjacent property.

### **Environmental Guidelines**

This site is not located within a Special Protection Area. There are no forests, wetlands, streams or other sensitive environmental features onsite.

### **Watershed Protection**

The property is in the Upper Muddy Branch subwatershed of the Muddy Branch watershed. The *Montgomery County Countywide Stream Protection Strategy* (CSPS, 1998) lists subwatershed, stream and habitat conditions as 'fair', based on data available at the time. Stream channels in the area are incised and bank stability is poor. There are visible signs of sediment deposition and embeddedness problems in the mainstem. These problems have resulted from high imperviousness and inadequate riparian buffers in the headwaters. Areas outside the City of Gaithersburg have been designated as Watershed Restoration Areas because of the need for restoration to address serious problems that have led to poor stream conditions.

### **Water and Sewer Availability**

Public water is available but there is no sewer service west of Jones Lane (and none is proposed). Any development in Darnestown has to be on septic.

### **Air Quality and Other Issues**

The proposed use will generate no objectionable noise, vibrations, fumes or odor that will adversely affect surrounding users.

The Environmental Planning staff recommends approval of the Preliminary Forest Conservation Plan, S-2648, Alpha House with the following conditions:

1. Afforestation requirements must be accommodated within parcel P655 unless this area is committed for use as a septic field for the adjacent property.
2. The applicant must submit a Final Forest Conservation Plan (FCP) prior to Montgomery County Department of Permitting Services' (DPS) release of the sediment and erosion control permit. This plan must demonstrate full compliance with the requirements of Forest Conservation Law, Section 22A. A detailed Tree Save Plan

prepared by an ISA certified arborist for the large trees on the northwestern portion of the site, and details of an offsite reforestation and planting plan, shall be part of FCP.

**G. Development Standards**

The subject property is located in the RE-2 Zone which permits the proposed special exception. The proposal conforms to all applicable current development standards of the RE-2 Zone. The following table summarizes the relevant development standards for the RE-2 Zone that are applicable to the proposed special exception request:

<b>Current Development Standards</b>	<b>Required/Allowed</b>	<b>Proposed/Existing</b>
<b>Minimum Lot Area</b>	87,120SF (2 AC)	8.17 AC
<b>Minimum Lot width:</b> ❖ at front building line ❖ at street line	150 FT 25	598.17 598 ± FT
<b>Minimum Building Setback:</b> ❖ Front Yard  ❖ Rear Yard ❖ Side Yards: • One side • Sum of both sides	50 FT  35 FT 17 FT 35 FT (residential)	62± FT  >350 FT 40 ± FT 400± FT
<b>Maximum Building Height</b>	50 FT	25.5 FT
<b>Maximum Building Coverage</b>	25%	3.1%
<b>Minimum Green area</b>	77%	88%
<b>Parking Spaces:</b> 1 Space/each personal living quarters	35	36

**H. Community Concerns:** The applicant is engaged in a discussion with the Darnestown Civic Association (DCA) regarding reservation of space in the northern portion of the subject property for excess septic capacity for a future country inn on the adjacent property to the north. As noted in the September 6, 2005 letter from the Civic Association to the Planning Board (see full text below), and as confirmed by the applicant during a meeting with staff, the two parties are working together to reach an agreement that would satisfy their respective needs and goals (see attachment for various correspondences between the applicant and DCA). A formal agreement, on the issue of excess septic capacity, would

greatly contribute in fostering a harmonious relationship between the applicant and the community. It would also satisfy the objectives of the Potomac Subregion Master Plan. It should be noted; however, that the Planning Board cannot enforce agreement between private parties.

#### The DCA letter to The Planning Board:

Dear Chairman Berlage and Planning Board Commissioners,

Representatives of the Darnestown Civic Association (DCA) and Metropolitan Washington Orthodox Senior Housing (MWOSH) have held a series of meetings and have exchanged negotiation letters relating to their application for this Special Exception and DCA's interest in a septic easement plan for their property. Such an easement would assist in completion of a Potomac Sub Region Master Plan recommendation relating to RE2/Country Inn zoning for their parcels and an adjacent parcel 641. The DCA has also published articles in its Little Acorn newsletter relating to MWOSH's Special Exception request. We understand that this referenced information is part of the record.

MWOSH has been very fortunate in obtaining a beautiful spot in the Darnestown Village for their Alpha House. Mr. & Mrs. Jimmie Deoudes, long time Darnestown residents, had the foresight to purchase the parcels 655 and 708 many years ago. Incidentally, Mr. Deoudes owned a property at the corner of Seven Locks and Bradley that was donated for the founding of St. George Greek Orthodox Church.

DCA representatives and Mr. Deoudes had several discussions about his village property beginning in 2000 if not earlier. A couple of these meetings included George Koutras and other MWOSH representatives. After two presentations of the Alpha House original plan for 16 units were given before Darnestown community members, it was understood that they had our approval for that Special Exception since their excess septic capacity would be made available for an adjacent Country Inn / restaurant. At the time that excess capacity would have been about 2 acres. After obtaining our support, they purchased the parcels on June 6, 2001, and were granted a Special Exception # 2484 the following spring.

The Potomac Sub Region Master Plan that was approved by the Montgomery County Council in 2002, recommended a Rural Village Center Overlay Zone for the commercial center of Darnestown in order to create an attractive pedestrian friendly rural village and to encourage a variety of uses that would serve the needs of the Darnestown community. From two community-wide surveys the DCA learned that Darnestown residents had a strong interest in a Country Inn style restaurant for the Village Center. For that reason, the DCA proposed and the Planned Board and County Council applied the RE-2/ Country Inn zone to the MWOSH property and an adjacent parcel 641.

From our perspective, had we the ability to choose, it would have been better if the Country Inn was able to be situated on a broader site along Seneca Road to include parcels 641 and 655. We, also, contemplated a small parcel, perhaps a 1/3 acre, for a town hall. The remainder of that portion of the village area would have been residential.

Interest in the restaurant among our community is growing, especially since parcel 641 was purchased by true restaurateurs this past March. They have mentioned calling it the Seneca Inn. We think the Darnestown Rural Village Center can be a prime location for a successful restaurant. It is not far from dense suburban areas and could be a possible lunch or dinner treat for people from all over the county who take advantage of the recreational and rural areas in Darnestown and beyond. If the food and atmosphere are

inviting, it could become a destination; such as, Normandy Farm, the Comus Inn, the Olney Ale House, Mrs. Kaye's, Brooke Farm or Old Anglers.

While our contacts with MWOSH representatives have sometimes been blunt, there has never been a time when we considered one another adversaries. We recognize the genuine enthusiasm for the creation of the Alpha House. It is our great hope that everything works out for all of us, and that Alpha House successfully fulfills that which has been envisioned by its founders. If we can come to a successful agreement on the septic easement, Alpha House will have our support.

As of the date of this letter the DCA has not consummated a septic easement agreement with the MWOSH organization. As you can see from our negotiation letters that are part of the record, we seem close in most aspects of an agreement. If a satisfactory agreement cannot be reached and the special exception is granted without the agreement, a viable Country Inn may never happen. We are deeply concerned. Without such agreement, we have to oppose their Special Exception in defense of our Master Plan and the specific goal of a Country Inn in the Darnestown Rural Village. At this point it all comes down to the situation at hand. **We sincerely request that the Board help us realize the Master Plan vision by recommending a condition to Special Exception 2648 that would require MWOSH to sign a septic easement agreement with the DCA.**

The DCA, thanks to the information recently supplied by the Well and Septic section of DPS, has agreed to the MWOSH demand of limiting their obligation to provide only one acre.

Now, by analyzing the negotiations between us, the only obstacle appears to be the timeliness of the transfer of the easement to the Country Inn property owners. We argue that since the acre under discussion is not necessary to the Alpha House septic requirements, the restaurant owner should be able to decide the timing of the purchase of the easement.

We hope an agreement is reached before the hearing date. If not, we need your support of the Master Plan to allow both of our long sought goals to be realized.

Sincerely,

The Darnestown Civic Association Executive Board

Upon request by staff, the applicant revised the site plan and the Forest Conservation Plan (September 2, 2005) to identify an area reserved for excess septic capacity (a  $\pm 1.0$  acre area on the northern portion of the property as "possible /future area for septic". Parcel 655 and the northern portion of Parcel 708 are areas that would have been allotted towards meeting the 1.63 acres requirement for on-site afforestation and reforestation. As noted, Environmental Planning staff recommended approval of the Preliminary Forest Conservation Plan (See Environmental Planning memo of September 6, 2005) allowing the applicant to meet afforestation requirements with offsite planting, provided that parcel P655 is committed for use as a septic field for the adjacent property.

## **I. Inherent and Non-Inherent Adverse Effects**

**Standard for Evaluation: Section 59-G-1.2.1 of the Zoning Ordinance specifies that a special exception must not be granted without the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. 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 physical and operational characteristics 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 adverse effects, are a sufficient basis to deny a special exception.**

As established in previous special exception cases, seven criteria are used to identify the physical and operational characteristics of a use. Those criteria are size, scale, scope, lighting, noise, traffic, and the environment.

The inherent, generic physical and operational characteristics associated with housing and related facilities for senior adults or persons with disabilities include the proposed building, the parking facility and driveways, lighting, vehicular trips to and from the site by residents, visitors, staff, trash-pick up, and deliveries.

The proposed landscaping includes a landscaped courtyard that provides an outside recreation area for the residents. In addition, the applicant has revised the landscape plan to include a trail (natural surface) and a gazebo, with additional plant materials, on the eastern side of the property as an added amenity to benefit the future residents of the facility. The trail is connected to the courtyard to the south and to the northern edge of the parking lot to the north. A trash dumpster is also adequately screened with a combination of trees and an 8-foot high board on board fence with twin swing gate. A fence detail is provided as part of site details and notes (SE-2).

There are no significant transportation impacts that would result from the proposed special exception. The Transportation Planning staff finds that the proposed special exception use satisfies the Local Area Transportation Review test and will have no adverse effect on nearby roadway conditions or pedestrian facilities. There are no discernible noise-related impacts associated with the proposed use.

The site plan shows 10 cutoff Pole light fixtures around the parking area and 8 Bollard light fixtures along the north side of the building. The applicant has