**MCPB** Item No. 6

Date: 04/23/2020

#### Item B. Milestone Senior Germantown, Independent Living Facility for Seniors or Persons with Disabilities, Conditional Use No. 2020-02

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Completed: 04/10/2020

Request Conditional use approval to operate an

> independent living facility for seniors or persons with disabilities with 111

units.

Location On Frederick Road approximately 0.2

> miles north of the intersection of Wheatfield Drive, Germantown, MD

20876.

**Property Size** 2.64 acres

Zoning Residential-90 (R-90)

Master Plan Germantown Employment Area Sector

Plan (2009)

**Applicant Edmondson & Gallagher Property** 

Services, LLC

Filing Date February 12, 2020

**Planning Board** 

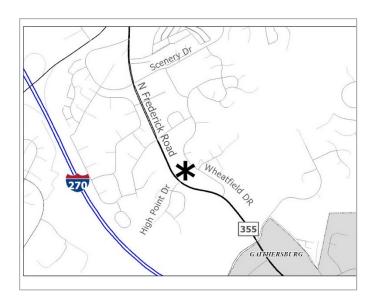
Hearing

April 23, 2020

**Hearing Examiner** 

May 11, 2020

Hearing



- Staff recommends approval of the conditional use application with conditions.
- A separate staff report discusses the forest conservation law requirements of Chapter 22A.
- As conditioned, the conditional use conforms to Sec. 59.4.4.8 (Residential 90 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.
- The proposed use is consistent with the 2009 Germantown Employment Area Sector Plan.
- The Project complies with Montgomery County Environmental Guidelines, as conditioned.
- There are no significant land use or environmental impacts associated with the request.
- Currently, the property is unimproved.

#### Section I: Staff Recommendations and Conditions of Approvals

Staff recommends approval of Conditional Use No. 2020-02 to build and operate 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 111 units and as such units are limited pursuant to Zoning Ordinance Section 59.3.3.2.C.a.iii.
- 3) The maximum number of employees is limited to six (6) persons on duty at one-time on weekdays. The maximum number of employees is limited to three (3) persons on duty at one-time on weekends.
- 4) The Applicant and any successors in interest must comply with the requirement of Zoning Ordinance Section 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
- 5) 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.
- 6) At the time of Preliminary Plan of Subdivision, the Applicant must demonstrate compliance with the 2018 *Bicycle Master Plan* recommendations for a minimum 10-footwide shared-use side-path along the east side of Frederick Road (MD 355) along the frontage of the subject property, or an alternative method of compliance as acceptable by Planning Department staff.
- 7) At the time of Preliminary Plan of Subdivision, the Applicant must illustrate on the preliminary plan a lead-in walkway to connect from the proposed shared use path along Frederick Road (MD 355) directly to the main building entrance.
- 8) At the time of Preliminary Plan of Subdivision, the Applicant shall provide an access easement for the use of the existing driveway for the adjacent to the south to the satisfaction of Planning Department staff.
- 9) At the time of the Hearing Examiner decision and pursuant to Zoning Ordinance Section 59.3.3.2.C.2.c.i, the Applicant shall provide details concerning the operation of a resident shuttle program to be reviewed by the Hearing Examiner.

- 10) Prior to the approval of the Preliminary Plan of Subdivision application, the Applicant must obtain approval of the storm water management concept plan from the Montgomery County Department of Permitting Services.
- 11) The Applicant must comply with the approved forest conservation plan for the subject property.

#### Section II: Project Description

#### A. Background and Location

Accepted for filing on February 12, 2020 and pursuant to Section 59.7.3.1, the Applicant has requested approval of a conditional use to allow the construction and operation of a 111-unit independent living facility for seniors or persons with disabilities in the R-90 zone (Project). The subject property is identified as parcel P507, located on the east side of Frederick Road (MD-355), approximately 0.2 miles north of the intersection of Wheatfield Drive and Frederick Road in Germantown, Maryland (Subject Property or Property).



Figure 1 – Aerial view of the subject Property

#### B. Site Description

The Property is an approximately 2.6-acre parcel of undeveloped land. Access to the Property is from Frederick Road. Presently, there is a paved driveway from Frederick Road that provides access to the adjacent property to the south. The Property has varied topography with areas of relatively steep slopes covered with mature trees on the entire property. The elevation starts 420 ft. along the south lot lines along Frederick Road, rises to about 440 ft. in a flatter area in the center of the Property, and then decreases down to about 426 ft. at the northern lot line. The parcel is irregularly shaped with 408 ft. of frontage along Frederick Road.

There are no wetlands, intermittent or perennial streams on or within 100 ft. of the Property. No known rare, threatened, or endangered species exist on this Property. There are no designated historic sites on or near the Property.

Figure 2 (below) shows the existing Property conditions.

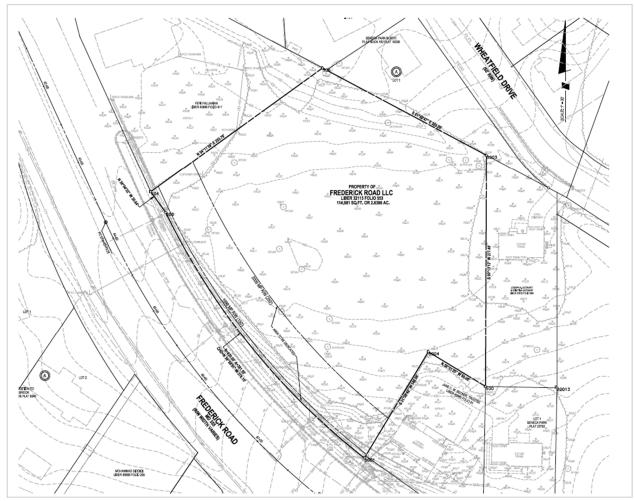


Figure 2 – Subject property and existing conditions.

#### C. Neighborhood Description

For the purposes of determining the compatibility of the Project, it is necessary to delineate and characterize the surrounding neighborhood. The Applicant has offered a proposed definition of the neighborhood to include the area most likely to be affected by the Project, which comprises all abutting and confronting properties (Figure 3). Staff concurs and accepts this proposed definition of the neighborhood.

The boundary of the defined neighborhood is comprised of residential property lines and street rights-of-way. The neighborhood boundary begins at the intersection of Plummer Drive and Frederick Road, follows south along Frederick Road to the intersection of Wheatfield Drive, then north roughly along Wheatfield Drive to Plummer Drive, and west on Plummer Drive to the intersection of Frederick Road.



Figure 3 – Zoning map with defined neighborhood (red-dashed line) and conditional uses within the defined neighborhood.

This neighborhood itself consists primarily of suburban residential with limited commercial uses, including a gas station, restaurant, fraternal club, and a credit union. Much of the neighborhood to the east was developed from 1992 to 1993. The residences directly across Frederick Road from the Property were developed around 1962. The building housing the fraternal lodge and restaurant (adjacent property to the north) was built in 1940. South of the Property, a small portion of the Great Seneca Stream Valley Park lies within the southern portion of the neighborhood.

There is no known pending or proposed development approvals within the defined neighborhood vicinity.

There are no prior conditional uses associated with the Property. However, located about 600 ft. to the north of the Property is Special Exception No. S-1553 (Figure 3). This special exception, which was approved in 1988, authorized a gas station to operate at 19235 Frederick Road. The site remains in operation as a gas station and car wash.

Two other prior special exceptions located at 19114 Frederick Road were approved and have been revoked. In 1961, via CBA-1173-A, the Board of Appeals granted a permit to authorize the operation of a care home for not more than five patients. In 1996, the Board of Appeals granted approval in S-2170 to allow a group residential facility for up to 14 elderly persons. Later in 2002, the Board of Appeals revoked both CBA-1173-A and S-2170.

#### D. Zoning and Land Use History

The Property is zoned R-90 and is unimproved. The *Germantown Employment Area Sector Plan* (Sector Plan, Master Plan) was adopted in 2009 and is applicable for this Property. The Property lies within the Fox Chapel district of the Sector Plan. The sector plan recommended residential (single-family) land use for the Property and the R-90 zone. Prior to the adoption of the 2009 Sector Plan, the Property was also zoned R-90. There are no specific recommendations in the Sector Plan for the Property.

#### E. Proposed Use

The Project consists of the construction and operation of an independent senior living facility in a new 104,551 sq. ft., five-story, 111-unit apartment building (See Figures 5 and 6). Proposed are 97 one-bedroom and 14 two-bedroom units. The maximum height of the building is 60 ft. The entire Property is subject to the conditional use review.

As described in the Applicant's statement of justification narrative, the Project meets the definition and use standards for an independent living facility for seniors or persons with disabilities. 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. And the Applicant further states that occupancy of dwelling units will be restricted to senior adults, members of the household of a senior adult, and a resident care-giver.



Figure 4 Proposed site plan rendering.



Figure 5 Proposed front elevations.

#### Amenities

The facility will include a lobby, lounge, library, fitness room, internet café, outdoor courtyards, picnic/seating areas, patio/seating area, rooftop amenity sitting area, and on-site property management.

#### Resident Staff Support

Support staff for residents includes a property manager, assistant manager, and maintenance staff. Typically, administrative staff will be present on weekdays between the hours of 9:00 am and 6:00 pm., and during evenings and weekends if special events for residents are planned. However, the residential community will operate 24 hours per day, seven days per week, and 365 days per year and the Applicant anticipates some level of staffing present at all times. The maximum weekday staff employed at one-time are six (6). The maximum weekend staff employed at one-time are three (3). Occasional special events may require addition staff present for the special event. 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, or wellness classes.

#### Access and Parking

Vehicular ingress and egress are from Frederick Road (MD 355) via a 25 ft. wide commercial driveway. The driveway aisle and passenger drop-off area are set back approximately 54 ft. from the front property line. The parking lot consists of sixty (60) surface parking spaces surrounding the sides and rear of the building, with handicapped parking located near the front entrance. One off-street loading area is provided on the northwest side of the building. There are also 28 bicycle parking spaces provided in a secure bike storage room inside the building.

#### **Shuttle Services**

At this time, a final shuttle plan has not been selected. The Applicant indicates that the level of shuttle service will be determined based upon resident need and by a number of factors including demographics of residents, personal mobility needs, regular and special events, and cost. A final shuttle program will be provided to the Hearing Examiner for review and decision.

#### Landscaping

To accommodate the Project including the building, parking areas, drive aisles, and utilities, the Applicant proposes to clear the existing forested area. The forested area contains nine specimen trees, which are proposed to be removed. One additional off-site specimen tree will also be impacted and may necessitate removal.

The Applicant proposes to install the required perimeter landscaping, trees and other landscaped areas including parking lot landscaping. Some landscaped areas are designed for storm water management. Deciduous, evergreen and ornamental trees are provided throughout the Property. Ornamental shrubs are planted near the building foundation and outdoor seating areas. The north perimeter landscape consists of a 25 ft. planting area of hedging and trees. On the eastern and western borders, proposed is a 16 ft. perimeter planting of hedges and trees. The southern (front) perimeter will be planted with a 6 ft. planting area of trees and shrubs. Parking areas contain landscaped islands with deciduous trees intended to provide visual interest, shade, and to reduce the "heat island" effects of the surface parking lot.

#### Preliminary Plan

As part of a separate application, the Applicant indicates that a preliminary plan of subdivision application will be submitted pursuant to the approval of this conditional use application.

#### Forest Conservation Plan

This conditional use application is subject to the forest conservation law. A separate staff report details the requirements and how the applicant will comply Chapter 22A of the Montgomery County Code. The Planning Board must take an action separate action on the forest conservation plan before making a recommendation on the conditional use application.

Section III: Analysis

#### A. Development Standards

The following table displays the relevant R-90 development standards for the Property. The conditional use application is applicable to the entire Property. The Project complies with the following development standards:

Table 1 – Development Standards

Development Standards (R-90)	Required	Proposed	
Lot (min.)	·		
Lot Area	9,000 sq. ft.	114,981 sq. ft. (2.64 acres)	
Lot width at front building line	75 ft.	381 ft.	
Lot width at front lot line	25 ft.	407 ft.	
Density (max. units/acre)	Determined by Hearing	42 units per acre	
, ,	Examiner	·	
Lot Coverage (max.)	30%	20.75%	
Principal Building Setbacks (min.)			
Front	50 ft. <sup>1</sup>	50 ft.	
Side	40 ft. <sup>1</sup>	49 ft.	
Sum of Side Setbacks	25 ft.	82 ft.	
Rear	25 ft. <sup>2</sup>	73 ft.	
Building Height (max.)	60 ft. <sup>1</sup>	60 ft.	
Parking Setback (min.) <sup>3</sup>			
Front	6 ft.	6 ft.	
Rear	25 ft.	25 ft.	
Side	16 ft.	16 ft.	
Parking Requirements			
Dwelling Units <sup>4</sup>	56 spaces	56 spaces	
Employees	4 spaces	4 spaces	
Bicycle, short-term	1 spaces	1 space	
Bicycle, long-term	27 space	27 spaces	
Parking Lot Landscaping			
North Planting Area	10 ft. wide	25 ft. wide	
East Planting Area	10 ft. wide	16 ft. wide	
West Planting Area	None	16 ft. wide	
South Planting Area	6 ft. wide	6 ft. wide	
Off-Street Loading	1 space per	1 space provided for	
(59.6.2.8.B.2)	25,001 to 250,000 SF of GFA	104,551 SF of GFA	
Green Area (min.)			
(59.3.3.2.C.2.c.viii.c)	50% (In the R-90 zone)	50.51% (46,872 sq. ft.) Ground level (37,372 sq. ft.) Green roof (9,500 sq. ft.)	

<sup>&</sup>lt;sup>1</sup>Per 59.3.3.2.C.2.c (Use standards for indep. living facility for seniors or person w/disabilities)

#### B. Master Plan

<sup>&</sup>lt;sup>2</sup>Per 59.4.4.8.B.2 (Equal to rear setback for detached house in R-90 zone)

<sup>&</sup>lt;sup>3</sup>Per 59.6.2.5.K (Facilities for conditional uses in residential detached zones)

<sup>&</sup>lt;sup>4</sup> Per 59.6.2.3.I.2.b (Parking adjustment factor applied 50% reduction for senior housing)

The Project is subject to the policies and recommendations contained in the 2009 *Germantown Employment Area Sector Plan*. The Sector Plan established eight districts that reflect decreasing commercial and residential density and the desire to transform Germantown's central employment corridor into a vibrant town center and mixed-use districts. These districts include: Town Center, West End Neighborhood, Gateway, Cloverleaf, North End, Seneca Meadows/Milestone, Montgomery College, and Fox Chapel.

The Property is located in the Fox Chapel District, which is located in the southern most portion of the Sector Plan boundary. The Sector Plan discusses interrelated themes to address challenges and opportunities with land development to "create opportunities for increased housing, including affordable housing..." (*Germantown Employment Area Sector Plan*, 2009, p. 29).

There are no specific recommendations in the Sector Plan concerning the Property, and the Sector Plan confirmed the R-90 zoning of the Property, which the proposed use is allowed in as a conditional use a The Project substantially conforms with the general recommendations of the Sector 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 Sector Plan:

New housing should be suitable for both young and old, and for those with all ranges
of physical ability. Units will be served by elevators and have at-grade entrances, wide
hallways to accommodate wheelchairs, and other features. Seniors should be
provided with options to either age in place or move to retirement communities, and
planning should facilitate both options. (2009, p. 29)

The Project consists of age-restricted affordable senior housing units in a full-service elevator building with on-site amenities as show on the site plan and described above in Section II of this report. As conditioned, the Project is consistent with this recommendation.

• Building heights should not exceed 60 feet along MD 355, stepping down in height to 50 to 60 feet along the eastern edge of the district to be compatible with existing residential neighbors. (2009, p. 75)

The Project's building has a maximum height of 60 ft. and meets all setbacks required for the R-90 zone. Therefore, the Project is consistent with this recommendation.

• A commitment to no net loss of affordable housing will help preserve existing affordable and workforce housing especially the existing subsidized rental units and MPDUs such as properties owned, operated, or financed by the HOC. (2009, p.29).

The Property is currently undeveloped with no existing affordable housing units. The Project consists of new senior affordable housing units. Such units must comply with

the requirement of Zoning Ordinance Section 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. Therefore, the Project as proposed will result in no net loss of affordable housing. As such, the Project is consistent with this recommendation.

#### C. Transportation

#### Master-Planned Roadway and Bikeways

The Property is located along Frederick Road (MD 355), identified by the 2018 *Master Plan of Highways and Transitways* as a 6-lane Major Highway with a 250 ft. right-of-way; additional right of way dedication will be required as part of a subsequent preliminary plan application and has been shown on the conditional use plan. The 2018 *Bicycle Master Plan* recommends a 10-ft. wide, asphalt shared-use sidepath along the east side of MD 355 along the frontage of the Property. The applicant has agreed to construct the path with designs to be finalized as part of the subsequent preliminary plan.

#### Pedestrian and Bicycle Facilities

There is an existing sidewalk along the MD 355 frontage of the Property. As discussed herein, the 2018 *Bicycle Master Plan* requires a 10 ft. wide shared use sidepath to be built along the frontage to replace the sidewalk; however, as detailed above, Staff recommends that the applicant finalize this as part of the subsequent preliminary plan application. Internal to the site, the Applicant proposes an ADA-compliant sidewalk running from the shared-use path directly to the main building entrance. Additional walkways are provided along the parking area to accommodate pedestrian circulation to all building entrances and courtyard areas. Staff recommends that the final pedestrian circulation plan be approved as part the preliminary plan subdivision application.

#### Public Transit Service

Ride-On Route 55 operates along Frederick Road between the Germantown Town Center and the Shady Grove Metrorail Station with half hour headways on weekdays only. The nearest bus stop is located in front of the Property.

#### Local Area Transportation Review

The proposed application is for 111 units for independent senior living (ITE code 252). According to the Institute of Transportation Engineer's (ITE) 10th Edition Trip Generation Manual and adjusted for the Germantown East Policy Area, this project will produce a net increase of 33 AM peak-hour person trips and 42 PM peak-hour person 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 a proposed commercial driveway onto Frederick Rd. (MD 355). There are no existing or proposed turning lanes or acceleration/deceleration lanes (right or

left) to access the driveway on Frederick Road and none are required. As determined by the Maryland State Highway Administration and Planning Staff, there are no sightline or access issues with the proposed driveway location, which is safe and adequate for the proposed uses. A lead-in walkway will connect from the proposed shared use path along MD 355 directly to the main building entrance. Internal to the site, circulation is provided via a two-way drive aisle surrounding the central structure. This drive aisle will adequately serve the proposed parking and loading zone. A sidewalk is provided along the interior rung of the loop to enable safe pedestrian access. An additional passenger drop off zone is proposed in front of the main entrance of the building fronting MD 355. The circulation pattern, as proposed, is safe and adequate for the use. An easement for the existing driveway for the adjacent property to the south as well as the final shuttle service program will be provided as part of a subsequent preliminary plan of subdivision.

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

#### D. Landscaping

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 and as discussed above in Section II of this report. Additionally, the Applicant provides additional interior landscaping around the building and patio areas consisting of shrubs, trees, groundcover, and other deciduous and perennial plantings. The Applicant proposes to install 23 over-story trees which will provide the required 25 percent minimum parking lot canopy coverage. As such, the landscaping plan satisfies the requirements of Sec. 6.4.3 (General Landscaping Requirements). This standard is satisfied.

#### E. Screening

As discussed above in Section II of this report an on the Applicant's landscape plan, the Applicant proposes to install perimeter landscaping, trees and other landscaped areas including parking lot landscaping. The landscape plan meets the requirements of Section 6.5.3 by providing at least the minimum required perimeter planting area with canopy trees, understory trees, and shrubs. Further, the Project provides a landscaped berm on the east and north property lines, further screening the site and parking areas from off-site views. As such, the screening plan satisfies the requirements of Sec. 6.5.3 (Screening Requirements). This standard is satisfied.

#### F. Lighting

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 following exterior lighting is proposed:

Table 2 – Proposed Light Fixtures

Quantity	Description	Height	Туре
22	Free-standing light poles	12 feet	Full-cut off fixture with light emitting
			diode assembly.
12	Louver bollard lights	3 feet	Light directed downward with light
			emitting diode assembly.

All lights are LED fixtures are designed to eliminate horizontal light cast. The photometric plan predicts that no light above 0.0 foot-candles will spill across any Property boundary and onto adjoining property. 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 residences with either direct light or light glare. As such, the lighting plan satisfies the requirements of Sec. 6.4.4 (General Outdoor Lighting Requirements). This standard is satisfied.

#### G. Signage

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

#### H. Environment

There are no wetlands, intermittent or perennial streams on or within 100 ft. of the Property. No known rare, threatened, or endangered species exist on this Property. Therefore, this standard is satisfied.

#### I. 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 does not have any previous approvals and is undeveloped. The Project consists of a new 111-unit agerestricted (senior) apartment building. Therefore, with the approval of the preliminary forest conservation plan, variance, conditional use and subsequent 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 III 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:** As discussed in Section III of this report, this finding is satisfied.

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 Project will be harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the Sector Plan.

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 subsequent preliminary plan of subdivision.

- 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:
  - 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 and east are well-buffered from the Project in distance, topography, and by existing and proposed landscape.

Non-inherent characteristics are unique to the physical location, operation, or size of a proposed use. In this case, the Property and surrounding property have varied topographic change that helps to reduce the visual impact of the Project from adjoining residential uses to the north and east. Further, proposed landscaping is typical of that found in the adjoining neighborhoods and as proposed further reduces impacts.

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 architecture of the Project is contemporary in design and form. The visual character of the neighborhood is mixed with detached dwelling, townhomes and commercial uses, such a restaurant and credit union 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 onsite.

**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
  - 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:

<sup>&</sup>lt;sup>1</sup> Pursuant to Sec. 59.3.3.2.c, where a conditional use for an Independent Living Facility is allowed as a conditional use, 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 onsite.

**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, as discussed in Section II above, they will provide shuttle transportation to surrounding commercial, medical, and public services as needed for their 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 60 ft. and meets 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 adjacent residential neighborhood, the existing site conditions, topography, landscaping, and placement of the building maximize the compatibility of the building with the surrounding area. Additionally, the Project is also located adjacent to commercial uses and is not incompatible with such uses.
- 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 1 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 1 of this report, the side and rear setbacks are greater than 25 ft. and comply with the requirements of the R-90 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-90 zone.

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

**Staff Response:** This standard is not applicable. The Property is located in the R-90 zone.

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

**Staff Response:** This standard is satisfied. As shown on the applicant's site plan the minimum proposed green area is 50.1 percent.

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 2009 *Germantown Employment Area Sector Plan*. Planning staff recommends approval of Conditional Use No. 2020-02.

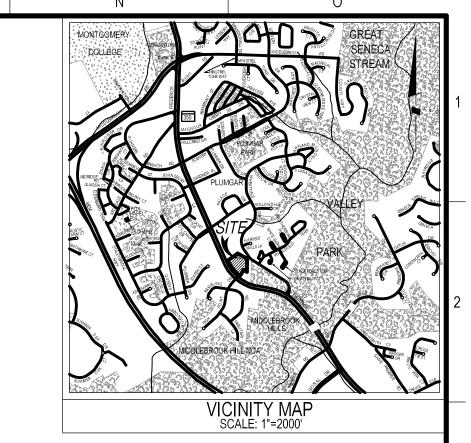
#### Attachments

- 1. A Proposed site plan and landscape/lighting plan, architecture plans
- 2. B Site photographs

# MILESTONE MONTGOMERY, LLC

LANDSCAPE AND LIGHTING PLAN

PLANNING DEPARTMENT USE ONLY (E-PLANS) 9TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND Attachment A



OWNER

E & G GROUP 1651 OLD MEADOW DRIVE, SUITE 305 MCLEAN, VA 22102 (703) 891-2410

## ARCHITECT

WIENECK & ASSOCIATES 1100 VERMONT AVENUE NW, SUITE 800 WASHINGTON, DC 20005 (202) 349-0742

## ENGINEER/ LANDSCAPE ARCHITECT

SOLTESZ, INC. 2 RESEARCH PLACE, SUITE 100 ROCKVILLE, MD 20850 (301) 948-2750

## **ATTORNEY**

MILLER, MILLER & CANBY 200-B MONROE STREET ROCKVILLE, MD 20850 (301) 762-5212



## SHEET INDEX

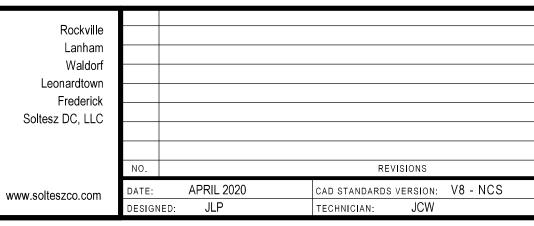
**COVER SHEET** LANDSCAPE PLAN LANDSCAPE FURNISHINGS NOTES & DETAILS PHOTOMETRICS PLAN

	,
LEGEND:	
	BOUNDARY LINE
	2009 R/W LINE
	1998 R/W LINE
426	EXISTING CONTOUR LINE
428	PROPOSED CONTOUR LINE
	PROPOSED SHADE TREE
	PROPOSED EVERGREEN TREE
	PROPOSED ORNAMENTAL TREE
$\otimes \circ \circlearrowleft$	PROPOSED SHRUBS
	PROPOSED GROUNDCOVER

PROPOSED GREEN ROOF

SOLTESZ, INC.

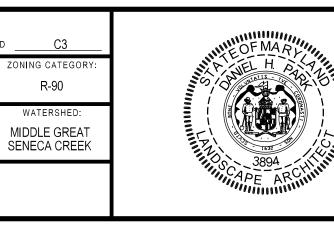
ROCKVILLE OFFICE 2 Research Place, Suite 100 Rockville, MD 20850 P. 301.948.2750 F. 301.948.9067



MISS UTILITY NOTE MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

**APPLICANT** EDMONDSON & GALLAGHER PROPERTY SERVICES, LLC 1651 OLD MEADOW DRIVE SUITE 305 MCLEAN, VA 22102 BENJAMIN MILLER

RIZONTAL: XXXX





LANDSCAPE & LIGHTING PLAN MILESTONE SENIOR GERMANTOWN

**COVER SHEET** 

GAITHERSBURG (9TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

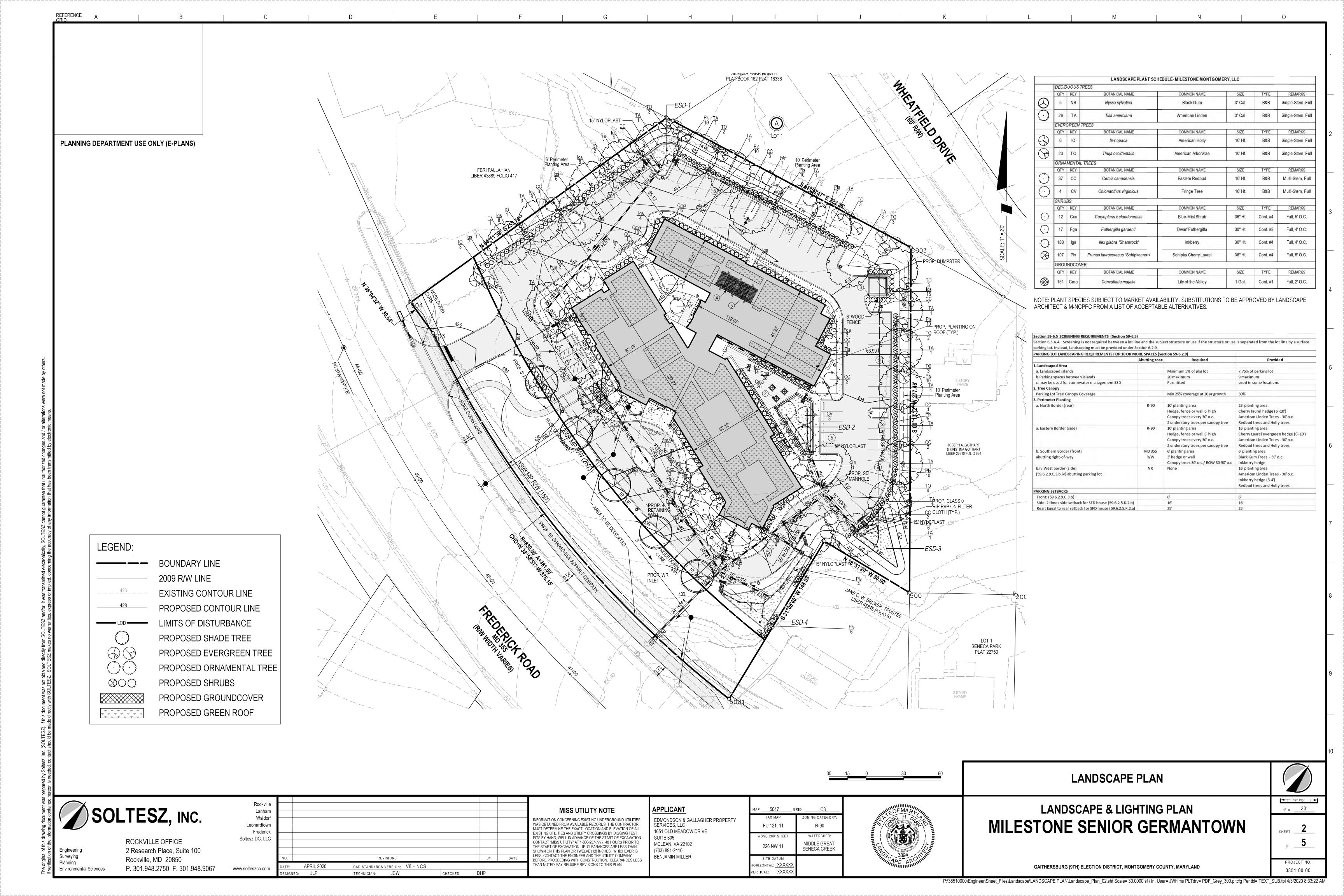
PROJECT NO. 3851-00-00

SHEET 1

P:\38510000\Engineer\Sheet\_Files\Landscape\LANDSCAPE PLAN\Landscape\_Plan\_01.sht Scale= 40.0000 sf / in. User= JWhims PLTdrv= PDF\_Grey\_300.pltcfg Pentbl= TEXT\_SUB.tbl 4/3/2020 8:33:19 AM



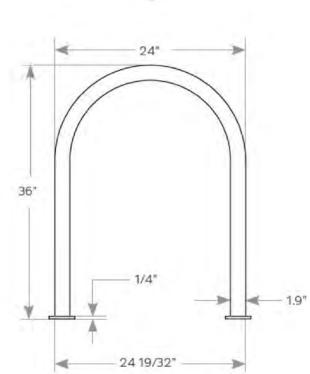
Photo 3 – Northward view of front property line and Frederick Road.



**AVANTI BENCHES** 

Manufacturer: The Bench Factory SKU: 2ZK2615 Dimensions: 72" x 21.5" x 33"
Frame Material: Heavy-Gauge Steel
Materials: Recycled Plastic Lumber
Mount: Surface Mount Color: Driftwood Amount: 6

Notes: 1.Or approved equal.2.Install per manufacturers specifications. 3.See plan for locations. 4.Symbol:



4. Symbol: <sub>□</sub>

SOLTESZ, INC.

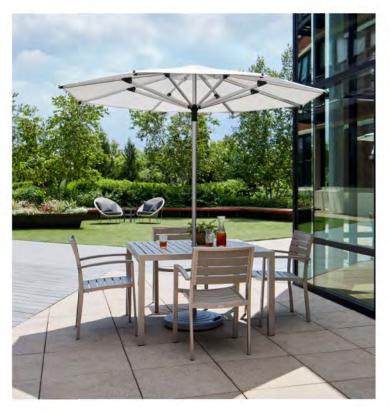
ROCKVILLE OFFICE

Rockville, MD 20850

2 Research Place, Suite 100

P. 301.948.2750 F. 301.948.9067

www.solteszco.com



PLAZA DINING & UMBRELLA

Manufacturer: Haworth Collection

Tate Seating: Stacking Side Chair with Arms Finish: Silver with Cognac (JM1-2497) Amount: 12

Tate Table: Square Dining Table, 46" Finish: Silver with Cognac (JM1-2497) Amount: 3

Janus Titan Umbrella: Square Cafe Umbrella, 77" Finish: Anodized Aluminum (JP1-ALAN) Amount: 3

1.Or approved equal.2.Install per manufacturers specifications. 3 See plan for locations.



WOOD BOARD FENCE

Manufacturer: Hoover Fence Co. Model: Shadowbox Wood Fence Item #: SBC-6X8 Description: Straight Top- Cedar Amount: 7

Notes: 1.Or approved equal.
2.Install per manufacturers specifications. 3 See plan for locations.



VINYL PERGOLA

Manufacturer: Heartland Pergolas Product: Traditional Vinyl Freestanding Pergola Dimensions: 16' x 32' Description: Standard Shade Post: 7" Square Beam Caps: Scroll Color: White Amount: 1

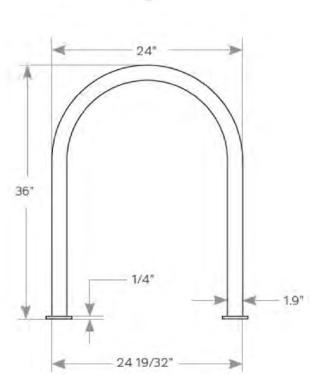
1.Or approved equal.2.Install per manufacturers specifications. 3. See plan for locations.



ROOFTOP FURNITURE

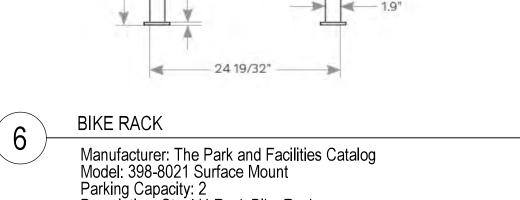
Manufacturer: All Modern Model: Cabral 6 Piece Rattan Sectional Set with Cushions SKU: A000770286 Seating Capacity: 4
Description: Water Resistant Color: Multibrown Amount: 2

1.Or approved equal.2.Install per manufacturers specifications. 3. See plan for locations. 4. Symbol:



Model: 398-8021 Surface Mount Parking Capacity: 2 Description: Steel U-Rack Bike Rack Amount: 1

1.Or approved equal.
2.Install per manufacturers specifications. 3.See plan for locations.



Lanham Waldorf Leonardtown Frederick Soltesz DC, LLC

cad standards version: V8 - NCS

MISS UTILITY NOTE WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN

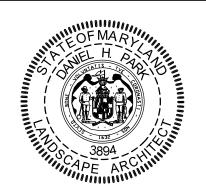
LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY

THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS

**APPLICANT** EDMONDSON & GALLAGHER PROPERTY SERVICES, LLC 1651 OLD MEADOW DRIVE SUITE 305 MCLEAN, VA 22102 (703) 891-2410 BENJAMIN MILLER

FU 121, 11 MIDDLE GREAT SENECA CREEK 226 NW 11 RIZONTAL: XXXXX ERTICAL: XXXXX



# LANDSCAPE FURNISHINGS

LANDSCAPE & LIGHTING PLAN MILESTONE SENIOR GERMANTOWN

PROJECT NO. 3851-00-00

1" = NTS

SHEET 3

GAITHERSBURG (9TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

Surveying

Environmental Sciences

Planning

#### **GENERAL CONDITIONS**

#### I. SCOPE

- A. The landscape contractor shall provide all materials, labor and equipment to complete
- all landscape work as shown on the plans, plant list and specifications. B. Total number of plants shall be as drawn on the landscape plan. If this total differs
- from the plant schedule, the landscape contractor is to notify the landscape architect before the bid date.

#### II. STANDARDS

- A. All plant material will conform to the current issue of the American Standard for Nursery Stock published by the American Nursery and Landscape Association (ANLA) conform in general to representative species.
- B. The plant material must be selected from nurseries that have been inspected by state or federal agencies. Any certificates required must be provided to owner or representative upon delivery of materials.

- A. If a plant is found not to be suitable or available, is to notify the landscape architect before bidding.
- B. The owner or landscape architect is then required to select a reasonable
- alternate or to inform all landscape contractors of the availability of the original plant. C. If a substitute is selected, it must be of the same size, value and quality as the
- original plant. D. Substitutions to be made with written approval of M-NCPPC.

#### IV. UTILITIES

- A. The landscape contractor shall notify utility companies prior to construction and call "Miss Utility" at 1(800)257-7777, to locate main utility lines.
- B. If there is a conflict with the utilities and the planting, the landscape contractor shall notify the landscape architect or owner immediately. Any cost of relocating caused by the contractors' failure to notify shall be borne by the contractor.

#### V. DRAINAGE

A. Plants shall not be planted in situations that show obvious poor drainage. Such situations shall be brought to the attention of the landscape architect or owner, and if they deem necessary, the plants shall be relocated or the contract shall be adjusted to allow for drainage correction at a negotiated cost.

#### VI. WORKMANSHIP

- A. During planting, all areas shall be kept clean and neat, and all reasonable
- precautions shall be taken to avoid damage to existing plants, turf and structures. B. Upon completion, all debris and waste material resulting from planting operations
- shall be removed from the project and the area cleaned up. C. Any damaged areas shall be restored to their original condition at the cost of the

### I. PLANT MATERIAL

## I. STANDARDS

- A. Bare root
- 1. Bare rooted shrubs shall be dug with adequate fibrous roots. 2. Roots shall be protected during handling and transit and planted to guard against drying out and damage. If not planted soon after arrival, material must be heeled in and maintained.
- B. Balled and Burlapped (B&B)
- 1. Balled and Burlapped plants shall be dug with firm natural balls of earth.
- 2. Ball sizes shall be in accordance with ANLA specifications. C. Container grown stock shall have been grown in a container long enough for the
- root system to have developed sufficiently to hold soil in container together.
- D. All plant material shall be nursery grown unless otherwise specified. Pruning
- shall be done before planting or during the planting operation. E. All plant material to be transported in covered container. Locally available
- material may be covered with a burlap or similar cover to keep from drying out, provided the transporting vehicle maintains a maximum of 35 mph.
- F. Anti-desiccants shall be applied on all materials dug while in foliage.
- G. Container stock may replace B&B as long as all other criteria are met. H. Same plant material for location near each other shall be similar in appearance. Hedge material will be similar enough in size and shape, etc. to create a uniform

### II. MATERIALS

- A. ANTI-TRANSPIRANTS
- Anti-transpirants shall be an emulsifiable concentrate used to retard excess water loss without harming normal transpiration.

## B. BACK FILL MIXTURES

- 1. Back fill mixture shall be 1/3 existing soil mixed with 1/3 organic material (or
- peat) and 1/3 topsoil 2. If any other additives are found to be needed at the time of planting, it shall be added only with the approval of the landscape contractor, landscape architect and owner or owner's representative.
- 3. Fertilizer is to be added depending on the size of the plant and the manufacturer's
- recommendation.
- \* Trees Use tree fertilizer as required by particular species \* Shrubs - Use tree fertilizer as required by particular species
- \* Ground Cover, Vines & Herbaceous Plants Use tree fertilizer as required by

#### C. TOPSOIL

- 1. If used, top soil shall be sandy loam and uniform in color and composition. 2. It shall be free of stones, roots, lumps, plants and other debris over 1 1/2".
- 3. It shall not contain toxic substances harmful to plant growth. 4. Top soil shall have a Ph range of 5.0 to 7.0 and the organic matter shall be a minimum content of 1.0%
- D. ORGANIC MATTER 1. Organic Matter used in back fill shall be peat or other material approved
- by the landscape architect or owner. E. PEAT MOSS
- 1. Type I sphagnum peat moss is finely divided with a Ph of 4.0 to 5.0. F. LEAF MOLD
- 1. This a composted leaf material to be used with the approval of landscape architect. G. COMPOST
- 1. To be organic matter composted and aged by accepted methods to be used only when specified or by approval of landscape architect.
- H. DOLOMITE LIME 1. This is agricultural grade limestone containing total carbonates of 85% with a minimum of 30% magnesium carbonates.
- 1. Fertilizer shall be granular, packet or pellet with 35% to 85% of the total nitrogen in a
- slowly available form. To be applied by manufacturers methods. 2. Fertilizer shall be a complete fertilizer with a minimum analysis as required by soil
- test and plant material. J. TRACE ELEMENTS
- 1. These slow release materials containing zinc (Zn), molybdenum (Mo), iron (Fe), copper (Cu), boron (B), and magnesium (Mn). To be applied as per manufacturers directions as deemed necessary by soil test.

#### III. BACKFILLING A TREE PIT

- A. Cut rope or wire on ball of tree and pull burlap back to the edge of the root ball. Remove all plastic wraps and twine. Roll burlap 1/3 of the way down the root ball.
- A. Backfill tree pit with a soil mixture stated in the specifications.
- C. Mix soil amendments in the mixture either prior to filling pit or as pit is being filled D. Make sure plants remain straight during backfilling procedure.
- E. Backfill sides of tree pit halfway with soil mixture and tamp as pit is being filled.
- F. Finish backfilling sides of tree pit and tamp firmly. G. NEVER COVER TOP OF TREE BALL WITH SOIL. Top of root ball should be 1/4 the
- root ball height above the tree pit. H. Form a 4" saucer above existing grade and around the outer rim of the tree pit. I. Mulch top of root ball and saucer within 48 hours to a minimum depth of 2" and not
- J. Water thoroughly the interior of the tree saucer until it is filled. EVEN IF IT IS RAINING.
- Provide enough water to ensure saturation of the root ball.
- K. Prune out any dead, conflicting or broken branches.
- L. In extremely hot weather, reduce foliage surface by pruning or stripping of foliage. M. Remove all tags, labels, strings, etc. from the tree.

#### IV. TREES BRACED BY STAKING

- A. Choose the correct size and number of stakes and size of hose and wire according to the Tree Support Detail and plant requirements. Staking shall be completed within 48 hours of planting the tree.
- B. Spacing stakes evenly and vertically on the outside of the tree ball drive firmly into the ground (stakes can be slightly angled away from the tree). NOTE: Never drive a stake through the tree ball, as it will damage the tree's root system. Stakes to be 2/3 above ground, 1/3 below.
- C. Cut pieces of reinforced hose long enough to loop around the trunk of the tree. D. Place the hose around the trunk at the height required to provide optimum support. Then run the 12 gauge wire through the hose and pull both ends horizontally
- beyond the stake by 2'. E. Cut the wire to sufficient length and then twist the wire at the rubber hose to keep it
- F. Run both ends of wire together around the stake twice and then twist wire back onto itself to secure it. Cut off excess wire and stake.
- G. The above procedures are to follow for each stake.
- H. STAKES
- 1. Stakes shall be 2"x2" hardwood, reasonably free of knots to be long enough for 1/3rd to be driven into the soil, and 2/3rds above the soil surface.
- 1. Wire shall be 12 or 14 gauge galvanized steel or acceptable equal, depending on the size of the tree. J. CABLE
- 1. Cable shall be 1/4" or 3/16" galvanized steel, depending on size of tree. K. CLAMPS
- 1. clamps shall be galvanized or zinc and large enough to hold wires or wires used.
- 1. Hose shall be corded rubber, uniform in color and either 3/4" to 1" in diameter. depending on the size of the tree.
- M. MULCH 1. Material shall be double shredded composted hardwood bark, such as "silvabark" or
- approved equivalent.
- 2. Material shall be mulching grade, uniform in size and free of foreign or harmful

### V. INSPECTION

- A. Plants may be subject to inspection and approval by the owner or owners representative at the place of growth for conformity to specification requirements as to quality, size and variety. This will be at the owner's expense.
- B. Plants damaged in handling or transportation may be rejected by the owner or owner's representative.

## **II. PLANTING PROCEDURES FOR TREES**

### I. PREPARING TREE PIT

- A. The tree pit must be a minimum of 2 times the size of the root ball at the top.
- B. The walls of tree pit shall be dug so that they are scarified.
- C. The tree pit shall be deep enough to allow 1/3 of the root ball to be above the existing grade. Any loose soil at the bottom of the pit shall be tamped by hand or
- with the bucket of the backhoe. D. Dig pit 6" deeper than depth required for root ball. Fill bottom of pit with 6" compacted soil mix adjusting depth to insure top of root ball is 1/4 above the surface of the soil.

#### II. PLACING TREE IN THE PIT

- A. Place the tree in the pit by lifting and carrying the tree by its ball (never lift by branches or trunk) and then lowering it into the pit. Contractor is responsible for providing any machinery necessary to lift and move plant material and to insure
- B. Set the tree straight and in the center of the pit with the most desirable side of the tree facing toward the prominent view (sidewalk, building, street, etc.).
- C. Any dropped material may be rejected by owner or representative. Any dropped material should be flagged with red flagging on its trunk and noted on a plan. Should plant die, it will be replaced by the contractor at no cost to the owner.

#### III. PLANTING PROCEDURES FOR SHRUBS

#### I. PREPARING SHRUB PIT

- A. For a single shrub, the pit shall be dug large enough for the proper setting of the root ball (4" wider than root ball at base. 2 to 3 times the width of the root ball at the top).
- B. For a shrub mass planting, the entire bed area shall be rototilled 3 to 4 " deep.
- Each shrub pit shall be excavated for the proper setting of the root ball. C. For a hedge, a trench shall be dug large enough for the proper setting of all of the plants root balls (the trench shall be 2 times wider than the root balls).
- D. Form a compacted base in the bottom of the hole to adjust plant height to proper location. Compact sufficiently to prevent settling.

#### II. PLANTING SINGLE SHRUBS AND BACKFILLING PIT

- A. Remove all plastic wraps, twine, containers, etc. B. Place the plant in the pit by lifting and carrying in by the root ball.
- C. Set the plant straight and in the center of the pit with the most desirable side facing toward the prominent view.
- D. Use a soil mixture as specified.
- E. Make sure the plant remains straight during backfilling procedure. F. Backfill side of the pit halfway with soil mixture and tamp as the pit is being filled.
- G. Pull the burlap back 1/3 the way down the root ball. Make sure burlap does not become exposed above soil surface.
- H. Finish backfilling the sides of the shrub pit and tamp firmly. I. Form a saucer above the existing grade and around the planting pit J. Mulch top of root ball and saucer a minimum of 2" depth and not to exceed 3" in
- K. Water thoroughly, the interior of the shrub saucer to insure root ball is saturated.
- EVEN IF IT IS RAINING. L. Prune out any dead, conflicting or broken branches.

## M. Remove all tags, labels, strings, etc. from the plant.

- III. PLANTING A SHRUB MASS A. Follow the same procedure as for a single shrub. (Section II A-M)
  - B. Edge and rake the entire planting bed to obtain uniform surface.
  - C. Mulch the entire planting bed a minimum of 2" depth and not to exceed 3" depth. D. Water the entire planting bed thoroughly. EVEN IF IT IS RAINING. To saturate top 2"
- E. Prune out any dead, conflicting or broken branches. F. Remove all tags, labels, strings,

#### IV. PLANTING PROCEDURES FOR GROUND COVER

#### I. PREPARING GROUNDCOVER BED

- A. The ground cover bed shall be loosened prior to planting by one of the following methods: rototilling, back-hoeing and rototilling or by picking (generally done on
- small areas or on slopes). Soil shall be loosened to a depth of 4" to 6". B. Soil additives for the ground cover bed shall be peat and topsoil, (2" deep after the soil has been loosened and additives then worked into the bed by one of the following methods: rototilling, back-hoeing and rototilling or by picking (in which soil additives are spread by hand into the individual plant pockets and
- worked into the soil by pick). C. Fertilize in planting hole or use water soluble fertilizer at base of plants after planting.
- D. Mulch the entire ground cover bed to minimum 1" depth and not to exceed 2" in

- II. PLANTING GROUND COVER A. The ground cover planting holes shall be dug through the mulch with one of the
  - following: hand trowel, shovel, bulb planter or hoe. B. Before planting, biodegradable pots shall be crushed and the top edges broken down below the surface. Non-biodegradable pots shall be removed. Unwrap
  - any bound roots, do not break root ball. C. The ground cover (either potted or bare root) shall be planted: 1. So that the roots of the plant are surrounded by soil below the mulch: potted plants being set so that the top of the soil in the pot is even with the existing grade, and bare root plants being covered up to the crown of the plant or soil
  - 2. At an equal distance apart (plans and specifications specify the "on center"
  - (o.c.) distance for the ground cover). See spacing guide. D. The entire ground cover bed shall be edged and thoroughly watered.

## V. SEEDING

- A. Vegetation Annual Rye grass or Japanese Millet shall be used to provide cover on disturbed areas for up to 12 months. For longer duration of vegetation cover, permanent
- seeding is required. 1. Seed Mixtures - Temporary Seeding Preferred: Annual Rye - Winter; 200-300 lbs./acre. (1/2 that amount for over seeding) Japanese Millet - Summer; 25lbs/acre. (These are preferred because existing and proposed native grasses and wildflowers may not compete well with
- certain grass species) 2. If seed mixtures used are other than those preferred they must be from table 26 of "Standards and Specifications for Soil Erosion and Sediment Control" by the Maryland Department of Environmental Protection. Temporary plant material must
- 3. For sites having soil tests performed, the seeding and amendment rates shown in table 26 of "Standards and Specifications for Soil Erosion and Sediment Control" shall be deleted and the rates recommended by the testing agency shall be written in. Soil tests are not required for temporary seeding.

APPLICANT

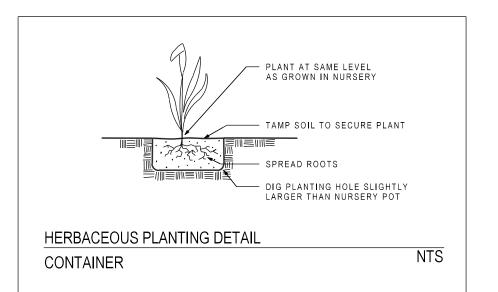
be removed prior to seeding of other material.

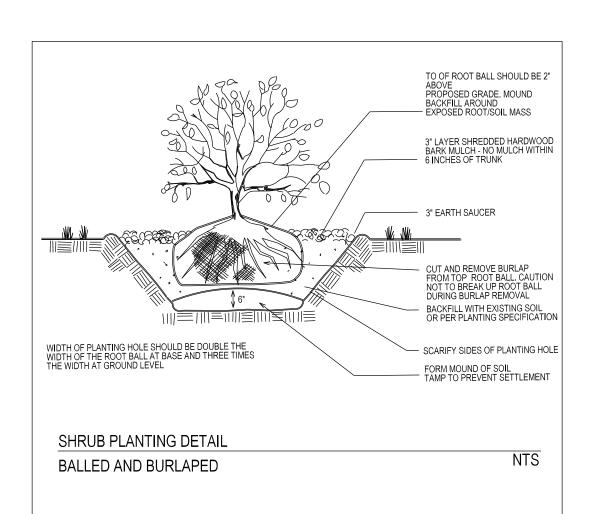
#### II. PERMANENT SEEDING

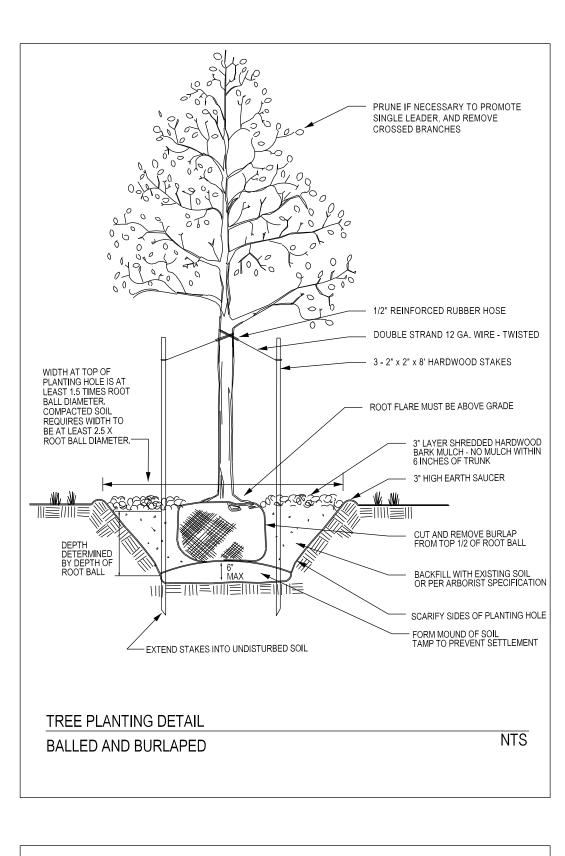
- A. Seeding grass and legumes to establish ground cover for a minimum period of one year on all disturbed areas generally receiving low maintenance.
- Seed mixtures: 1. Seed mixtures not from table 26 of "Standard and Specifications for Soil Erosion and Sediment Control" by the Maryland department of Environmental Protection, must be similar or approved by landscape architect. Additional planting specifications for exceptional sites such as shore lines, stream banks or dunes, or for special purposes such as wildlife or aesthetic treatment may be found in USDA-SCS
  - Technical Field Office Guide. Section 342 Critical Area Planting. 2. For sites having disturbed areas over 5 acres, the rates shown in table 26 of "Standards and Specification for Soil Erosion and Sediment Control" shall be deleted
  - and the rates recommended by the soil testing agency shall be written in. 3. For areas receiving low maintenance, apply urea form fertilizer (46-0-0) at 3 1/2 lbs/1000 sq. ft. (150 lbs./acre). The above recommended soil amendments and hose stated in the soil test to be performed at the time of seeding, or as recommended by
  - state agency and manufacturers products. 4. Do not fertilize area to be seeded around storm water management facilities.
  - 5. Contractor to provide a final product of grass crop creating a lawn of uniform color and texture after three mowings.

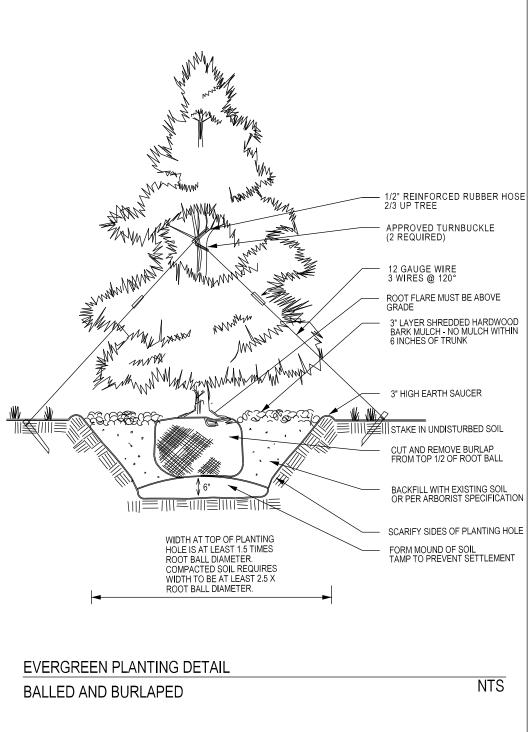
#### **VI. SOIL TESTING**

- 1. Contractor to perform soil test as per accepted methods by the local agricultural
- extension service. 2. Samples to be tested by reputable lab.
- 3. Contractor will be held responsible for notifying owner of any problems or deficits determined by the test results.
- 4. Corrections will be discussed and cost negotiated with owner. 5. Plant failure based on soil deficits or problems due to failure of contractor to take samples, will be replaced at the cost of the contractor after corrections have been









# SOLTESZ, INC.

Engineering Surveying Planning Environmental Sciences

ROCKVILLE OFFICE 2 Research Place. Suite 100 Rockville, MD 20850 P. 301.948.2750 F. 301.948.9067

Rockville Lanham Waldorf Leonardtowr Frederick Soltesz DC, LLC CAD STANDARDS VERSION: V8 - NCS www.solteszco.com TECHNICIAN: DHP CHECKED.

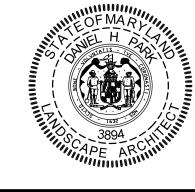
# MISS UTILITY NOTE

NFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN HOWN ON THIS PLAN OR TWELVE (12) INCHES. WHICHEVER I LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS

THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

#### EDMONDSON & GALLAGHER PROPERTY SERVICES, LLC 1651 OLD MEADOW DRIVE SUITE 305 MCLEAN, VA 22102

FU 121, 11 WSSC 200' SHEE 226 NW 11 (703) 891-2410 **BENJAMIN MILLER** rizontal: XXXX RTICAL: XXXX



R-90

MIDDLE GREAT

SENECA CREEK

LANDSCAPE & LIGHTING PLAN MILESTONE SENIOR GERMANTOWN

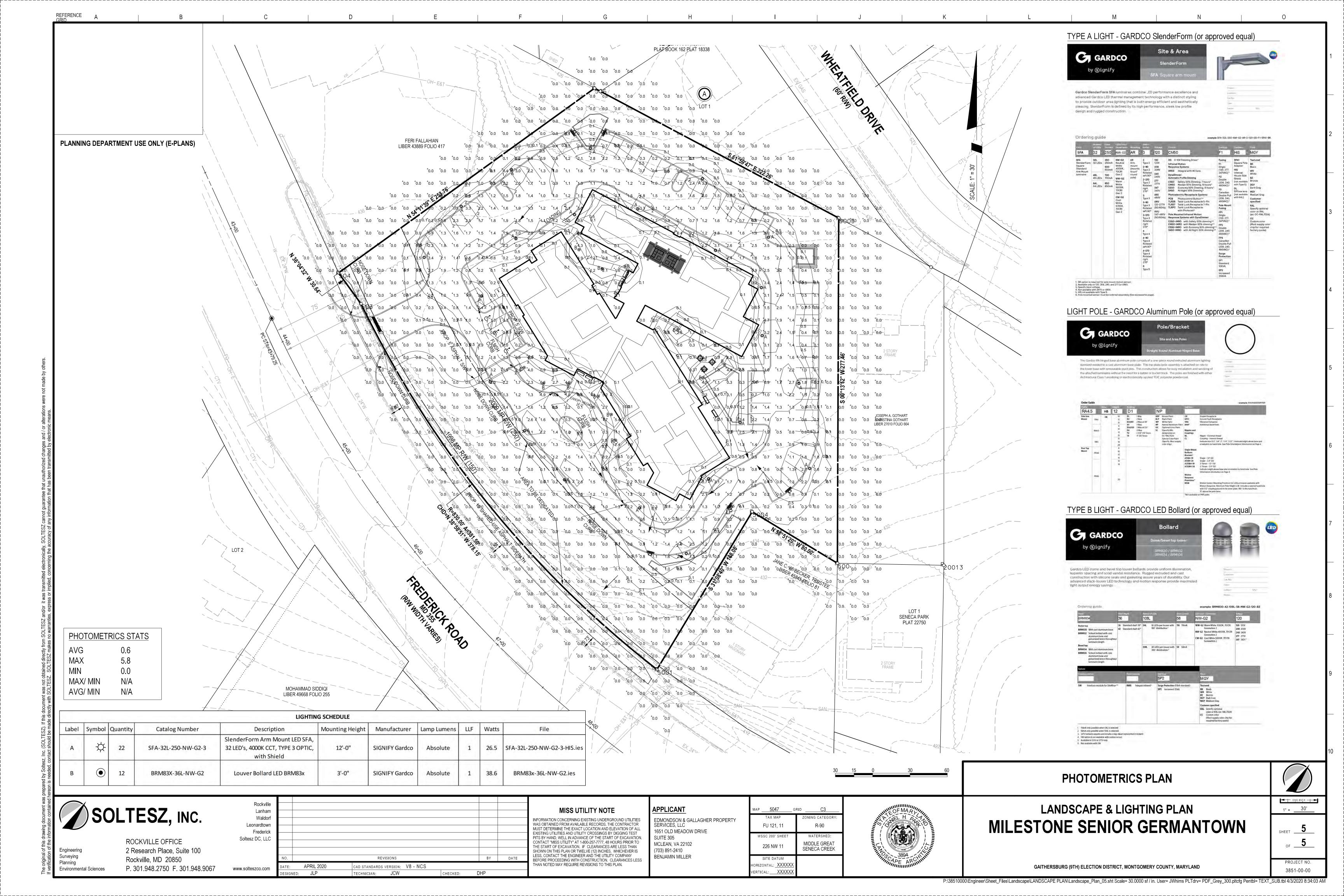
**NOTES & DETAILS** 

GAITHERSBURG (9TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

PROJECT NO. 3851-00-00

P:\38510000\Engineer\Sheet\_Files\Landscape\LANDSCAPE PLAN\Landscape\_Plan\_04.sht Scale= 1.0000 sf / in. User= JWhims PLTdrv= PDF\_Grey\_300.pltcfg Pentbl= TEXT\_SUB.tbl 4/3/2020 8:33:29 AM

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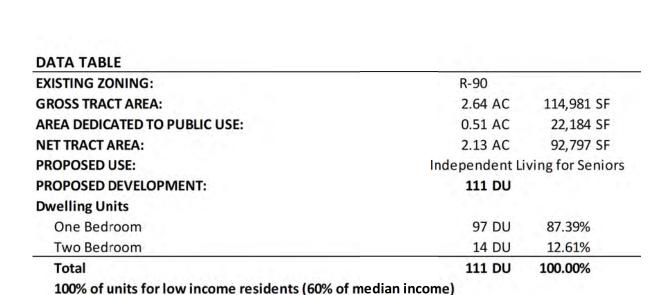


PLANNING DEPARTMENT USE ONLY (E-PLANS)

MILESTONE SENIOR GERMANTOWN CONDITIONAL USE SITE PLAN

9TH ELECTION DISTRICT





	Required	Provided
LOT: (59.4.4.8.1) (min)		
Lot area	9,000 SF	114,981 SF
Lot width at front building line	75 FT	381 FT
Lot width at front lot line	25 FT	407 FT
BUILDING SETBACKS: (min) (59.3.3.2.C.2.c)		
Front Setback (Indep.Living for Sen)	50 FT	50 FT
Side/Rear Setback (Indep.Living for Sen)	25 FT	49/73 FT
PARKING SETBACKS: (59.6.2.5.K)		
Front: (59.6.2.9.C.3)	6 FT	6 FT
Side: 2 times side setback for SFD house (59.6.2.5.K.2.b)	16 FT	16 FT
Rear: Equal to rear setback for SFD house (59.6.2.5.K.2.a)	25 FT	25 FT
BUILDING HEIGHT: (59.3.3.2.C.2.c.iv) (max)		
Independent Living Facility for Seniors/Persons with		
Disabilities	60 FT	60 FT
LOT COVERAGE: (59.3.3.2.C.2.c.v) (max)		20.75 %
compatible with surrounding uses		23,860 SF
PARKING REQUIREMENTS: (59.6.2.4.B)		
Dwelling units: 1 sp/du x 0.50*	56 SP	
Employees: 0.5 sp/employee	4 SP	
TOTAL	60 SP	60 SP
Standard		57 SP
Handicap Accessible		3 SP
Regular	2 SP	2 SP
Van Accessible	1 SP	1 SP
Motorcycle (59.6.2.3.C)		
2% of vehicle spaces, Maximum 10 SP	2 SP	2 SP
BICYCLE PARKING: (59.6.2.4.C)		
Minimum: 0.25/DU, Maximum: 50	28 SP	28 SP
Short-Term Parking	1 SP	1 SP
Long-Term Parking (95%)	27 SP	27 SP
LOADING REQUIREMENTS: (6.2.8.B.2)		
25,001-250,000 SF GFA	1 SP	1 SP
GREEN AREA: (59.3.3.2.C.2.c.viii(c))		
Minimum Green Area (net tract)	50 %	50.51 %
	46,399 SF	46,872 SF
Ground level green area		37,372 SF
Green roof		9,500 SF
PARKING LOT LANDSCAPING: (59.6.2.9.C.3)		
Perimeter Planting Area		
North Planting Area	10' wide	25' wide
East Planting Area	10' wide	16' wide
West Planting Area	None	16' wide

\*Adjustment factor for Senior Housing (59.6.2.3.1.2.b)

South Planting Area (H/C spaces)



SHEET INDEX

SHEET 1 **COVER SHEET** SHEET 2 EXISTING CONDITIONS PLAN

SHEET 3 SITE PLAN

**APPLICANT** 

**EDMONSON & GALLAGHER PROPERTY** SERVICES, LLC

1651 OLD MEADOW DRIVE, SUITE 305 MCLEAN, VA 22102 (703) 891-2410

**ARCHITECT** 

WIENECK & ASSOCIATES

1100 VERMONT AVENUE NW. SUITE 800 WASHINGTON, DC 20005

(202) 349-0742

ATTORNEY

MILLER, MILLER & CANBY 200-B MONROE STREET ROCKVILLE, MD 20850

(301) 762-5212

ENGINEER/ LANDSCAPE ARCHITECT

SOLTESZ, INC.

2 RESEARCH PLACE, SUITE 100 ROCKVILLE, MD 20850

(301) 948-2750

## **GENERAL NOTES:**

- THE EXISTING ZONE IS R-90.
- TOTAL TRACT AREA: 2.64 ACRES
- NET TRACT AREA: 2.13 ACRES.
- THE PROJECT LIES WITHIN THE GERMANTOWN SECTOR MASTER PLAN.
- THE SUBJECT PROPERTY LIES WITHIN THE MIDDLE GREAT SENECA CREEK WATERSHED.
- THE SUBJECT PROPERTY IS NOT WITHIN A SPECIAL PROTECTION AREA.
- UTILITY SERVICE TO BE PROVIDED BY POTOMAC EDISON, VERIZON, WASHINGTON GAS, AND COMCAST.
- PUBLIC WATER AND SEWER SERVICE TO BE PROVIDED BY WASHINGTON SUBURBAN SANITARY COMMISSION (WSSC).
- THE PROPERTY IS IN WATER AND SEWER CATEGORIES W-1, S-1, RESPECTIVELY.
- THE SITE IS LOCATED ON WSSC MAP 226NW11.
- THE SITE IS LOCATED ON TAX MAP GRID FU121.
- BOUNDARY AND TOPOGRAPHIC INFORMATION IS FROM FIELD SURVEY PERFORMED BY SOLTESZ, INC. DATED 01/07/2019.
- 13. THE LAYOUT OF ALL SITE ELEMENTS DEPICTED ON THIS PLAN, SUCH AS PARKING AND UTILITIES ARE APPROXIMATE AND SUBJECT TO CHANGE.
- AN APPROVED NRI/FSD EXISTS FOR THIS SITE: PLAN NUMBER 420191320, APPROVED ON
- NO FLOODPLAIN EXISTS ON THE SITE.
- NO WETLANDS AND/OR INTERMITTENT OR PERENNIAL STREAMS EXIST ON OR WITHIN 100
- 17. THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES OCCURRING ON THIS PROPERTY.
- THERE ARE NO DESIGNATED HISTORIC SITES ASSOCIATED WITH THE PROPERTY.
- OFF-SITE REFORESTATION AND AFFORESTATION TO BE PROVIDED IN AN OFF-SITE FOREST BANK. CERTIFICATE OF COMPLIANCE WHICH SATISFIES THE 1.06 ACRE REFORESTATION REQUIREMENT WILL BE PROVIDED PRIOR TO ANY CLEARING, GRADING OR DEMOLITION.
- SWM CONCEPT WAS SUBMITTED TO MCDPS ON 05/08/2019.
- 21. THE PROJECT WILL BE DEVELOPED IN ONE PHASE.

**COVER SHEET** 

SOLTESZ, INC.

Surveying Planning

ROCKVILLE OFFICE 2 Research Place, Suite 100 Rockville, MD 20850 P. 301.948.2750 F. 301.948.9067

Lanham Waldorf Leonardtown Frederick Soltesz DC, LLC www.solteszco.com

6' wide

6' wide

CAD STANDARDS VERSION: V8 - NCS CHECKED.

MISS UTILITY NOTE WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

OWNER/DEVELOPER/APPLICANT 1651 OLD MEADOW DRIVE SUITE 305 MCLEAN, VA 22102 (703) 891-2410 BENJAMIN MILLER

MIDDLE GREAT SENECA CREEK rizontal: <u>NAD'8</u> rtical: NGVD'2

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS

4/3/2020

OF THE STATE OF MARYLAND, LICENSE NO. 44048 , EXPIRATION DATE: 6/12/2

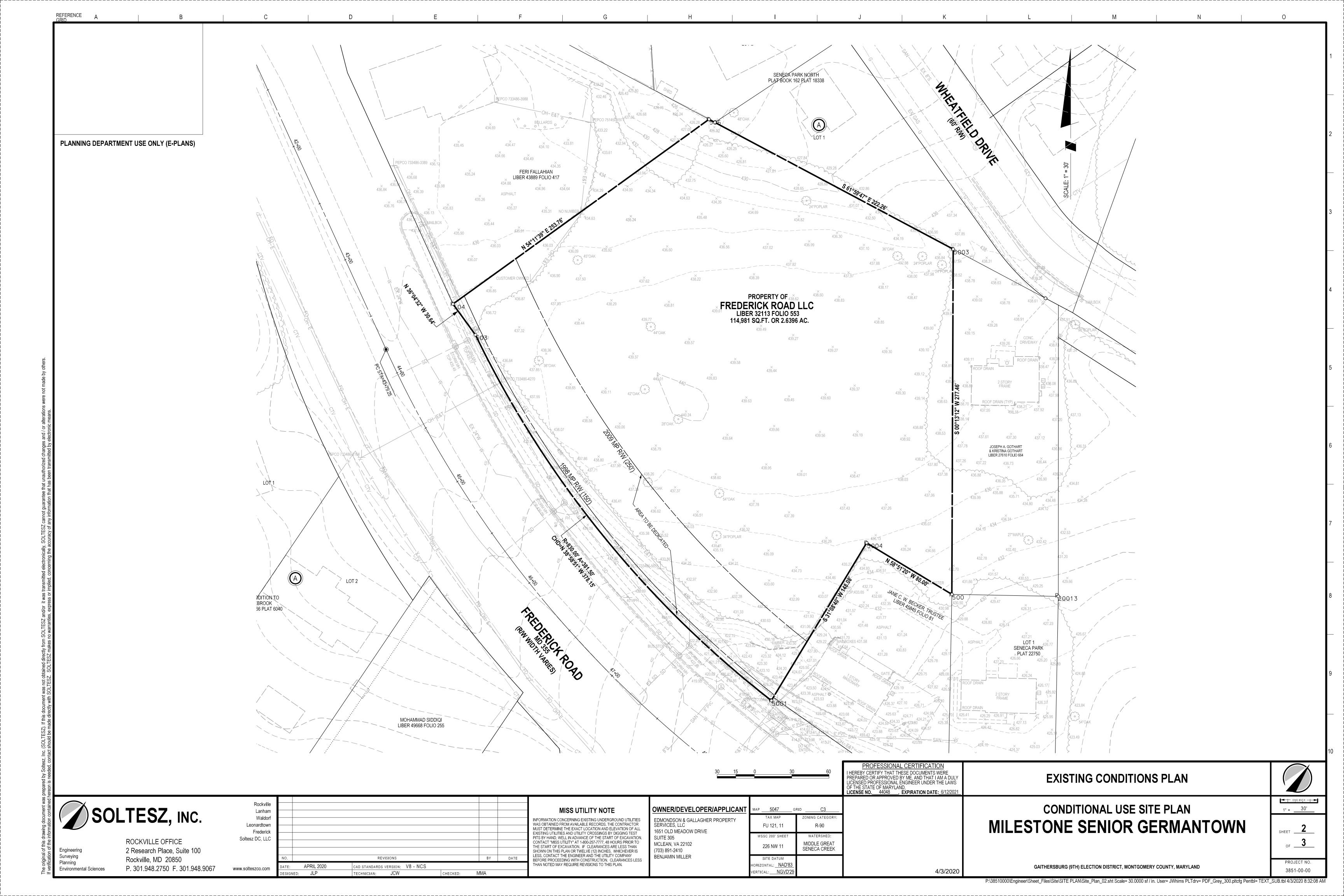
CONDITIONAL USE SITE PLAN MILESTONE SENIOR GERMANTOWN

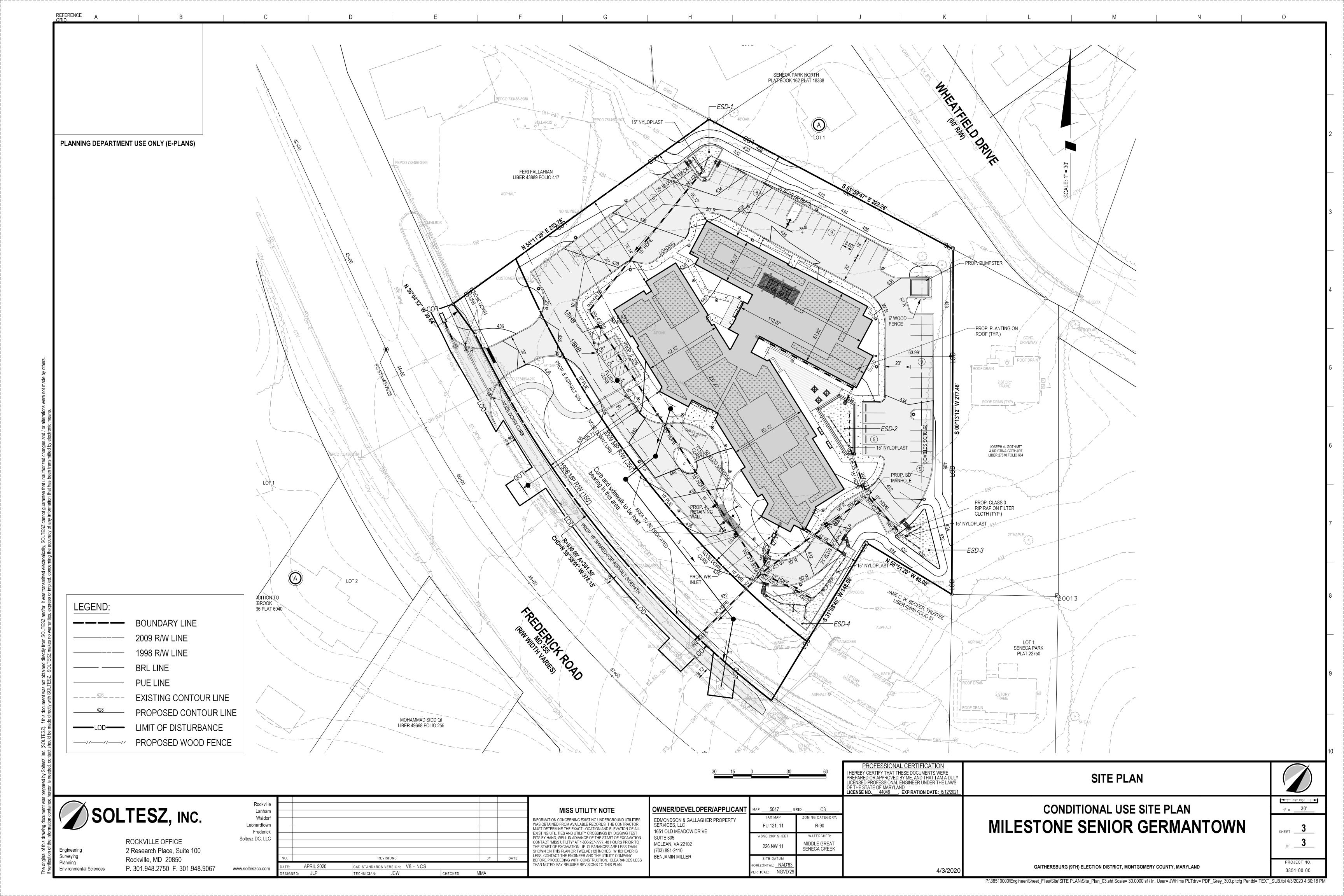
GAITHERSBURG (9TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

PROJECT NO. 3851-00-00

1" = 120'

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## Attachment B

Conditional Use No. 2020-02



Photo 1 - Front view of subject property from Frederick Road.



Photo 2 - Rear view of Property from Wheatfield Drive.



Photo 4 Southward view of front property line and Frederick Road.