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

MCPB
Item No. 10
Date: 7-30-2020

Mary J. Boland Subdivision, Lot 95, Preliminary Plan Amendment No. 11993011A

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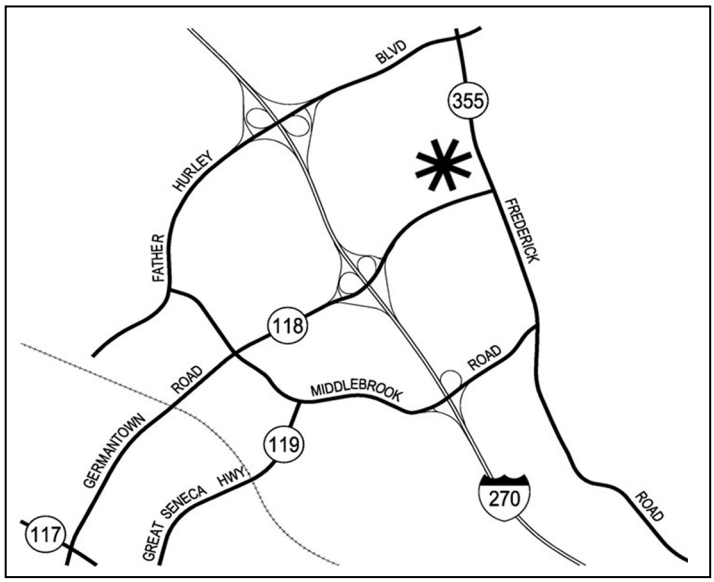
Completed: 7/17/2020

Descriptio

Mary J. Boland Subdivision, Lot 95, Preliminary Plan Amendment No. 11993011A: Request to change a condition of approval that currently limits the property to a single-family house and medical practitioner to allow an approved conditional use (CU 20-01) for a 9-16 person residential care facility, located at 20629 Boland Farm Road, Germantown, identified as Lot 95 Mary J. Boland Subdivision (Record Plan 19216), 0.56 acres, R-200 zone, south side of Boland Farm Road, west of the intersection with Frederick Road (MD 355), 2009 *Germantown Employment Area Sector Plan.*



Recommendation – Approval with conditions

Applicant: Way Station, Inc.
Application acceptance date: March 26, 2020
Review Basis: Chapter 50, Chapter 59, Chapter 22A

Summary

- The Applicant requests a Preliminary Plan Amendment to allow a residential care facility for 9 -16 persons in the R-200 zone. A condition of approval of the original preliminary plan limits the property to a single-family house and medical practitioner.
- With the recommended conditions, the subject use conforms to all applicable requirements and regulations for approval of a residential care facility Conditional Use for 9-16 Persons, Section 59.3.2.E of Montgomery County Zoning Ordinance and the applicable development standards under the R-200 Zone.
- The Application is consistent with the recommendations of the 2009 *Germantown Employment Area Sector Plan* and the Application is exempt from Forest Conservation Plan requirements under 22A-5 (q) (1) of the Forest Conservation Law.
- The Application provides a 5-foot wide sidewalk along the property frontage on Boland Farm Road.
- There will be no external alteration or modification to the existing house (except ADA required elevator addition) to accommodate the Residential Care Facility.
- *Staff has not received any citizen correspondence on the Application.*

Preliminary Plan No. 11993011A: Staff recommends approval of the Preliminary Plan amendment subject to the following conditions which supersede the conditions of 119930110:

General Approval

1. This Preliminary Plan is limited to a residential care facility for 9 -16 persons.

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.

Outside Agencies

3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Water Resources Section in its stormwater management concept letter dated January 7, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter March 5, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Other Approvals

5. The Applicant must comply with conditions of Hearing Examiners Report dated July 15th, 2020, approving Conditional Use No. CU-20-01.

Transportation

Frontage Improvements

6. Prior to Use and Occupancy Permit, the Applicant must construct a 5-foot wide sidewalk along the property frontage on Boland Farm Road, as shown on Approved Conditional Use Plan No. CU-20-01 and Certified Preliminary Plan.

Certified Preliminary Plan

7. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).

8. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of Conditional Use. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

SECTION 2 – SITE LOCATION AND HISTORY

Site Location and Vicinity

The property is located at 20629 Boland Farm Road, which is on the south side of Boland Farm Road, 335 feet west of its intersection with Frederick Road (MD 355) and identified as Lot 95, Mary J. Boland Subdivision on Record Plat 19216 (Attachment A), consisting of 0.56 acres of land zoned R-200 ("Property" or "Subject Property"). The Subject Property is within the residential portion of the Seneca Meadows/Milestone District identified in the 2009 *Germantown Employment Area Sector Plan (*"Sector Plan"*)*.

The Subject Property is surrounded by a residential property to the west and by the Fire and Rescue Service Station #34 to the east and south, all in the R-200 Zone. To the north, across Boland Farm Road, directly across from the Subject Property, are single-family detached dwellings within the Seneca Vista Subdivision, in the R-200/TDR Zone. Confronting the Property to the northeast (diagonally across Boland Farm Road) is an automobile filling station in the NR Zone.

The Subject Property is improved with a large two-story residential building (with a basement) with a gross floor area of approximately 7,900 square feet, with a residential driveway accessing Boland Farm Road. Up until recently the residence was utilized as a medical practitioner's office, approved by Special Exception.

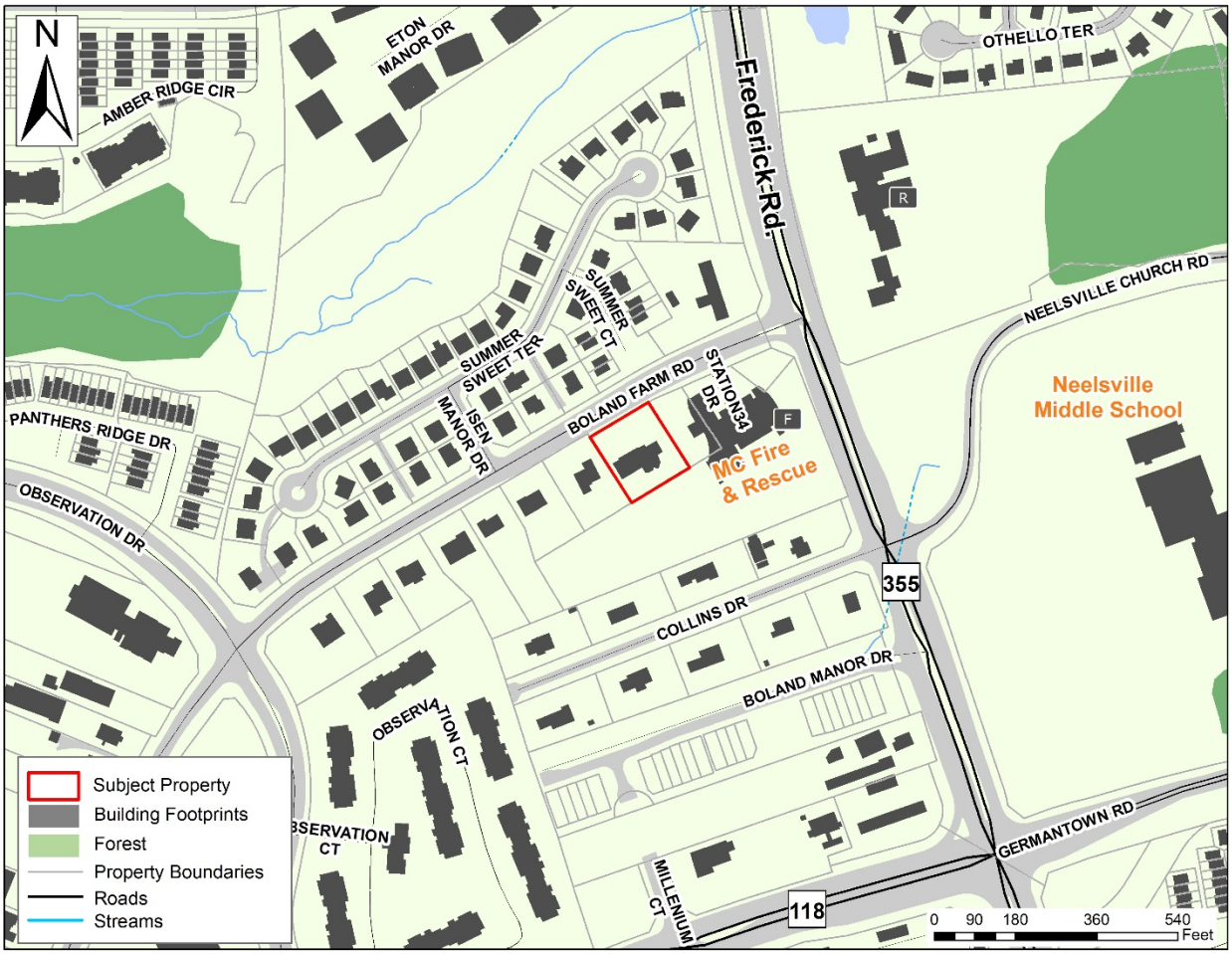


Figure 1 – Vicinity and Zoning Map

The Property is rectangularly shaped, generally flat with smooth slopes, and is heavily paved. It has approximately 150 feet of frontage on Boland Farm Road. A portion of the front yard and the west side yard contain shrubs and mature trees. There are no streams, wetland areas, 100-year floodplains or highly erodible soils on the property. There are no rare, threatened or endangered species on the Property.

Figure 2 – Aerial Map or Existing Improvements

History

Preliminary Plan 19930110
The original Preliminary was approved on August 12, 1993 by Planning Board Opinion dated August 12, 1993, to create one (1) lot, on 27,822 square feet land in the R-200 zone. Condition 2 of the Planning Board's Opinion required the Applicant to submit an agreement with the Planning Board limiting the Subject Property to a single-family dwelling with a resident medical practitioner's office (Attachment B).

Special Exception S-2415
The original Special Exception, S-2415, was approved on March 17, 2000 for a Non-Residence Medical Practitioner Office. The Medical Practitioner Office was in operation until recently.

Conditional Use CU2020-01
The Montgomery County Hearing Examiner granted approval of Way Station: Conditional Use CU2020-01, with conditions, pursuant to Section 59.3.2.E of the Zoning Ordinance, to operate a Residential Care Facility for 9-16 persons ("Conditional Use") (Attachment C). Landscape and Lighting plans were approved as part of the Conditional Use application. A parking setback waiver was also approved as part of the Conditional Use. The Planning Board reviewed the Conditional Use application and recommended approval.

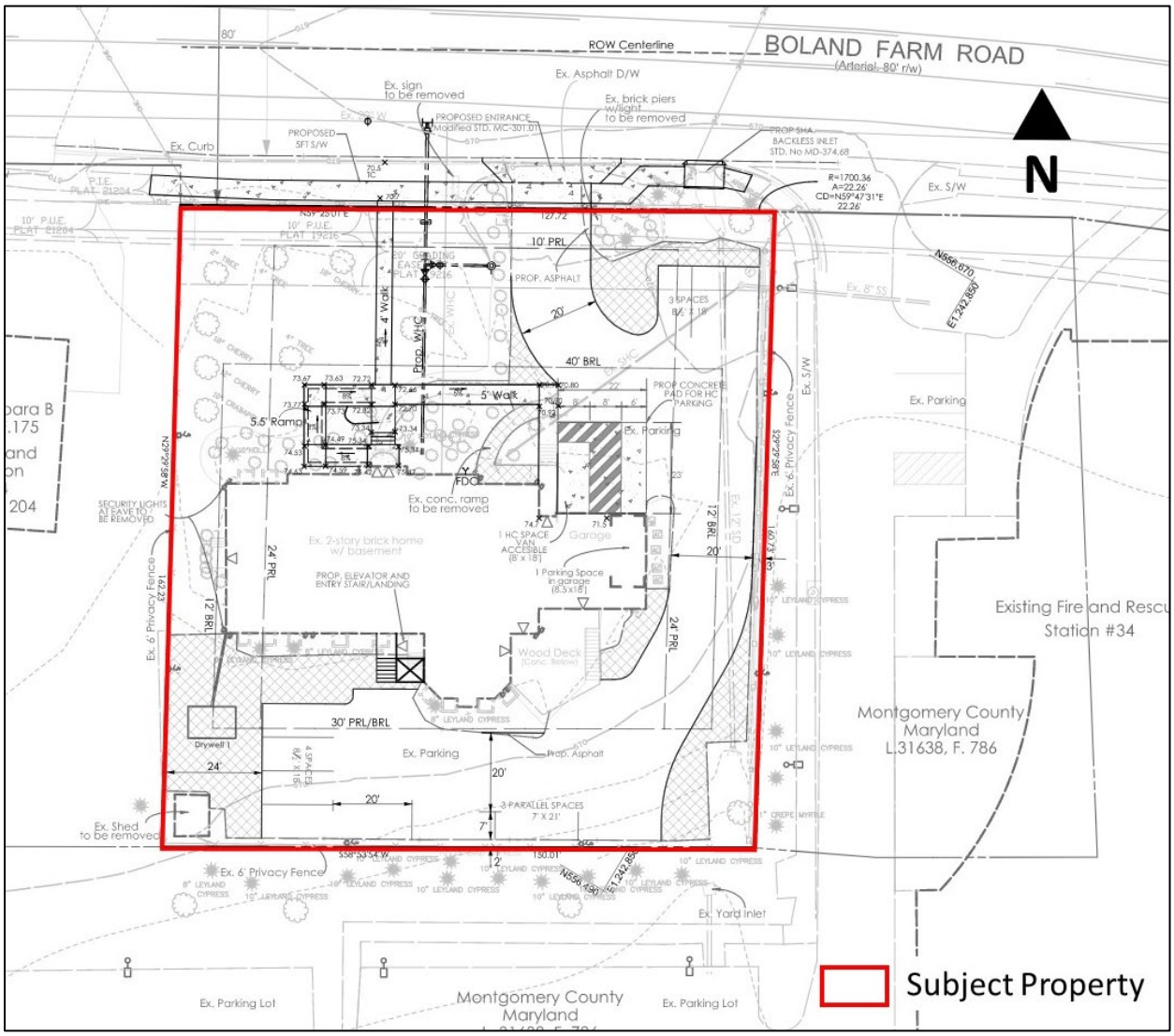


Figure 3 – Proposal

SECTION 3 – PROPOSAL

Proposal

Preliminary Plan Application No. 11993011A, Mary J. Boland, Lot 95 ("Application" or "Preliminary Plan") was submitted on March 26, 2020, by Way Station Inc. to amend condition No. 2 of Preliminary Plan No. 11993011A and void the agreement with the Planning Board limiting the use to a single-family house and resident medical practitioner on the Property. As proposed, the Preliminary Plan is consistent with the approved Conditional Use and conditions of approval.

The Applicant, Way Station, Inc., is the contract purchaser of the Subject Property. The Applicant proposes to establish a Residential Care Facility use converting the existing single-family detached dwelling/Medical Practitioner Office to provide housing and mental health services to up to 16 adults.

The only exterior alteration to the existing building is an elevator shaft addition for ADA compliance. The Application proposes 12 on-site parking spaces, consisting of three parallel spaces and four perpendicular spaces in the rear, three perpendicular spaces in the front of the house, a single space in the garage and an ADA van accessible space near the front entrance of the house.

The existing driveway to Boland Farm Road, will be improved to a twenty-foot wide commercial driveway to accommodate the new use. A drive aisle will connect from the front access to the rear parking facility along the east side of the main structure.

There are no existing pedestrian facilities along the Property frontage on Boland Farm Road; as part of this Application, the frontage will be improved with a five-foot wide concrete sidewalk, connecting the existing sidewalks on the properties abutting the Subject Property along Boland Farm Road. A new four-foot-wide lead walk is being installed to provide pedestrian access from the new sidewalk on Boland Farm Road to the Residential Care Facility. The new lead walkway will tie into a proposed ADA compliant ramp to the Residential Care Facility, in addition to a five-foot sidewalk that provides access to parking.

The Conditional Use approved tree planting and landscaping to rehabilitate the Property that is currently covered with asphalt in violation of the previously approved Special Exception.

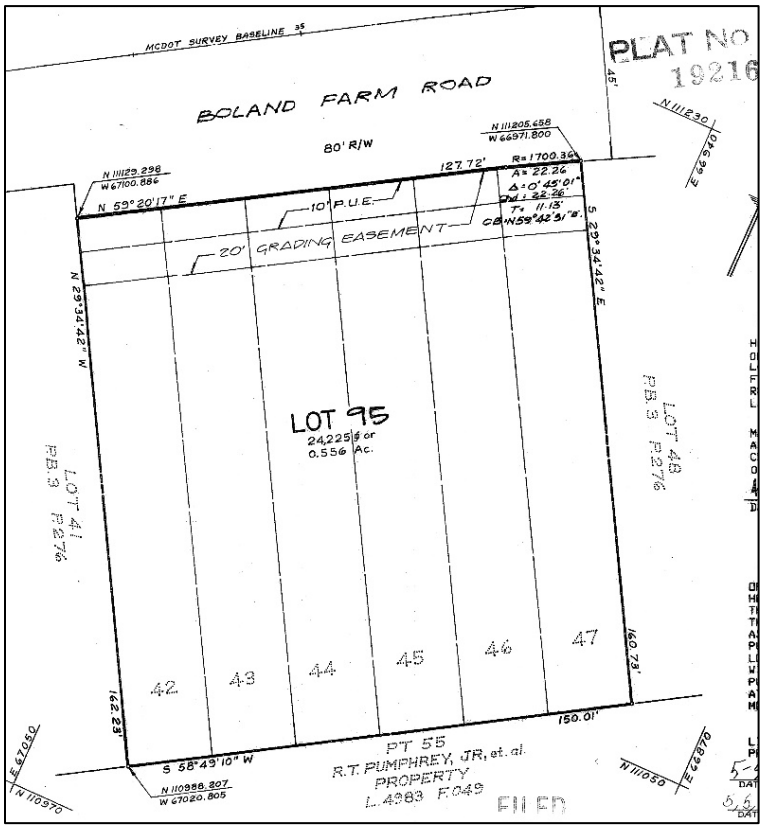


Figure 4 – Lot 95, Mary J. Boland Subdivision (Record Plat No. 19216)

SECTION 4 – ANALYSIS AND FINDINGS, 50.4.2.D

The Application does not alter the original intent and all findings of Preliminary Plan No. 119930110 remain in full force and effect, except as modified by the findings below. The layout of the subdivision, including size, width, shape, orientation and density of lot, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.

This Application is limited to changing the Preliminary Plan condition regarding use. No changes to Lot 95 are proposed and therefore a new record plat is not required. The lot continues to comply with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance and summarized in Table 2.

Table 1 – Development Standards in the R-200 Zone (Section 59-4.4.7.B)

Development Standards	Zoning Ordinance	Approved CU20-01	Provided
Minimum Lot Area	20,000 SF	24,225 SF (0.56 ac)	24,225 SF (0.56 ac)
Minimum Lot width:			
▪ At front building line	100 ft	128 ft	128 ft
▪ At front lot line	25 ft	128 ft	128 ft
Maximum lot Coverage	25 percent	17 percent	17 percent
Minimum Building Setback Principal Building:			
- Front	40 ft	66 ft	66 ft
- Side			
- One side	12 ft	14 ft	14 ft
- Sum of both sides	25 ft	43 ft	43 ft
- Rear yard	30 ft	36 ft.	36 ft.
Maximum Building Height	35 ft	30 +/- ft	30 +/- ft
Minimum Parking Setbacks			
- Side	24 ft	3 feet*	3 feet
- Rear	30 ft	2 feet*	2 feet
Parking: 59-6.2.4.B			
Min. Vehicle Parking spaces	12 spaces total	12 spaces	12 spaces
- 16 Beds	0.25 per bed = 4	(1 ADA)	(1 ADA)
- 16 Employees	0.50 per empl. = 8		

* The Hearing Examiner granted a parking waiver as part of CU20-01

The Hearing Examiner approved Conditional Use CU20-01, for a Residential Care Facility for up to 16 individuals and granted a side a and rear parking setback waiver under Section 6.2.10. Parking facilities with 10 or more spaces, that abut a residential zone must be setback from the property line by twice the setback for a one-family detached dwelling in the abutting zone (R-200). The approved waiver reduced the required side parking setback from 24 feet to 3 feet and reduced the rear parking setback from 30 feet to 2 feet. The Applicant is repurposing the existing building on the Subject Property. The only exterior building modification is installing an elevator to meet ADA requirements. The existing lot can reasonably accommodate the approved use as a Residential Care Facility for 9-16 persons, taking into consideration the shape of the lot, building configuration and approved parking setback waiver.

1. The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan

The Preliminary Plan substantially conforms to the recommendations within the 2009 *Germantown Employment Area Sector Plan*. The Subject Property is located in the residentially zoned portion of the Seneca Meadows/ Milestone District within the 2009 *Germantown Employment Area Sector Plan.* The Seneca Meadows/Milestone District is located adjacent to the west side of MD 355 between MD 118 (south) and Ridge Road (MD 27-north). The Sector Plan does not provide specific recommendations for the Subject Property. The Seneca Meadows/Milestone District Land Use recommendation in the Sector Plan (p.66) recommends retaining the existing single-family development in this area, along with its R-200 zoning.

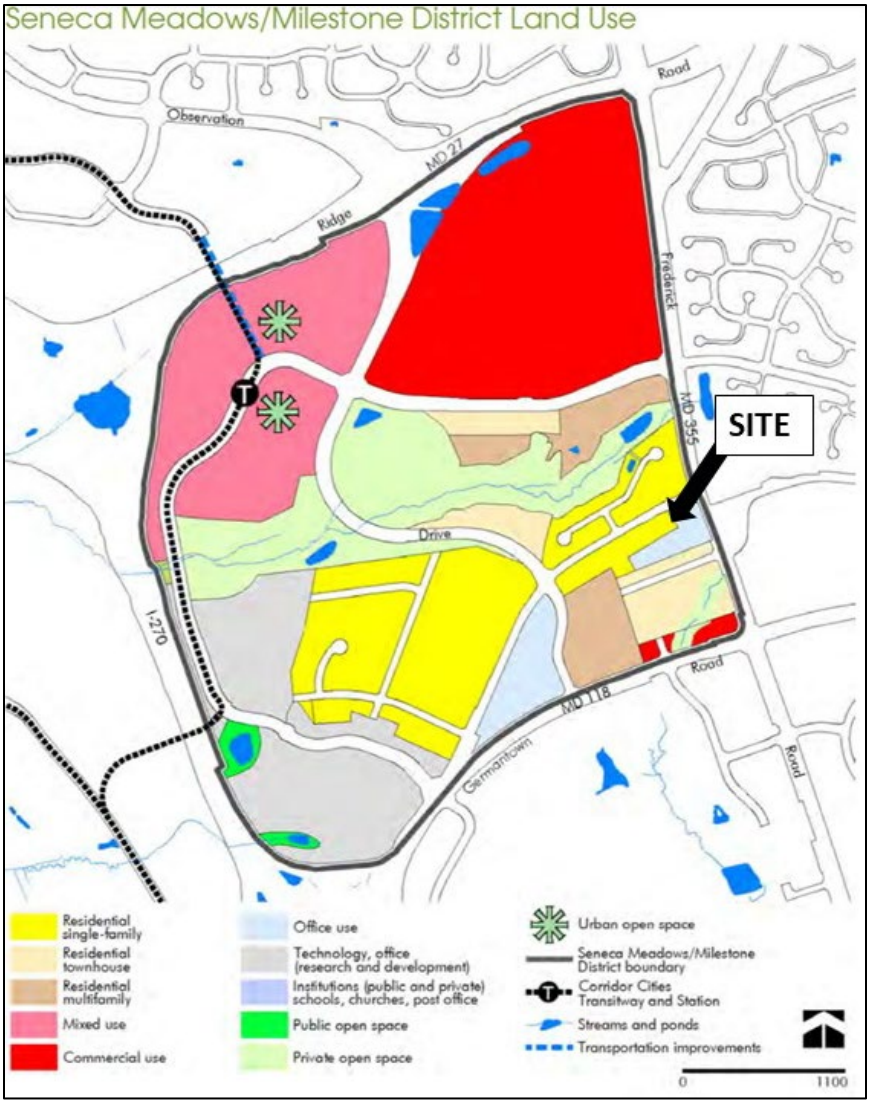


Figure 5 – Master Plan Land Use Map (Pg. 66)

As discussed in the Hearing Examiner's Report, the Conditional Use substantially conforms to Sector Plan because the existing detached house is being repurposed maintaining a residential appearance. In addition, the Conditional Use proposes tree planting and landscaping to rehabilitate the Property that is currently covered with asphalt in violation of the previously approved Special Exception. By reusing the existing building, providing additional landscaping and eliminating some of the asphalt on-site (typically associated with more commercial uses), the Preliminary Plan with the approved use substantially conforms to the Sector Plan.

Transportation

The Subject Property has frontage on Boland Farm Road, which is classified as an arterial road with an 80-ft ROW. No additional dedication will be required. There are no master planned bicycle facilities required on Boland Farms Road. The Preliminary Plan conforms with the transportation

recommendations of the 2009 *Germantown Employment Area Sector Plan*, and the 2018 *Master Plan of Highways and Transitways*, and the 2018 Bicycle Master Plan.

2. *Public Facilities will be adequate to support and service the area of the subdivision*

a. Roads and Other Transportation Facilities

Transportation access is adequate to serve the proposed development by this Preliminary Plan.

The Subject Property is located on the south side of Boland Farm Road approximately 315 feet west of the intersection of Boland Farm Road and Frederick Road (MD 355) in Germantown. Vehicular access is from Boland Farm Road, which will be improved to a twenty-foot wide commercial driveway to accommodate the new use. A drive aisle will connect from the front access to the rear parking facility along the east side of the main structure.

The existing frontage along Boland Farm Road has no existing pedestrian facilities; as part of this Application, the frontage will be improved with a five-foot wide concrete sidewalk to provide continuous connectivity with existing sidewalk on both sides. A new four-foot lead walkway will provide pedestrian access from Boland Farm Road to the Residential Care Facility. The new lead walkway will tie into a proposed ADA compliant ramp to the Residential Care Facility, in addition to a five-foot sidewalk that provides access to parking. Pedestrian and vehicular circulation as depicted on the Preliminary Plan Amendment are adequate to serve the proposed use.

b. Local Area Transportation Review (LATR

The Applicant submitted a transportation statement that says the Preliminary Plan Amendment for the Residential Care Facility with up to 16 individuals generates fewer than 50 net new peak-hour person trips, therefore, the Application is exempt from review under the LATR guidelines.

c. Other Public Facilities and Services

The Application has been reviewed by the Montgomery County Department of Permitting Services (MCDPS) Fire Department Access and Water Supply Office which determined that the Subject Property has adequate access for fire and rescue vehicles on March 5, 2020 (Attachment D).

The Montgomery County Fire and Rescue Station No. 34 is located on the adjoining property to the east of the Subject Property. The Montgomery County Police Department 5D is located at 2000 Aircraft Drive, Germantown, Maryland, 1.6. miles southwest of the Property.

Due to the nature of the use, this Application does not generate any school-aged children; therefore, school facilities review is not necessary.

3. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

The Property was granted an exemption from submitting a forest conservation plan on January 2, 2020, under Section 22A-5(q)(1) of the County Code (Attachment E). Therefore, a forest conservation plan for the Property is not required.

4. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied*

   The Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water resources division on January 7, 2020 (Attachment F). The Application will meet stormwater management goals using a drywell. The Applicant has demonstrated that environmental site design to the maximum extent practical has been met. A waiver was granted for quantity because no additional environmental site design practices can be implemented due to existing conditions, including the presence of fill soils, lack of space and available outfall locations. The Applicant is required to pay a stormwater management contribution in accordance with the Stormwater Management Regulations 4-90.

SECTION 6 – CITIZEN CORRESPONDENCE AND ISSUES

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. Staff has not received any citizen correspondence regarding this Preliminary Plan.

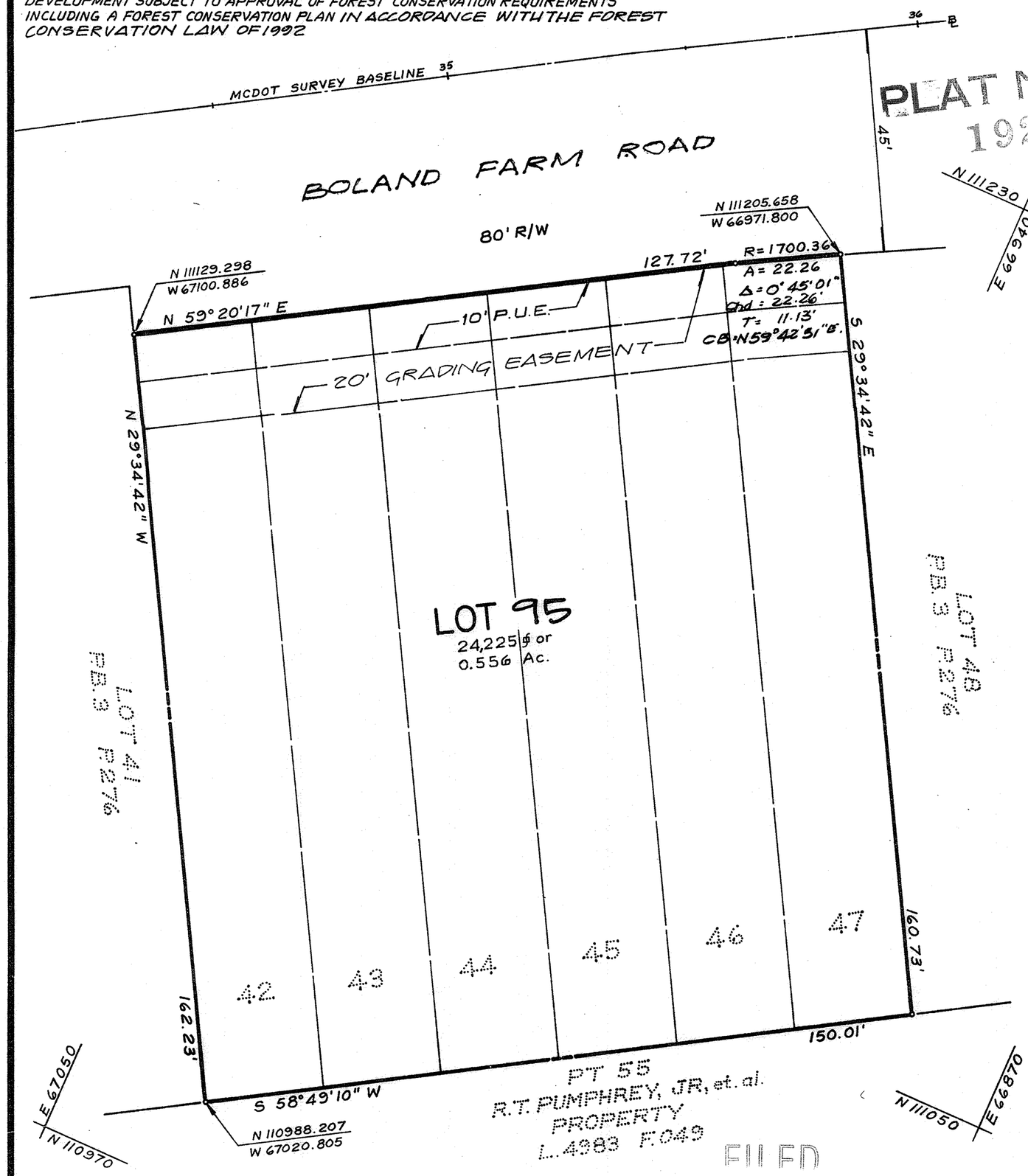
SECTION 7– CONCLUSION

The proposed lot meets all of the requirements established in the Subdivision Regulations and the Zoning Ordinance and conforms to the recommendations of the 2009 *Germantown Employment Area Sector Plan*. Access to the lots is adequate and all public facilities and utilities have been deemed adequate to serve this Application. The Application was reviewed by other applicable County agencies, all of whom have recommended approval of the plans. Therefore, staff recommends approval of the Application, with the conditions as specified.

Attachments

Attachment A – Record Plat 19216
Attachment B – Preliminary Plan No. 19930110 Planning Board Opinion
Attachment C – Conditional Use CU2020-01
Attachment D – Fire Department Access and Water Supply Letter
Attachment E – FCP Exemption
Attachment F – Stormwater Management Concept

DEVELOPMENT SUBJECT TO APPROVAL OF FOREST CONSERVATION REQUIREMENTS INCLUDING A FOREST CONSERVATION PLAN IN ACCORDANCE WITH THE FOREST CONSERVATION LAW OF 1992



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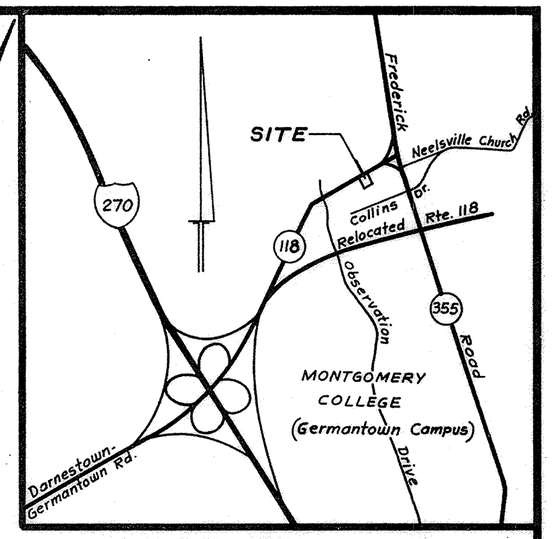


VICINITY MAP

SCALE 1"=2000'

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT. THAT IT IS A RE-SUBDIVISION OF ALL THE LAND CONVEYED BY PETER L. LOWENFELD TO ASGHAR FARSAII AND SHAHLA FARSAII BY DEED DATED OCT. 4, 1990 AND RECORDED IN LIBER 9506 AT FOLIO 498 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

ALL MONUMENTS MARKED THUS, —o— AND IRON PIPES MARKED THUS, —o— WILL BE SET WHERE INDICATED, AS PER SECTION 50-24 (e) OF THE MONTGOMERY CODE. TOTAL AREA OF THIS PLAT IS 24,225 ☐' OR 0.556 ACRES OF LAND.

4-28-93 — Jefferson D. Lawrence
DATE — JEFFERSON D. LAWRENCE
MD. REG. PROF. LAND SURVEYOR #5216

OWNER'S CERTIFICATE

WE ASGHAR FARSAII AND SHAHLA FARSAII OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, DEDICATE THE STREETS TO PUBLIC USE, GRANT A GRADING EASEMENT AS SHOWN HEREON, AND PROVIDE A TEN FOOT (10') PUBLIC UTILITIES EASEMENT AT THE FRONT OF THE LOT TO THOSE PARTIES NAMED IN ACCORDANCE WITH THE DECLARATIONS OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENT RECORDED IN LIBER 3834 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

THERE ARE NO RECORDED SUITS, ACTIONS OF LAW, LIENS, LEASES, MORTGAGES OR TRUSTS AFFECTING THE PROPERTY INCLUDED ~~IN~~ THIS PLAN OF SUBDIVISION.

5-5-93 — ASGHAR FARSAII — Lora Watson WITNESS
DATE

5,5,93 — Shahla Farsaii — Lora Watson WITNESS
DATE — SHAHLA FARSAII

ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN, ALLOWING DEVELOPMENT OF THIS PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAT, UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.

LOT 95

MARY J. BOLAND SUBDIVISION

9TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1"=20' MAY, 1993

TOTAL AREA OF LOT : 24,225 ☐' OR 0.556 ACRES
TOTAL NUMBER OF LOTS: 1
TOTAL AREA OF DEDICATION: -0- ☐' OR -0- ACRES
TOTAL AREA OF PLAT: 24,225 ☐' OR 0.556 ACRES

FOR PUBLIC WATER AND SEWER SYSTEMS ONLY

Note: DEVELOPMENT SUBJECT TO AN AGREEMENT WITH THE MONTGOMERY COUNTY PLANNING BOARD

APPROVAL OF THIS PLAT IS PREDICATED ON THE AVAILIBILITY OF PUBLIC WATER AND SEWER

2940421330112000720993AGR

RECORDED: _____
PLAT BOOK: _____
PLAT No.: _____

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION MONTGOMERY COUNTY PLANNING BOARD
APPROVAL: SEPTEMBER 9, 1993 DATE
CHAIRMAN — ASST. SECRETARY-TREAS.
MNCP&PC RECORD FILE NUMBER: 591-52

MONTGOMERY COUNTY, MARYLAND DEPARTMENT OF TRANSPORTATION
APPROVED: NOVEMBER 24, 1993 DATE
BY: FOR DIRECTOR

MONTGOMERY COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION
APPROVAL: DECEMBER 14, 1993 DATE
BY: FOR DIRECTOR

DEVELOPMENT CONSULTANTS GROUP, INC.
17904 GEORGIA AVE.
SUITE 102
OLNEY, MD. 20832
PHONE 924-4570 FAX 924-5872

21-929

MSA SSU 1249-5900 591-52

Date of Mailing: August 12, 1993

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation
(Motion of Comm. Floreen, seconded by Comm. Richardson, with a vote of 5-0; Comms. Floreen, Richardson, Aron, Bauman and Baptiste voting in favor).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-93011
NAME OF PLAN: MARY J. BOLAND SUBDIVISION

On 02-02-93, ASGHAR FARSALL , submitted an application for the approval of a preliminary plan of subdivision of property in the R200 zone. The application proposed to create 1 lots on 27822.00 SQ FEET of land. The application was designated Preliminary Plan 1-93011. On 07-29-93, Preliminary Plan 1-93011 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing , the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-93011 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code,as amended) and approves Preliminary Plan 1-93011, subject to the following conditions:

1. Compliance with Environmental Planning Division approval regarding the requirements of the forest conservation legislation (as part of preliminary plan). Applicant shall satisfy all conditions prior to recording of plat or MCDEP issuance of sediment and erosion control permit, as appropriate

2. Agreement with Planning Board to limit development to a single-family dwelling with resident medical practitioner

3. Dedication of Darnestown-Germantown Road (MD Rt. 118) 40' off center line

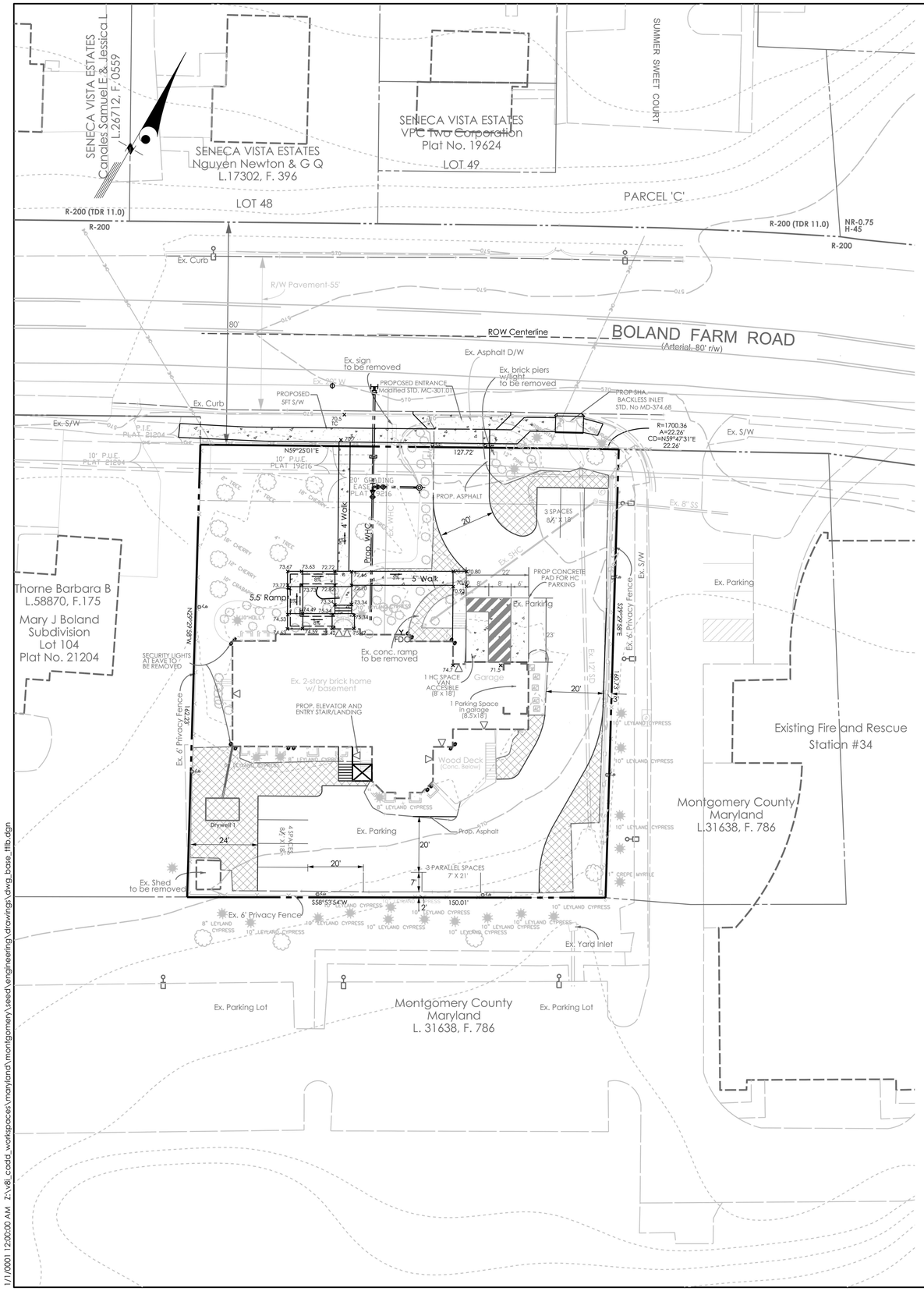
4. Conditions of MCDEP stormwater management approval dated 5-26-93

5. Access and improvements as required to be approved by MDSHA

- Continued -

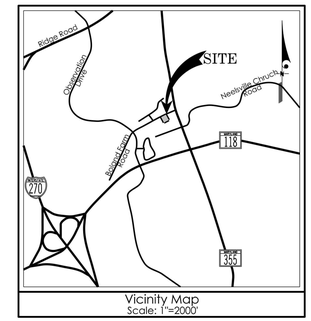
Necessary easements

7. This preliminary plan will remain valid until September 12, 1996. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed



Legend

Property Boundary
Exisitng Rights-of-Way
Existing Lot Lines
Existing Grade
Existing Trees
Existing Buildings
Existing Lighting
Building Security Lights
Parking Lot Pole Lights
Pedestrian Pole Lights
Ex. Pavement to be removed



Vicinity Map
Scale: 1"=2000'

Tract Area

Gross Tract Area (GTA)	=	24,225 s.f. or	0.56 ac.
- Previous dedications to public use		0 s.f. or	0.00 ac. [1]
Existing Lot 95 tract area (Plat 19216)	=	24,225 s.f. or	0.56 ac.
- Proposed dedication to public use		0 s.f. or	0.00 ac.
Net Lot Area (NLA) of subject property	=	24,225 s.f. or	0.56 ac.

[1] Possible previous dedications not identified. Further determination of Gross Tract Area is unnecessary for this application.

General Notes

1 The purpose of this plan is the Conditional Use application for a Residential Care Facility (59.3.3.2.E) for 9 to 16 Persons in the R-200 zone.
2 Boundary information shown is based on compilation of plat of record for subject property and Montgomery County GIS for surrounding properties.
3 Topographic information is one foot contour interval from field survey by Stantec in September of 2019. Additional existing condition and surrounding area information added from field observations, Montgomery County GIS, and plans of record.
4 Property identified as Lot 95 on Plat 19216 recorded in 1993.
5 NRI/FSD 4-93014. Forest Conservation Plan Exemption 1-93011.
6 Water & Sewer Categories W-1 & S-1 respectively. The use will be served by public water and sewer.
7 This site is within the October 2009 Germantown Employment Area Sector Plan area.
8 The property is subject to a previous Special Exception (S-2415) for a Nonresident Medical Practitioner's Office, which must be abandoned according to the condition of approval contained in the Hearing Examiner's Report and Decision in CU 20-01, Way Station, Inc.
9 This site is within the Great Seneca Creek watershed (Class I-P).
10 Existing storage shed in rear yard to be removed from the property.

Development Program

1. This project will be completed in one phase. Inspections will be scheduled according to approved sediment control and building permit requirements.
2. This plan is not for construction purposes.

Project Team

Applicant/Contract Purchaser:
Way Station, Inc.
Contact: Scott Rose

Planner/Engineers/Landscape Architects:
Stantec
Contact: John Sekerak, Jr., ASLA, AICP

Architect:
Zavos Architecture + Design, LLC
Contact: Bruce Zavos, AIA

Attorneys:
Miller, Miller and Canby
Contact: Jody Kline, Esq.

Development Standards

Residential Care Facility up to 16 Persons (59.3.3.2.E) in the R-200 zone

	Required	Provided	
Lot Area (59.4.4.7.B.1)	20,000 s.f. min.	24,225 s.f.	
Lot width at front building line (59.4.4.7.B.1)	100 ft. min.	128 ft.	
Lot width at front lot line (59.4.4.7.B.1)	25 ft. min.	128 ft.	
Building coverage (59.4.4.7.B.1)	25 % max.	17 %	[1]
Front setback (59.4.4.7.B.2)	40 ft. min.	66 ft.	
Side setback (59.4.4.7.B.2)	12 ft. min.	14 ft.	
Sum of side setbacks (59.4.4.7.B.2)	25 ft. min.	43 ft.	
Rear setback (59.4.4.7.B.2)	30 ft. min.	36 ft.	
Building height (59.4.4.7.B.3)	35 ft. max.	30 ft.	[2]
Lighting illumination (59-6.4.4)			[3]
- north (59.6.4.4.D)	0.5 fc max.	0.5 fc max.	
- east (59.6.4.4.D)	0.5 fc max.	0.6 fc max.	
- south (59.6.4.4.D)	0.5 fc max.	0.2 fc max.	
- west (59.6.4.4.E)	0.1 fc max.	0.5 fc max.	
Screening (59.6.5)			
- east and south lot lines (59.6.5.2.B)	n/a	n/a	[4]
- west lot line (59.6.5.3.C.7)	Option A or B	Option A	[5]

Footnotes:
[1] Existing storage shed in rear yard to be removed. Not included in coverage calculation.
[2] Existing height visually estimated, not field measured.
[3] Existing light levels measured by meter 08/08/19. Readings included existing off-site public streetlights and fire house pole lights in addition to on-site pole lights, fence post lights, and security lights house mounted at various locations at the house eaves. The security lights are reported to be motion activated. The on-site pole lights, fence post lights, and the security lights on the west end of the house are to be removed for this proposed use resulting in expected compliant readings of 0.1 fc or less along the west property line or 0.5 fc or less along the other property lines generated by on-site lighting.
[4] The screening requirements of 59.6.5.3 are not applicable for the this use in a single-family detached house building type adjoining a non-residential use other than "all conditional uses must have screening that ensures compatibility with the surrounding neighborhood".
[5] Satisfied by existing 14 foot setack, six foot high privacy fence, four existing understory trees, eight existing shrubs, two proposed canopy trees, and five proposed understory trees.

Parking Tabulation

Parking Tabulation (59.6.2.4.B)

Parking spaces required for Residential Care Facility (6.2.4.B):

			Required	
16 beds @	0.25 spaces per bed	=	4.0	spaces
16 employees @	0.50 spaces per employee	=	8.0	spaces [1]
		Total =	12	spaces

Motorcycle spaces reqd. (59.6.2.3.C): 0 required (less than 50 p.s.)
Car-Share spaces required (59.6.2.3.D): 0 required (less than 50 p.s.)
Charging spaces required (59.6.2.3.E): 0 required (less than 100 p.s.)

Parking spaces provided:		Provided	
Regular spaces (8.5' x 18' and 7' x 21')	=	11	spaces [2]
ADA parking spaces (8' x 18' w/ 8' aisle)	=	1	spaces
Total parking spaces provided =		**12**	**spaces**

Bicycle spaces:
Bicycle spaces required (59.6.2.4.C): 0 required (less than 20 d.u.s) [3]

Off-street Loading Spaces:
Loading spaces required (59.6.2.8.B.1): 0 required (less than 50 d.u.s)

Footnotes:
[1] Based on number of employees when the maximum number of employees is present (59.6.2.3.A.2).
[2] Including 1 garage space, 7 regular spaces, and 3 parallel parking spaces.
[3] Bicycle parking available in the existing garage.

Parking Design Standards:

	Required	Provided	
Drive aisle width (59.6.2.5.G.2)	20 ft. min.	20 ft.	
Rear setback (59.6.2.5.K.2.a)	30 ft. min.	2 ft.	[1]
Side setbacks (59.6.2.5.K.2.b)			
- east	24 ft. min.	3 ft.	[1]
- west	24 ft. min.	24 ft.	
Front parking area (59.6.2.5.M.3.b)	4,950 s.f. max.	3,600 s.f.	
Landscaped Area (59.6.2.9.C.1.a)	5% of facility	5% of facility	
Spaces between islands (59.6.2.9.C.1.b)	20 spaces max.	4 spaces	
Tree Canopy (59.6.2.9.C.2)	25% of facility	25%	
Perimeter planting area widths:			[2]
- north (59.6.2.9.C.3.a)	10 ft. min.	14 ft.	
- east (59.6.2.9.C.3.b.iv)	0 ft. min.	3 ft.	
- south (59.6.2.9.C.3.b.iv)	0 ft. min.	2 ft.	
- west (59.6.2.9.C.3.a)	10 ft. min.	24 ft.	

Footnotes:
[1] Waiver requested (59.6.2.10) - use 59.6.2.9.C.3.b.iv for adjacent to ex. parking lot.
[2] Must contain canopy trees every 30 feet and a hedge or low wall (59.6.2.9.C.3.a). If abutting another parking lot, no planting area required (59.6.2.9.C.3.b.iv).

Note:
Residents of the facility shall not operate vehicles or bring vehicles to the facility.

20 10 0 20 40
SCALE: 1"=20'

Stantec
20440 Century Boulevard, Suite 240
Germantown, Maryland 20874
Phone: (301) 444-8282 Fax: (301) 444-8181
www.stantec.com

No.	Revision	Date	By
3	Revised per staff comments	4/01/20	DK
2	Added parking space information and delineate ADA parking space.	3/27/20	DK/JS
1	Added ADA Ramp, screening code reference & off-site labels.	3/16/20	DK

Owner/Developer:
Way Station, Inc., part of the Sheppard Pratt Health System
PO Box 3826, Frederick MD, 21705
Phone: (301) 662-0099
Contact/Attn.: Mr. Scott Rose, Executive Director

SITE PLAN for Conditional Use
20629 Boland Farm Road
Germantown, MD 20876
Montgomery County, Maryland

Seal
06/01/20
STATE OF MARYLAND
JOHN SEKERAK, JR.
No. 595
REGISTERED LANDSCAPE ARCHITECT

Project No. 2026261930
Scale 1"= 20'
Design
Checked JS
Drawn DK
Date Nov. 26, 2019
Sheet 1 of 1

1/1/0001 12:00:00 AM Z:\v8i_cadd_workspaces\maryland\montgomery\seed\engineering\drawings\dwg_base_ltlb.dgn

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
Stella B. Werner Council Office Building
Rockville, Maryland 20850
(240) 777-6660

IN THE MATTER OF:	*	
WAY STATION, INC.	*	
Applicant	*	
	*	
Scott Rose	*	
John Sekerak, Jr.	*	
Kimberly Currano	*	
Nicole White	*	OZAH Case No. 20-01
Bruce H. Zavos	*	
	*	
For the Application	*	
Jody Kline, Esquire	*	
Attorney for the Applicant	*	

* *

Before: Lynn A. Robeson, Hearing Examiner

HEARING EXAMINER'S REPORT AND DECISION

I. STATEMENT OF THE CASE

On January 27, 2020, Way Station, Inc. (hereinafter "Applicant" or "Way Station") filed an application seeking a conditional use to establish a Residential Care Facility for 9 to 16 persons under §59.3.3.2.E.2.b of the Zoning Ordinance. The application proposes to house 16 adults with mental health disabilities. Zoned R-200, the property is located at 20629 Boland Farm Road, Germantown, Maryland, and is further described as Lot 95, Mary J. Boland subdivision. Exhibit 9.

On March 24, 2020, the Applicant filed amendments to the application. Exhibit 31, 32. The Office of Zoning and Administrative Hearings (OZAH) issued notice of the request to amend the application on March 25, 2020. On the same day, OZAH noticed a public hearing to be held on May 1, 2020. Exhibits 34. The Applicant submitted technical amendments to the Tree Save Plan and exterior elevations on March 31, 2020. Exhibits 35. Staff issued its report recommending approval of the application with conditions on April 3, 2020. Exhibit 37. The conditions initially recommended by Staff were (*Id.,* p. 2):

1. The Residential Care Facility must be limited to a maximum of 16 residents and eight employees on site at any one time.
2. The maximum total number of part- and full-time employees must not exceed 13.
3. An identification sign must not be placed on the property.
4. The Applicant must provide marked crosswalks from the drive aisle/parking areas to the building front and rear entrances.
5. No special events shall be held on the facility's premises.
6. There shall be no more than six food and supply deliveries to the facility per month.
7. Landscaping must be in accordance with the Landscape Plan revised on March 16, 2020.
8. The Tree Save Plan must be in accordance with the Tree Save Plan revised on March 16, 2020 and shall be consistent with the Landscape and Lighting and Conditional Use Site Plans with revision date of March 30, 2020.[1]
9. The Existing Conditional Use S-2415 must be vacated upon approval of this conditional use (CU 20-01).

[1] After issuing the Staff Report, Staff clarified that it intended to refer to the Landscape and Lighting and Condition Use Plan dated March 16, 2020, and the Tree Save Plan revised on March 30, 2020. Exhibit 44.

10. The Applicant must file for an amendment to Preliminary Plan No. 11993011 after the publication of the Hearing Examiner's decision to approve the Conditional Use Application CU 20-01.
11. The Applicant must obtain and satisfy the requirements of all licenses including a use and occupancy permit.

At the Planning Board's public hearing, Staff amended Condition Nos. 1 and 2, which the Planning Board also recommended (Exhibit 39):

1. The Residential Care Facility must be limited to a maximum of 16 residents ~~and eight employees on site at any one time~~.

2. ~~The maximum total number of part-and full-time employees must not exceed 13.~~ **The facility will operate 24 hours a day, 7 days a week, but the total number of employees on the site shall not exceed 10 at any one time. At the Public Hearing, the Applicant must provide a detailed shift schedule to the Hearing Examiner.**

Staff explained their reasons for the recommended amendment (Exhibit 40(a)):

> After the release of the staff report the Applicant realized that the facility needs more employees on the site than what was originally thought. So, the Applicant approached staff with the issue. We are now adjusting the numbers to the maximum possible *number of employees* on the site that can be achieved without impacting the Conditional Use Site Plan that staff reviewed, and the findings made in the report.
>
> We understand that the Applicant would like to increase employees' presence on the site to even more than 10 at any one time. However, the increase above the maximum of 10 employees on the site at any one time may require an amendment of the Site and Landscape Plans, a redesigning of the parking facility, as well as reevaluation of potential impacts all add together could result in a process which could require additional time for revising Plans and review of the new changes.

Shortly before the public hearing, the Applicant sought to amend its conditional use to permit a maximum of 16 employees on the site at one time. It offered a revised site plan (Exhibit 45(a)) that added one additional parking space in the garage for a total of 12 on-site spaces, including a handicapped space. Because there wasn't enough time prior to the public hearing to send notice of the amendment, the Hearing Examiner deferred consideration of the amendment until the public hearing. Exhibit 48; *OZAH's Land Use Rules of Procedure,* Rule 22.

The public hearing proceeded as scheduled on May 1, 2020. Five witnesses testified for the Applicant: Mr. Scott Rose, a representative of the Applicant, Mr. John Sekerak, an expert in land planning and landscape architecture, Ms. Kim Currano, an expert in civil engineering, Mr. Bruce Zavos, an expert in architecture, and Ms. Nicole White, an expert in traffic engineering and transportation planning. The Applicant amended its application to permit a maximum of 16 employees on the site at a time and presented several parking scenarios which it believed could accommodate this. T. 64-68, 103-130; Exhibit 47. The Hearing Examiner referred the proposed amendments to Staff (as required by Section 7.3.1.D.3 of the Zoning Ordinance (Exhibit 58)) and left the record open until June 1, 2020 to receive comments from Staff and the Applicant. T. 146.

Staff reviewed the plan amendment submitted at the public hearing (Exhibit 45(a), adding one space to the garage) and the different parking scenarios posited by the Applicants (Exhibit 47). It recommended adopting Exhibit 45(a) with some revisions and conditions. Exhibit 69. The Applicant submitted revised conditional use and landscape and lighting plans with the revisions requested by Planning Staff (Exhibit 72) and the record closed on June 1, 2020.

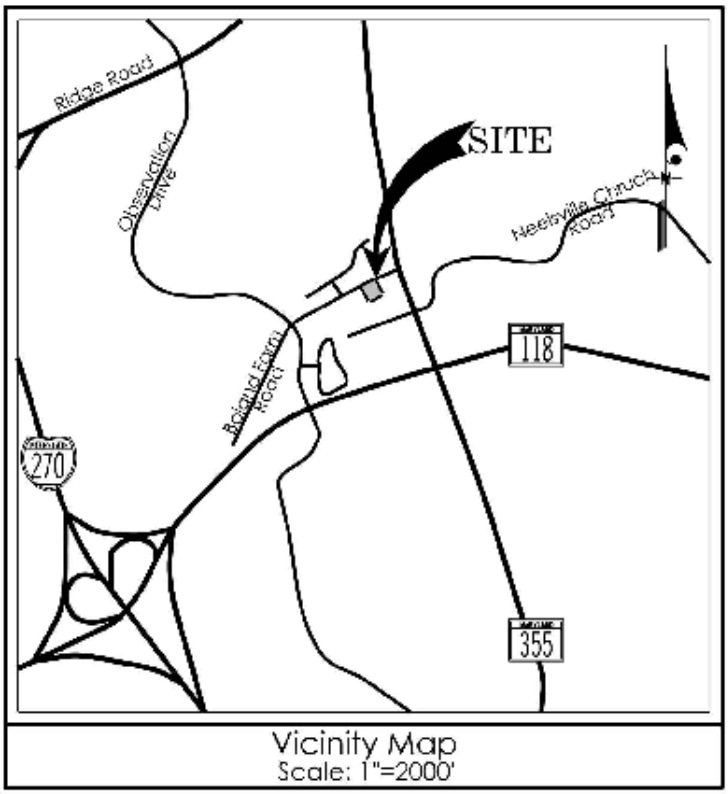
The Hearing Examiner approves the conditional use with the conditions included in Part IV of this Report for the following reasons.

II. FACTUAL BACKGROUND

A. The Subject Property

The site is located on the south side of Boland Farm Road west of its intersection with Md. Rte. 355 (Frederick Road). Exhibit 37, p. 3. A map from the conditional use site plan (Exhibit 72(a), on the next page) identifies the subject property and its general vicinity.

The property consists of approximately 0.56 acres and is improved with a large, two-story single-family detached home with a footprint of 7,900 square feet. It is the subject of an approved



Vicinity Map
Exhibit 72(a)

special exception (S-2415) for a doctor's office. Exhibit 37. The site is heavily paved on the eastern and southern sides with parking for the doctor's office. T. 58. Presently, the parking violates the special exception approval. Way Station brought the violation to the attention of the Department of Permitting Services (DPS), who has agreed to hold off enforcement to see if this conditional use is approved. *Id.* There is a six-foot high privacy fence that runs the entire length of the eastern, southern, and western property lines. There are eight light fixtures mounted to the top of the privacy fence and seven security lights mounted to the corners of the existing building structure. Exhibit 37, p. 16. There are two signs advertising the medical practice—one mounted on the building and a monument-type sign. T. 48. An aerial photograph of the property (from the Staff Report) is shown on the next page. Exhibit 37, p. 3. Staff advises that there are no sensitive environmental features on the property. *Id.*

Aerial View of Subject Property
Exhibit 37, p. 3

B. Surrounding Neighborhood

To determine the compatibility of the proposed use with the surrounding area, it is necessary to delineate the "surrounding neighborhood", which is the area that will be most directly impacted by the proposed use. Once delineated, the Hearing Examiner must assess the character of the neighborhood and determine whether the impacts of the proposed conditional use will adversely affect that character.

Staff and the Applicant disagree on the boundaries of the surrounding area. Both agree that Frederick Road and Observation Drive form the eastern and western boundaries, respectively. Staff extends the northern boundary to Shakespeare Boulevard and south to Germantown Road, as shown in the aerial photograph from the Staff Report (Exhibit 37, p. 4, on the next page).

The Applicant's "surrounding area" is far more curtailed, encompassing one row of homes north and south of Boland Farm Road (Exhibit 37, p. 4, on the following page). The Applicant's expert land planner and landscape architect, Mr. John Sekerak, opined that Staff's neighborhood is too large because the impact of the use is too attenuated at the northern and southern boundaries. T. 41-42.

Staff justifies the larger neighborhood because (*Id.*):

> The Applicant's boundaries replicate boundaries defined in 2011 for an Accessory Apartment Conditional Use S-2789 that is located on the same block as the subject property. Staff's defined neighborhood boundaries cover a larger area taking into consideration the nature of the proposed use and existing characteristics of the surrounding area.

Applicant's Delineation of Surrounding Area
Exhibit 8

.

The Hearing Examiner finds that Staff's delineation of the area better reflects the impact of this conditional use. Mr. Scott Rose testified on behalf of the Applicant that some Staff will regularly travel between area hospitals and the residential care facility. Depending on the origin of the trips, they will likely travel the larger roads delineated by Staff.

Despite the difference in the boundaries of the surrounding area, both Staff and Mr. Sekerak characterize the area similarly. Mr. Sekerak testified that both areas are primarily residential with some commercial/institutional uses. T. 41-42. According to him, Staff's larger delineation contains more multi-family dwelling units and an additional node of commercial at the corner of Germantown and Frederick Roads. T. 41-43. Staff characterizes the neighborhood as follows (*Id.*):

> The neighborhood is predominantly residential with single-family detached residences, townhouses, and multi-family dwellings in the R-200, R-200/TDR, and R-20 Zones. The neighborhood also contains two enclaves of retail and service uses at the northwest corner of Boland Farm Road and MD 355 in the NR Zone and the northwest corner of MD 118 and MD 355 in the GR Zone.

The Hearing Examiner agrees with Staff and Mr. Sekerak that character of the surrounding area is primarily residential, with commercial and institutional uses on the periphery near the major roads. This is reflected even by the Applicant's smaller neighborhood, where the fire station and a gas station are located at the corner of Frederick Road and Boland Farm Road, which then transitions to residential homes to the west. The residential character of the area includes single-family detached, attached and multi-family dwelling units.

C. Proposed Use

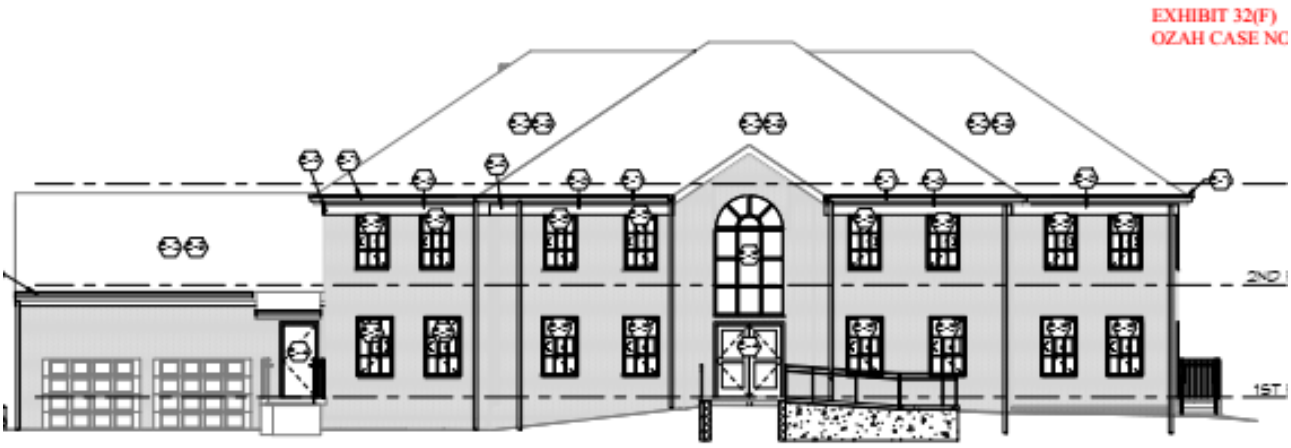
The Applicant seeks a conditional use for a Residential Care Facility for 9 to 16 adults that have mental disabilities. Mr. Rose testified that he was formerly President and CEO of Way Station, Inc., and has been promoted to be Chief of Rehabilitation and Recovery Services for Sheppard Pratt. Way Station is a wholly owned subsidiary of Shepard Pratt. It provides essential mental health services to individuals that need them so their clients can live in the community and not in hospitals. These services include counseling support, teaching skills to allow people to self-manage symptoms of their mental illness, including co-occurring physical health conditions. Way Station also teaches independent living skills and provides social activities and case management. T. 17-19.

This project is part of a pilot program initiated by Way Station and Nexus Montgomery (Nexus), which is a partnership of all six Montgomery County hospitals. Nexus approached Way Station to address one of its critical concerns. Many mental health patients enter emergency rooms and inpatient psychiatric units when it is not necessary for them to be there. The six hospitals were

looking for a place to transition these patients from unnecessary in-patient hospital care to free up the hospital's resources for those who needed these emergency services. The need has become more critical since the COVID-19 pandemic. Way Station staff will be embedded in the hospitals to ease the transition from the hospital to the Way Station facility and provide continuity of treatment. T. 20-21.

1. Conditional Use Site Plan

The only major exterior modification to the existing home will be the addition of an elevator on the rear of the house to ensure accessibility between floors. Exhibit 37, p. 27; T. 92-93. Way Station's architect, Mr. Bruce Zavos, testified that the addition would include a 64 square foot elevator shaft and 60 square foot vestibule. T. 93. According to Mr. Zavos, the elevator will not be visible from Boland Farm Road. The front and rear elevations (Exhibits 32(e), 32(f)) are shown below and on the following page:



Front Elevation
Exhibit 32(f)

Rear Elevation
Exhibit 32(e)

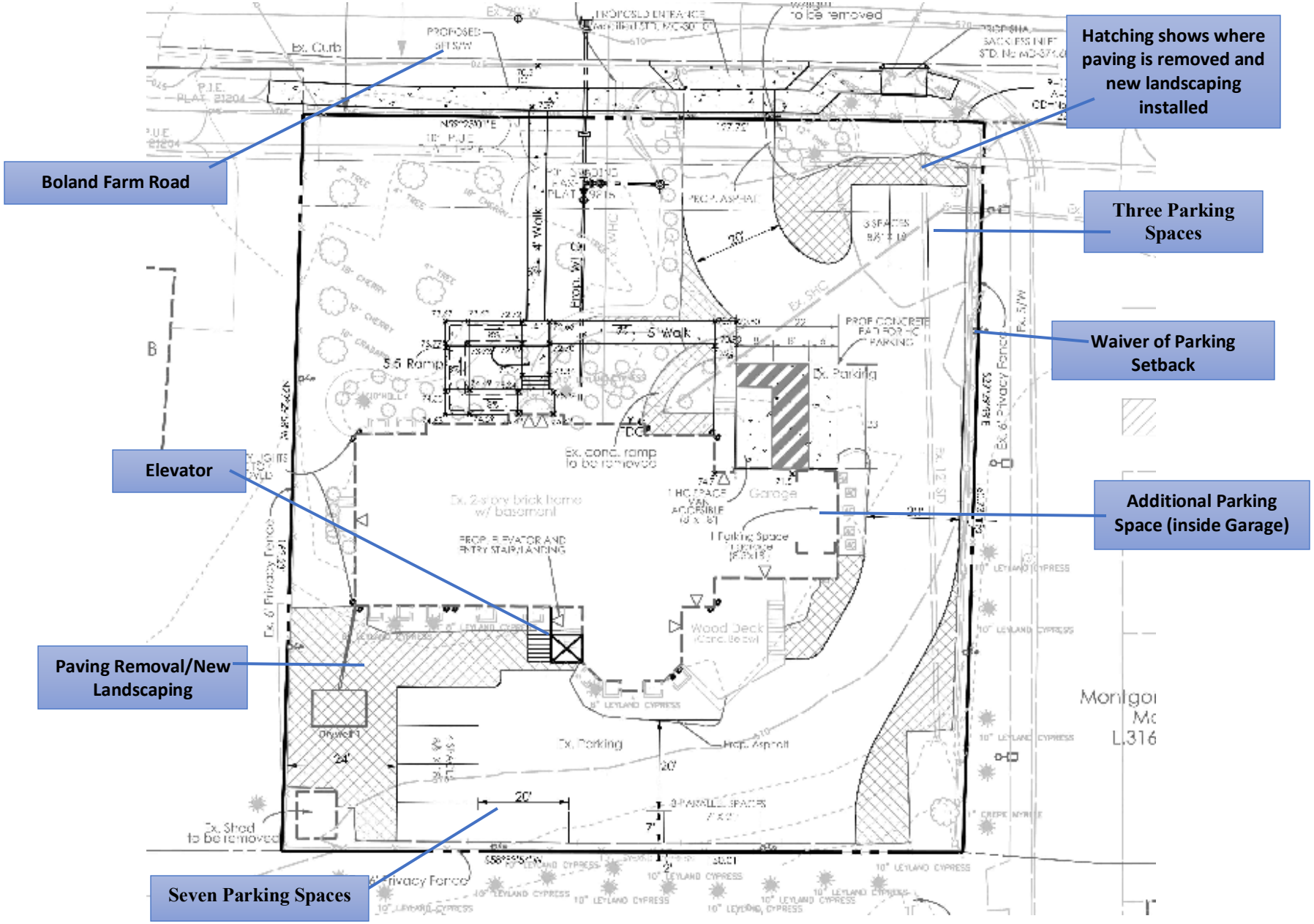
The Applicant plans to install a sidewalk along Boland Farm Road to connect the existing sidewalk on the south side of that road. T. 131; Exhibit 72(a). Excerpts from the Conditional Use Site Plan (submitted on June 1, 2020) are shown on the following pages (Exhibit 72(a)).

2. Operations

Mr. Rose described the proposed operation of the residential care facility. All of Way Station's clients will be adults. No residents will be allowed to bring vehicles on-site. For individual appointments, Way Station staff will transport clients in the staff person's vehicle. Way Station has two vans for social and recreational activities. T. 26.

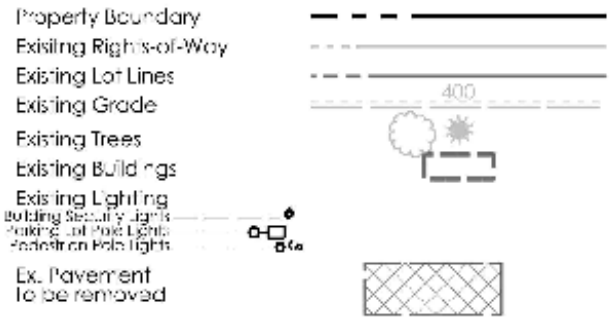
Because the goal of Way Station is to encourage independent living, they do not install commercial kitchens. Residents will make their own meals in the home, assisted as necessary by staff. T. 24, 31.

There will be few visitors to the property. Visitors are permitted by appointment only. Many clients do not have strong family connections. Visiting hours are discouraged because Way Station tries to create a home atmosphere; having many strangers entering the property interferes with that. It also permits staff to focus on residents rather than entertaining visitors. T. 27.



Excerpt from Revised (6/1/20) Conditional Use Plan Exhibit 72(a)

Legend



Tract Area

Gross Tract Area (GTA)	=	24,225 s.f. or	0.56 ac.
- Previous dedications to public use		0 s.f. or	0.00 ac. [1]
Existing lot 95 tract area (Plat 19216)	=	24,225 s.f. or	0.56 ac.
- Proposed dedication to public use		0 s.f. or	0.00 ac.
Net Lot Area (NLA) of subject property	=	24,225 s.f. or	0.56 ac.

[1] Possible previous dedications not identified. Further determination of Gross Tract Area is unnecessary for this application.

General Notes

1 The purpose of this plan is the Conditional Use application for a Residential Care Facility (59.3.3.2.E) for 9 to 16 Persons in the R-200 zone.
2 Boundary information shown is based on compilation of plat of record for subject property and Montgomery County GIS for surrounding properties.
3 Topographic information is one foot contour interval from field survey by Stantec in September of 2019. Additional existing condition and surrounding area information added from field observations, Montgomery County GIS, and plans of record.
4 Property identified as Lot 95 on Plat 19216 recorded in 1993.
5 NRI/FSD 4-93014. Forest Conservation Plan Exemption 1-93011.
6 Water & Sewer Categories W-1 & S-1 respectively. The use will be served by public water and sewer.
7 This site is within the October 2009 Germantown Employment Area Sector Plan area.
8 The property is subject to a previous Special Exception (S-2415) for a Nonresident Medical Practitioner's Office, which must be abandoned according to the condition of approval contained in the Hearing Examiner's Report and Decision in CU 20-01, Way Station, Inc.
9 This site is within the Great Seneca Creek watershed (Class I-P).
10 Existing storage shed in rear yard to be removed from the property.

Excerpts from Revised (6/1/20) Conditional Use Site Plan
Exhibit 72(a)

Mr. Rose agreed to comply with all conditions originally recommended in the Staff Report (as amended), apart from those limiting the number of employees on-site at one time. T. 30. The Applicant agreed to comply with the conditions recommended by Staff upon review of the Conditional Use Site Plan and Landscape and Lighting Plan submitted on June 1, 2020. Exhibits 70, 72(a) and (b).

a. Staffing.

Staff of Way Station will include residential counselors and various managers on different shifts. Up to four residential counselors are on-site 24 hours per day seven days a week. In-Reach Coordinators are not always on-site because they assist patients to transition from the hospital. T. 114. Mr. Rose submitted a schedule of employee shifts during the week (Exhibit 47):

STAFF SHIFTS

Monday-Friday

Residential Counselors (Res Coun)		Onsite
7am-3 pm	3	
10am-6pm	1	
2pm-10pm	4	
10pm-8am	3	

Managers		
Program Supervisor (Prog S)	9am-5pm (Sunday-Thursday)	Onsite
Site Supervisor (Site S)	9am-5pm (Tuesday-Saturday)	Onsite
Treatment Coordinator (TC)	9am-5pm	Onsite
Resource Coordinator (RC)	9am-5pm	Onsite and Offsite
Manager (Mgr)	9am-5pm	Onsite and Offsite
In-Reach Coordinator A (IR-A)	8am-4pm (Sunday-Thursday)	Onsite and Offsite
In-Reach Coordinator B (IR-B)	8am-4pm (Tuesday-Saturday)	Onsite and Offsite
In-Reach Coordinator C (IR-C)	11am-7pm(Monday-Friday)	Onsite and Offsite

Mr. Rose testified that the maximum number of employees on-site at any one time will be sixteen employees on Tuesdays, Wednesdays and Thursdays during shift changes between approximately 2:00 p.m. and 3:00 p.m. *Id.* According to Mr. Rose, it is critical to have both the

In-Reach Coordinators and other employees on-site at that time so they can discuss the needs of new clients that are transitioning in from area hospitals. T. 114. A breakdown of the number of employees on-site during weekdays, submitted by the Applicant, is shown below (Exhibit 47):

Mon-Fri	Res Coun	*Mgr	Prog S	Site S	TC	*RC	*IR-A	*IR-B	*IR-C	MAX STAFF ONSITE AT ANY ONE TI
**7:00 AM	6									6
8:00 AM	3						1 (Sun-Th)	1 (Tu-Sat)		5 (Tu,W,Th) 4(M,F)
9:00 AM	3	1	1 (Su-Th)	1 (Tu-Sat	1	1	1 (Sun-Th)	1 (Tu-Sat)		10 (Tu,W,Th) 8(M,F)
10:00 AM	4	1	1 (Su-Th)	1 (Tu-Sat	1	1	1 (Sun-Th)	1 (Tu-Sat)		11 (Tu,W,Th) 9(M,F)
11:00 AM	4	1	1 (Su-Th)	1 (Tu-Sat	1	1	1 (Sun-Th)	1 (Tu-Sat)	1	12 (Tu,W,Th) 10(M,F)
12:00 PM	4	1	1 (Su-Th)	1 (Tu-Sat	1	1	1 (Sun-Th)	1 (Tu-Sat)	1	12 (Tu,W,Th) 10(M,F)
1:00 PM	4	1	1 (Su-Th)	1 (Tu-Sat	1	1	1 (Sun-Th)	1 (Tu-Sat)	1	12 (Tu,W,Th) 10(M,F)
**2:00 PM	8	1	1 (Su-Th)	1 (Tu-Sat	1	1	1 (Sun-Th)	1 (Tu-Sat)	1	16 (Tu,W,Th) 14(M,F)
3:00 PM	5	1	1 (Su-Th)	1 (Tu-Sat	1	1	1 (Sun-Th)	1 (Tu-Sat)	1	13 (Tu,W,Th) 11(M,F)
4:00 PM	5	1	1 (Su-Th)	1 (Tu-Sat	1	1			1	11 (Tu,W,Th) 10(M,F)
5:00 PM	5								1	6
6:00 PM	4								1	5
7:00 PM	4									4
8:00 PM	4									4
9:00 PM	4									4
**10:00 PM	3									3
11:00 PM	3									3
12:00 AM	3									3
1:00 AM	3									3
2:00 AM	3									3
3:00 AM	3									3
4:00 AM	3									3
5:00 AM	3									3
6:00 AM	3									3

*Employees who work offsite at times
**Shift overlap for residential counselors
***Position Titles: Residential Counselor (Res Coun); Manager (Mgr); Program Supervisor (Prog S); Site Supervisor (Site S); Treatment Coordinator (TC); In-Reach Coordinator (IR) (3 IR Postions - A, B, C)

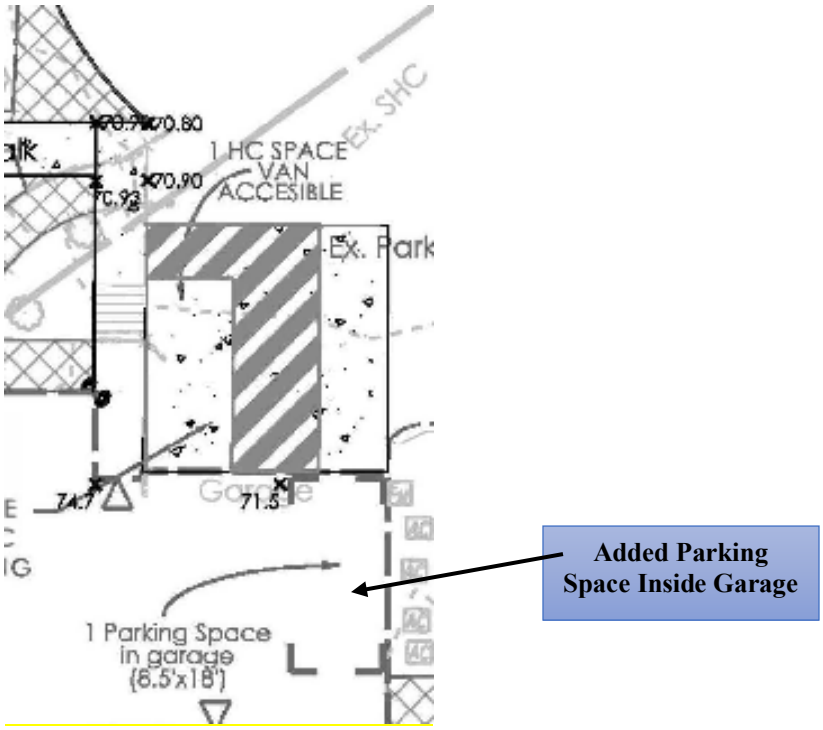
b. Trash Pick-Ups and Deliveries.

Rather than a dumpster, the facility will have multiple residential trash bins that will be stored and concealed underneath the deck in the rear of the building. The trash bins will be wheeled outside and back to the building at appropriate times before and after the regular trash pick-up. Trash will be picked up twice a week by a private service company. There will be deliveries of food products during normal business hours approximately every two weeks. Exhibit 37, p. 23.

3. Parking

a. Parking: Number of Spaces

At the public hearing, Way Station amended its application to permit a maximum of 16 employees on site at one time. T. 114-137. For this number of employees, the Zoning Ordinance requires 12 on-site spaces. *Zoning Ordinance,* Section 6.2.4. Prior to the public hearing, the conditional use site plan called for a total of 11 parking spaces—three in the front yard, 7 in the rear yard and one ADA space in front of the garage. Exhibit 45(a). T. 65. The ADA space originally shown on the conditional use site plan was larger than it had to be. The Applicant had extended the concrete pad the entire width of the garage door to make it appear more residential. *Id.* The amendment considered at the public hearing proposed adding a parking space (formerly reserved for Way Station's van) inside the garage (Exhibit 45(a), below):

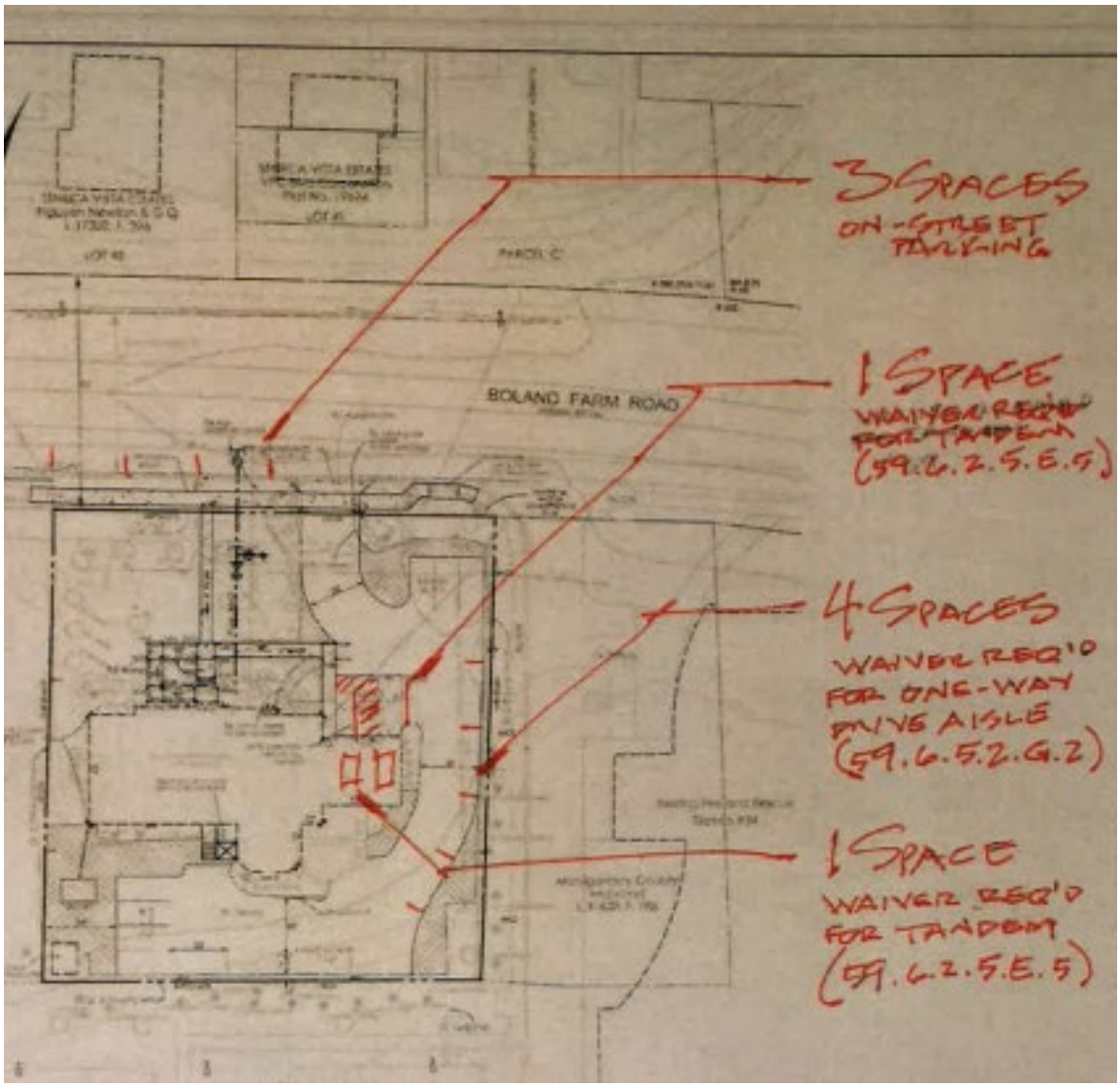


A vehicle utilizing this space would have to cross the striping of the handicapped space but would not otherwise obstruct that space. The additional space shown brings the total number of spaces on-site to 12. Exhibit 72(a).

Way Station proposed several alternative parking options to accommodate full the number of staff that may be present at one time. One of the options would be to have staff park on the south side of Boland Farm road during the peak staffing periods. Mr. Sekerak testified that Boland Farm Road is a large arterial road that has approximately 11 on-street parking spaces on the south side of the road. The right-of-way is 80 feet and the paved width is 50 feet. The width narrows to the west, but it remains wide for a road with only one lane in each direction and a middle turn lane. The posted speed limit is 35 mph. The south side of the road is striped for on-street parking, which is unrestricted. The road width narrows to the west. Because of this, Mr. Sekerak opined that on-street parking would not be appropriate approximately three houses to the west of the subject property. Mr. Sekerak believes that there are eleven parking spaces on the south side of the road, three of which are directly in front of the subject property. A fourth borders the area between the subject property's driveway and the adjacent home's driveway. T. 49-52. He did not think it appropriate to count any spaces on the street in front of the firehouse. T. 53.

Mr. Sekerak commutes that way regularly and has observed that on-street parking is sparse, even in the evening. He has never seen more than four cars parked on the street. In his opinion, this is because almost all the single-family homes along Boland Farm Road have two-car garages and driveways of enough width and depth to fit six cars per property. None of the homes on the north side of Boland Farm Road front on that street, and there is no need for them to park on the street. T. 53-54.

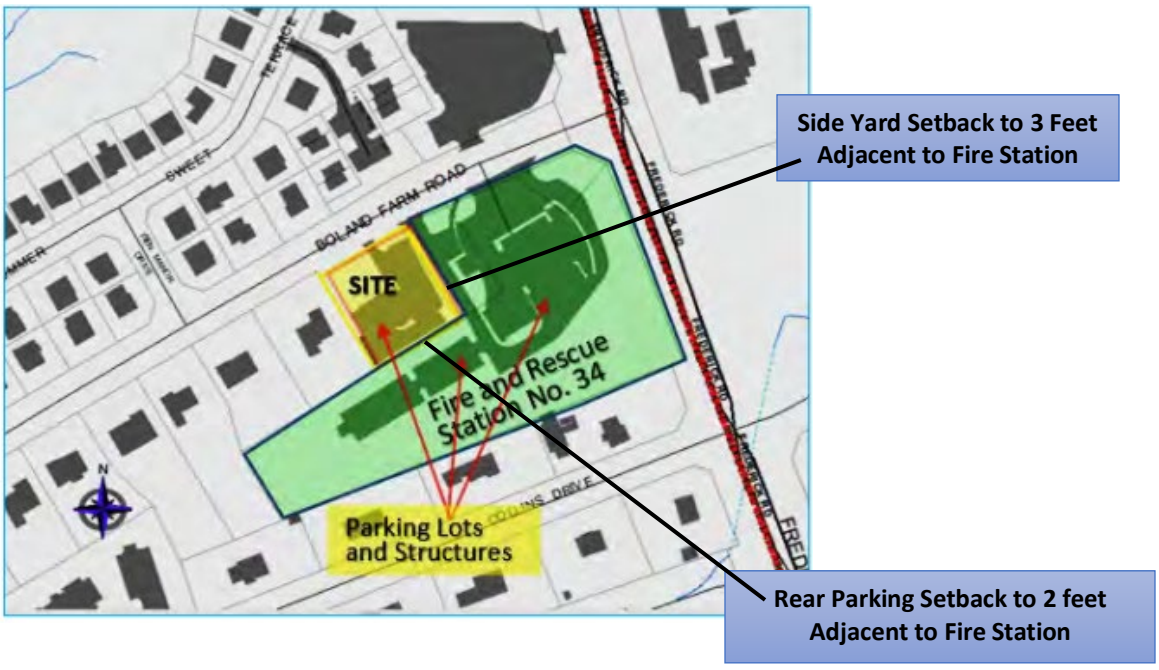
Mr. Sekerak presented several options to add on-site parking. Exhibit 47. Parking spaces could be added on the eastern side of the drive aisle leading to the rear of the property. Parking space there would be seven feet wide, leaving 13 feet for the drive aisle. This would accommodate two small cars. He opined that this would not be dangerous because there is "plenty of" sight distance to see cars approaching from the other end of the aisle. The Applicant could add signage warning of one-way traffic. T. 126-129. The Applicant could also add one space behind the interior garage parking space. Some of these options could necessitate more waivers, which are marked in red on the exhibit below (Exhibit 47):



b. Parking Setbacks and Waivers:

Way Station plans to remove some of the existing paved parking area. T. 61. Mr. Sekerak testified that the large amount of paving there now is not necessary for efficient on-site parking; its removal brings the parking area into conformance with the front and west side yard setbacks. This has the added advantage of allowing space for stormwater management facilities on the property. T. 61-62.

The conditional use site plan does not meet the side and rear yard setbacks for parking facilities under the Zoning Ordinance. Parking facilities for over 10 spaces must be setback from a side lot line by twice the setback for a single-family dwelling in the zone. *Zoning Ordinance,* §59.6.2.5.K.b. The required side yard setback for the R-200 is 12 feet, therefore, the setback required here is 24 feet. Exhibit 37, p. 11. Way Station requests a waiver of the setback to 3 feet. *Id.* The required rear setback is 30 feet; the parking lot for the proposed facility is setback from the rear property line by only 2 feet. T. 67. Exhibit 37, p. 11. Exhibit 37, pp. 11-12. A figure from the Staff Report illustrates the location of the requested waivers in relation to adjacent uses (Exhibit 37, p. 13):



The fire station has planted Leyland Cypress trees along the shared southern property line and approximately half-way to the north on the subject property's eastern boundary. T. 69.

c. Parking lot landscaping.

Mr. Sekerak testified that the Zoning Ordinance does not require landscaping along the eastern and rear sides of the parking area because they do not border a residential use. T. 68; *Zoning Ordinance*, §59.6.2.9.B.3.iv. In Mr. Sekerak's opinion, there is no practical advantage to adding landscaping at these locations because the existing 6-foot privacy fence and the landscaping on the adjacent fire station screens the parking. He opined that it is more important in this scenario to have efficient on-site parking on the subject property. T. 71. Staff advises that the sides abutting or confronting residential uses meet the landscaping requirements. Exhibit 37, p. 14.

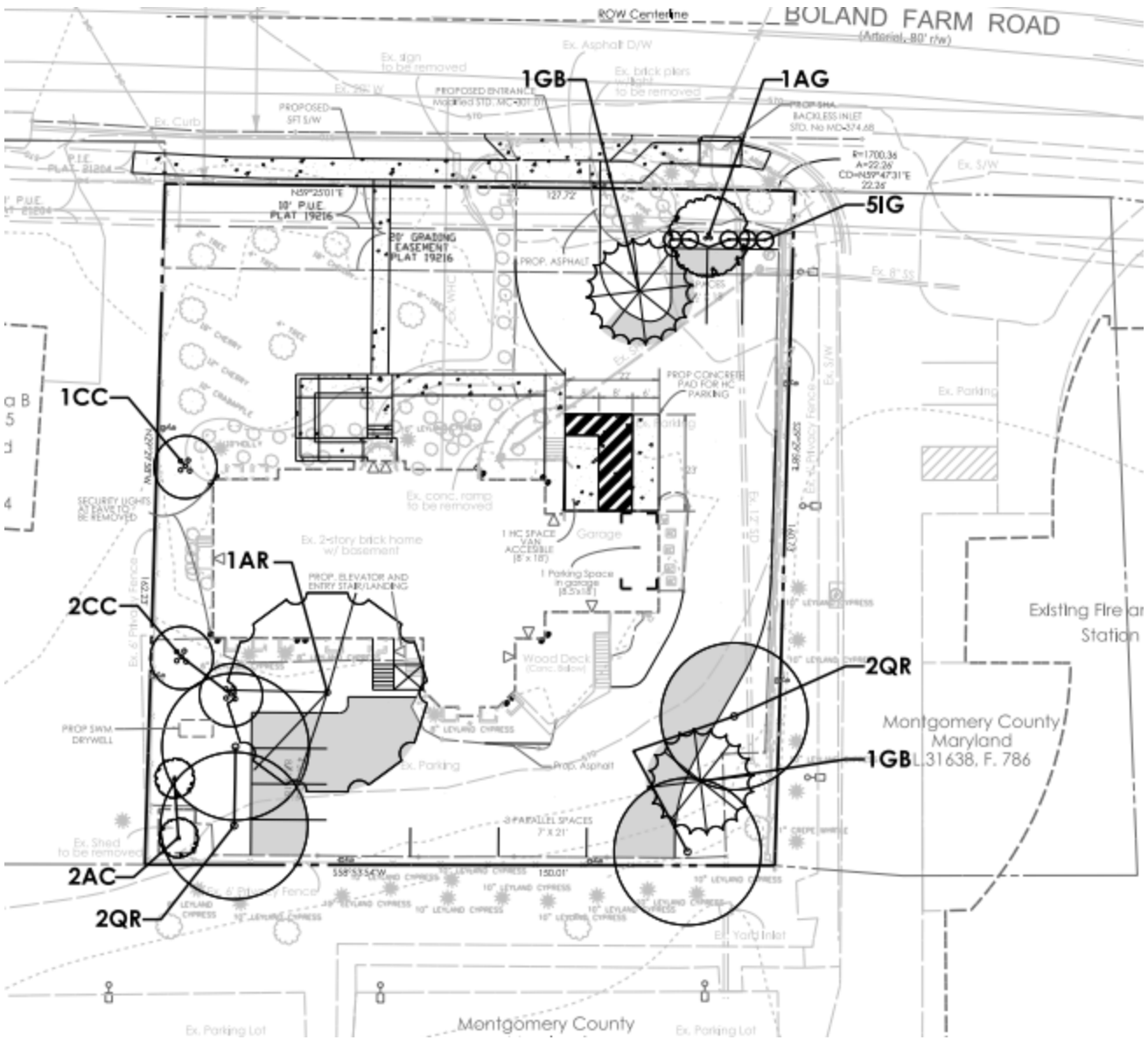
4. Landscaping and Lighting

a. Landscape Plan

Mr. Sekerak testified that, except for the paved areas, the existing site is traditionally landscaped with perennial trees and evergreen shrubs. The Applicant proposes to provide some additional plantings in strategic locations to buffer the three parking spaces in the front yard from Boland Farm Road, the parking in the rear from the adjacent residence, and to install stormwater management on the property. T. 75. Excerpts from the Landscape and Lighting (revised on June 1, 2020 to reflect the addition of a parking space in the garage) are shown on the next page. Exhibit 72(b).

b. Lighting and Signage

Staff advises that the property is currently lit with eight light fixtures mounted to the top of the privacy fence and seven security lights mounted at the corners of the existing building structure. Exhibit 37, p. 16. Way Station will remove the fixtures mounted to the existing fence

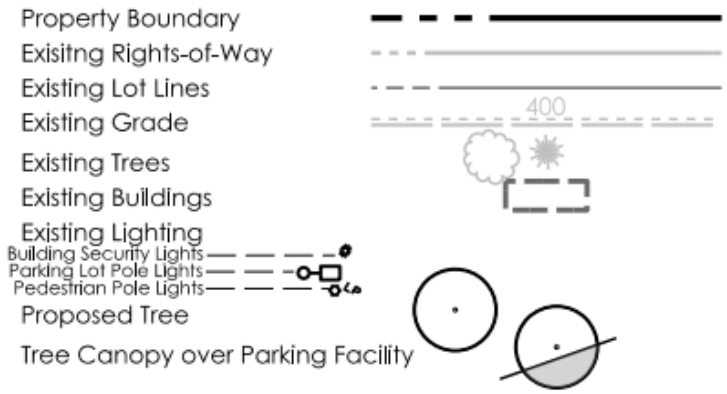


Landscape and Lighting Plan
Exhibit 72(b)

Plant List

KEY	QTY	BOTANICAL NAME/COMMON NAME	SIZE	COMMENTS
Shade Trees				
AR	1	Acer rubrum 'October GLory'/Red Maple	2 1/2-3 inch caliper	Ball and burlap
AG	1	Acer griseum/ Paperbark Maple	1 1/2-2 inch caliper	Ball and burlap
GB	2	Ginkgo biloba 'Autumn Gold'/Autumn Gold Ginkgo	2-2 1/2 inch caliper	Ball and burlap
QR	4	Quercus rubra/Northern Red Oak	2-2 1/2 inch caliper	Ball and burlap
Understory Trees				
AC	2	Amelanchier canadensis/ Serviceberry	6'-7' Height	Ball and burlap
CC	3	Cercis canadensis/Redbud	6'-7' Height	Ball and burlap
Evergreen Shrubs				
IG	5	Ilex glabra/ Inkberry	5 Gallon	Container

Legend



Landscape and Lighting Plan
Exhibit 72(b)

and two of the motion sensor security lights mounted on the west side of the dwelling, adjacent to the home on the west side of the property. *Id.* Way Station does not propose to install any new lighting for the property. Mr. Sekerak testified that the intensity of lighting currently on the property is unnecessary for Way Station's needs. T. 77. Way Station will also remove both existing signs on the property.

D. Environmental Issues

Staff advises that there are no environmental issues with the application. Exhibit 37, p. 17. The proposed use is not subject to the Forest Conservation Law (Chapter 22A of the Montgomery County Code). The Planning Department approved an exemption from the Forest Conservation Law for this application. *Id.,* Attachment B.

E. Community Response

This record contains no communications from the community either for or against the application.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A conditional use is a zoning device that authorizes certain uses provided that pre-set legislative standards are met. Pre-set legislative standards are both specific to a use (in Article 59.3 of the Zoning Ordinance) and general (*i.e.,* applicable to all conditional uses, in Division 59.7.3 of the Zoning Ordinance). The specific standards applied in this case are those for a residential care facility for nine to sixteen persons. *Montgomery County Zoning Ordinance,* §59.3.3.2.E.2.c.

Weighing all the testimony and evidence of record under a "preponderance of the evidence" standard (*Zoning Ordinance,* §7.1.1.), the Hearing Examiner concludes that the conditional use

proposed in this application, with the conditions imposed in Part IV of this Report and Decision, satisfies all of the specific and general requirements for the use.

A. Necessary Findings (Section 59.7.3.1.E)

The general findings necessary to approve all conditional uses are found in Section 59.7.3.1.E. of the Zoning Ordinance. Standards pertinent to this approval, and the Hearing Examiner's findings for each standard, are set forth below.[2] The general standards for approval fall into four main categories:

1. Substantial Conformance with the Master Plan;
2. Adequate Public Services and Facilities;
3. No Undue Harm from Non-Inherent Adverse Effects; and
4. Compatibility with the Neighborhood

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 advises that there are two prior approvals applicable to this property. The first is the special exception for a medical practitioner's office. (Board of Appeals Case No. S-2415). A condition of approval of this application requires that the special exception for a medical practitioner be revoked by the Board of Appeals prior to issuance of a certificate of occupancy.

This property is also subject to an approved preliminary plan. This preliminary plan limited the use of the property to a resident medical practitioner. The Applicant has already applied to the Planning Board to remove this condition. Exhibit 37, p. 21; T. 59. A condition of approval of this conditional use will require the Applicant to amend the preliminary plan to remove this restriction

[2] Although §59.7.3.1.E. contains six subsections (E.1. though E.6.), only subsections 59.7.3.1.E.1., E.2. and E.3. apply to this application. Section 59.7.3.1.E.1. contains seven subparts, a. through g.

prior to issuance of a use and occupancy permit. Thus, as conditioned, the use will comply with all former approvals.

> ***b. satisfies the requirements of the zone, use standards under Article 59.3, and <u>to the extent the Hearing Examiner finds necessary to ensure compatibility,</u> meets applicable general requirements under Article 59.6;***

<u>Conclusion</u>: This subsection reviews the development standards of the R-200 Zone contained in Article 59.4; the specific use standards for a residential care facility for more than 16 persons contained in Article 59.3; and the development standards for all uses contained in Article 59.6. Each of these Articles is discussed below in separate sections of this Report and Decision (Parts III.B, C, and D, respectively). The Hearing Examiner find that the application meets these standards as explained therein.

1. Substantial Conformance with the Master Plan

> ***c. substantially conforms with the recommendations of the applicable master plan;***

The *2009 Germantown Employment Area Sector Plan* (Sector Plan or Plan) guides the development of this property. The property lies within the Seneca Meadows/Milestone District sub-area of the Plan, located immediately west of Frederick Road between Germantown and Ridge Roads. Exhibit 37, p. 7. The Plan reconfirmed a residential use for the property by retaining the R-200 zoning. *Id.* Staff determined that the application conformed to the Sector plan because it "does not propose to modify the existing residential building with the exception of an elevator shaft addition for ADA compliance." *Id.* Staff points out that the application will mitigate some of the commercial aspects of the existing use by removing the illegal paving. It will also re-purpose the property to a residential use. Staff found the project is less intense than other conditional uses that could be allowed in the zone. *Id.*

Conclusion: The Hearing Examiner agrees with Staff that the use conforms to the Sector Plan. The evidence demonstrates that it will remove or reduce several of the commercial characteristics of the existing conditional use, including paving, signage, and lighting, and add landscaping in key areas to buffer the use from residential properties.

2. Adequate Public Services and Facilities

> ***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 to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:***
>
> > ***i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; or***
> >
> > ***ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; and***

Staff advises that the property will need to amend its preliminary plan approval. Exhibit 37, p. 25. Therefore, a detailed analysis of whether public facilities are adequate will be determined by the Planning Board when that occurs. Nevertheless, the Applicant's expert in transportation planning and traffic engineering, Ms. Nicole White, submitted a traffic statement and testified that no traffic study will be required because the use will generate fewer than 50 person trips. T. 102; Exhibit 17.

The Applicant's expert in civil engineering, Ms. Kim Currano, testified that other public utilities were also adequate to serve the use. Water and sewer were available to the site now. Way Station will be upsizing the existing water mains for a sprinkler system to be installed in the house. T. 86. DPS has approved a stormwater management concept plan for the property, which currently has no stormwater management. Runoff will be reduced once some of the existing paving is removed. There is a dry well in the rear yard that will treat most of the roof. T. 87-88.

According to Ms. Currano, fire and police facilities are adequate to serve the facility. Montgomery County Fire Station No. 34 adjoins the property, and the closest police station is approximately one- and one-half miles away. T. 88. Dry utilities, such as telephone and electric, are also available to the property. T. 89.

Conclusion: The adequacy of traffic, transit and pedestrian facilities are determined by the Planning Board's Local Area Transportation Review (LATR) Guidelines. The Guidelines exempt properties generating fewer than 50 trips from the requirement to do a detailed analysis, provided the Applicant submits a "Transportation Statement" verifying that the use will generate fewer than 50 trips. *LATR Guidelines,* p. 8. The Applicant has done so. Based on the uncontroverted evidence that public facilities including roads, transit, utilities, and public services, will be adequate to serve the use, the Hearing Examiner finds that the application meets this standard.

3. No Undue Harm from Non-Inherent Adverse Effects

> ***g. will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:***
>
> > ***i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;***
> > ***ii. traffic, noise, odors, dust, illumination, or a lack of parking; or***

iii. the health, safety, or welfare of neighboring residents, visitors, or employees.

Conclusion: This standard requires the Hearing Examiner to identify inherent and non-inherent adverse effects of the proposed use on nearby properties and the surrounding area. Inherent adverse effects are **"**adverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or scale of operations." *Zoning Ordinance,* §1.4.2. Inherent adverse effects, alone, are not enough to deny a conditional use. Non-inherent adverse effects are "adverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site." *Id.* A conditional use may be denied if it will have non-inherent adverse effects, alone or in combination with inherent effects, that cause "undue" harm to the surrounding neighborhood.

Technical Staff concluded that the inherent adverse effects of a residential care facility for up to 16 persons are: "(1) a building large enough to house the proposed number of residents, (2) on-site parking sufficient to meet the requirements of the use and of the Zoning Ordinance, (3) outdoor lighting consistent with residential standards and adequate for safe vehicular and pedestrian access at night, (4) vehicular trips to and from the site by employees, visitors, residents, delivery, and trash pick-up, (5) a modest level of outdoor activities associated with use of passive recreation area, and (6) noise from ambulances in emergency situations." Exhibit 37, p. 26.

Staff concluded that the scale of the building and operational characteristics were inherent to the use but found that the extensive paving was a non-inherent physical characteristic of the site. Staff determined that this didn't require denial given that the Applicant proposes to rehabilitate existing conditions by removing paving and planting additional landscaping. *Id.* at 27. Overall,

Staff found that the residential character of the use, and the minor modifications to the existing home mitigated the adverse impacts the residential character of the neighborhood. *Id.*

Mr. Sekerak disagreed that the existing paving constituted a non-inherent physical characteristic of the site because the proposed application reduces its size. He agreed, however, that the project would not cause undue harm to the area because they are reducing the commercial characteristics of the existing use and transitioning to a use that is more residential both in nature and appearance. T. 82-83.

Conclusion: The Hearing Examiner does not feel the need to debate whether existing paving that will be partially removed is a non-inherent physical characteristic because she finds that the use as proposed, and as modified after the public hearing, will not cause undue harm to the character of the surrounding area. She agrees with both Staff and the Applicant that the proposed project will ameliorate many of the commercial characteristics of the existing use, that the scope, scale and size of the project are appropriate, and that parking is adequate to accommodate peak staffing.

4. Compatibility with the Neighborhood

Several sections of the Zoning Ordinance require a proposed conditional use be compatible with the existing character of the surrounding neighborhood.

Section 59.7.3.1.E.1 includes the standards of approval below:

> ***d. is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the [master] plan.***
>
> ***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;***

Section 59.7.3.2.E.2 contains an additional requirement for conditional uses in single-family detached zones:

> ***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 determined that the application met these criteria for approval, with the conditions of approval it recommended (including the amended parking). Exhibits 37, 70. Staff found that the revised Conditional Use Site Plan (Exhibit 72(a)) provided enough on-site parking to serve the use without burdening the surrounding area. Exhibits 69, 70. Staff also reasoned that there would be no negative impact on the residential neighborhood in terms of increased traffic and noise because it replaced an existing conditional use that had more commercial characteristics. The residential care facility will not use a dumpster or commercial trash pick-up and food deliveries are relatively minimal. Exhibit 37, p. 23.

Conclusion: Zoning Ordinance §59.7.3.1.E.1.d looks at whether the use will impair the character of the neighborhood as envisioned by the Sector Plan. There Sector Plan reconfirmed a residential use for this property. The Hearing Examiner finds that the application meets this standard because it will replace a more intense commercial special exception (extensive paving, signage and intense lighting), with a conditional use that is a residential with fewer non-residential characteristics.

Zoning Ordinance §59.7.3.1.E.1.e asks whether the proposed conditional use, in combination with other conditional uses in the surrounding area, will "tip the scales" and cause the area to transition away from its existing residential character. The Hearing Examiner agrees with Staff the residential care facility proposed will not do so. The project will not add a conditional use to the area but replaces an existing conditional use with one that is more residential in nature and characteristics.

Section 59.7.3.1.E.2 mandates that a use be consistent with the existing character of the neighborhood outside of the consideration of the Master Plan. The Hearing Examiner finds that it will because it repurposes an existing residential dwelling with a residential use, the rear addition of the elevator cannot be seen from Boland Farm Road, the amount of paving will be reduced, the parking to the west and north will be better screened, the privacy fence masks much of the parking to the south and west, and the amount of night-time illumination on the property will be reduced.

> ***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.***

Conclusion: The application satisfies all specific requirements for the conditional use, and with the conditions imposed to mitigate adverse impacts, meets the standards required for approval.

B. Development Standards of the Zone (Article 59.4)

In order to approve a conditional use, the Hearing Examiner must find that the application meets the development standards of the R-200 Zone, contained in Article 59.4 of the Zoning Ordinance.

Conclusion: Staff concluded that the application meets the development standards of the R-200 Zone and included a table comparing the minimum development standards to what is provided on the conditional use site plan. The Hearing Examiner reproduces this table from the Staff Report (except for the parking standards, which have changed) on the next page (Exhibit 37, p. 8). Mr. Sekerak testified that the application met all development standards of the R-200 Zone (except for the parking setbacks, discussed below). T. 80-81.

Conclusion: The undisputed evidence in this case demonstrates that the conditional use meets all development standards required by the R-200 Zone shown in the chart above, except for parking setbacks along the eastern and southern boundaries. The Applicant has applied for a waiver of

Table 1: Development Standards

R-200 Zone Development Standards	Zoning Ordinance 59-4.4.7.B	Proposed
Minimum Lot Area	20,000 SF	24,225 SF (0.56 ac)
Minimum Lot width:		
▪ at front building line	100 ft	128 ft
▪ at front lot line	25 ft	128 ft
Maximum lot Coverage	25 percent	17 percent
Minimum Building Setback Principal Building:		
• front	40 ft	66 ft
• Side		
• One side	12 ft	14 ft
• Sum of both sides	25 ft	43 ft
• rear yard	30 ft	36 ft.
Maximum Building Height	35 ft	30 ± ft

Staff Comparison of Required and Proposed Development Standards Exhibit 37, p. 8

these setbacks, which the Hearing Examiner grants in Part IV of this Report. The Hearing Examiner finds this standard has been met.

C. Use Standards Specific to a Residential Care Facility (Section 59.3.3.2.E.2.c.)

The specific use standards for approval of a residential care facility for between nine and sixteen residents are set out in §§ 59.3.3.2.E.2.1 and 59.3.3.2.E.2.b of the Zoning Ordinance.

1. Defined, In General

Residential Care Facility means a group care or similar arrangement for the care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual, in which:

a. the facility must meet all applicable Federal, State, and County certificate, licensure, and regulatory requirements;
b. resident staff necessary for operation of the facility are allowed to live on-site; and
c. the number of residents includes members of the staff who reside at the facility, but does not include infants younger than 2 months old.

> **Residential Care Facility includes a nursing home, an assisted living facility, a continuing care retirement community, a hospice, and a group home. Residential Care Facility does not include a Hospital (see Section 3.4.6, Hospital) or Independent Living Facility for Seniors or Persons with Disabilities (see Section 3.3.2.C, Independent Living Facility for Seniors or Persons with Disabilities).**

Conclusion: The use proposed will offer day to day care, supervision and assistance to mentally disabled adults and, as a condition of approval, will be required to comply with applicable Federal, State and County regulations and requirements. Counselors will live on-site 24 hours a day, 7 days a week. No children will reside at the facility. The Hearing Examiner finds that the proposed use as conditioned meets this definition, as did Staff. Exhibit 37, p. 22.

b. Residential Care Facility (9 - 16 Persons)

ii. Where a Residential Care Facility (9 - 16 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

(a) A group home for children must provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.

(b) Height, density, coverage, and parking standards must be compatible with surrounding uses and the Hearing Examiner may modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.

(c) In the AR zone, this use may be prohibited under Section 3.1.5, Transferable Development Rights.

Conclusion: As this residential care facility will serve only adults and is not in the AR Zone, the first and third of the above standards do not apply to this application. The second standard repeats many of the compatibility issues already addressed. Staff concluded (prior to the amendment revising the parking) (Exhibit 37, pp. 22-23):

> The property is of sufficient size to accommodate the proposed number of residents. The property has been used as a Medical Practitioner's Office for Nonresidential Practitioner with a second-floor residential use. With the proposed conditional use, the facility will have a maximum of 16 beds. The facility can be accommodated

> within the existing structure. There will be no external modification to the existing residential building. The applicant's SOJ [Statement of Justification] indicates that the only internal modifications will be limited to installing an elevator in compliance with ADA requirements.

Staff also recommended approval of the additional on-site parking space in the garage, finding that the combination of on-site and on-street spaces will accommodate the staffing at peak times. Exhibits 69, 70. A condition of approval prohibits residents from parking vehicles at the property. Parking, therefore, can be accomplished with the reduction of impervious pavement and additional landscaping on the property. Most of the existing structure will not be altered and the elevator addition on the rear of the property cannot be seen from Boland Farm Road.

Conclusion: Based on this evidence, the Hearing Examiner agrees with Staff that height, density, and coverage standards are compatible with the area.

D. General Development Standards (Article 59.6)

Article 59.6 sets the general requirements for site access, parking, screening, parking lot landscaping, lighting, and signs. The requirements of these sections need be satisfied only "to the extent the Hearing Examiner finds necessary to ensure compatibility." *Zoning Ordinance,* §59.7.3.1.E.1.b.

1. Parking Standards

a. Number of On-Site Spaces

After review of the parking options presented by the Applicant, Staff recommended the option shown on Exhibit 45(a), which adds a space inside the garage and utilizes on-street parking for the relatively brief periods when 16 staff may be present. Exhibit 69. Staff's stated (*Id.*):

> 1. Staff doesn't support any of the four (4) hand-marked scenarios, for increasing the number of on-site parking spaces, as reflected on the Plan identified as Exhibit 47. The options represent overparking, a disorganized on-site circulation pattern, a reduced driveway width, a need for additional waivers, and potentially unsafe conditions creating a situation that lends itself to rendering the proposed use inconsistent with the character of the

neighborhood.

2. Staff, however, looks at Exhibit 45(a), as the better and practical alternative over the ones proposed on Exhibit 47 for the following reasons:

    a. The Plan demonstrates that one of the two existing parking spaces in the garage can be used as employee parking. The garage space can be accessed and utilized in a manner that would not interfere with the handicap vehicle parking, only with slight encroachment onto the "access aisle" (the striped area) portion of the handicapped parking space when entering and exiting the garage.

        Note: *There are no specific requirements or guidelines in the Zoning Code addressing the particular issue of encroachment onto the handicap parking access aisle. It appears, the Applicant's engineers have found that it is allowable under state guidelines. From staff's perspective, 1) A discussion with the Applicant's team reveals that due to the nature of the use, it's not very likely that there will be a handicapped care provider on the staff. 2) It would be very rare (if ever), for someone accessing the garage space to coincide with a person in a wheelchair getting out of a car into the access aisle. Therefore, the maneuvering of entering and exiting the proposed garage space is not likely to have a negative impact. However, staff recommends that the Applicant's team provides additional information to the hearing examiner on the issue of encroachment onto the access aisle.*

    b. There will be no need for tandem parking or requesting a waiver to create it. Staff does not support a tandem parking option.

    c. The handicapped parking accommodation, as proposed, will not alter the character of the neighborhood.

    d. The application would meet the Zoning Code requirements by providing the required number of parking spaces assuming a maximum of 16 employees being present on the site at any given time. As such, the Applicant does not need any waiver from the parking requirements.

3. With respect to the Applicant's concern about shortage of parking spaces when a shift change is in effect or arrival and departure times overlap, staff offers the following remarks:

    a. It is staff's opinion that there is ample unrestricted on-street parking along the south side of Boland Farm Road (including the subject property's frontage on Boland Farm Road) available to

accommodate spill-over parking needs that could occur during the one to two-hour window of shift-change time.

b. The Applicant's concern assumes the presence of all 16 employees, each with a vehicle. There is a good possibility that this may not always be the case since the facility may not always be fully staffed or that some employees may commute to work by bicycle or use public transportation. Therefore, adding parking spaces beyond what is required on an already "parked to a capacity" property, would not be practical. With the availability of unrestricted on-street parking (public parking) established, and no negative impact on the surrounding neighborhood anticipated, there appears to be no need for any additional relief as related to parking spaces for the facility.

4. Staff's previous recommendation for approval of the originally requested waiver of the parking setbacks under Section 6.2.10 remains unchanged in the current revision as reflected on Exhibit 45(a).

Staff advised that the additional parking space in the garage brings the number of parking spaces up to the minimum required by the Zoning Ordinance (Ex. 69, shown below):

Section 59-6.2.4	Required	Provided
Residential Care Facility — 0.25 space per bed	16 beds X 0.25= 4 spaces	4 spaces
Employee (ee) —0.50 space per employee	16 ee at any one-time X0.50=8 spaces	8 spaces
Total Spaces	**12 spaces**	**12 spaces including 1 Van accessible handicap space**

Conclusion: Staff correctly calculates that the number of on-site spaces required is 12. Zoning Ordinance §59.6.2.4.B. Thus, the Applicant's amendment at the public hearing to increase the Staff to 16 persons on-site at one time increased the minimum parking requirements initially reviewed by Staff.

The Hearing Examiner agrees with Staff that the additional parking space in the garage is the best option for meeting the on-site requirements. The Applicant's expert land planner testified

that there are at least 11 on-street parking spaces on the south side of Boland Farm Road and that the road has wide enough shoulders to accommodate on-street parking safely. For the brief periods (approximately one hour three days a week) that all sixteen staff may be at the premises, the on-street parking will permit staff to park safely without disrupting the neighborhood. The Hearing Examiner also agrees that the brief reliance on on-street parking is preferable to creating a less coherent and possibly unsafe traffic pattern on the property that would need additional variances. The Applicant has adequately demonstrated that the (1) the minimum standards of the Zoning Ordinance are met, and (2) that any overflow parking will be safe and not have a negative impact on the neighborhood.

b. Parking Lot Setbacks and Requested Waivers

Section 6.2.5.K imposes requirements on parking areas that support conditional uses in residential zones:

> ***K. Facilities for Conditional Uses in Residential Detached Zones***
> ***Any off-street parking facility for a conditional use that is located in a Residential Detached zone where 3 or more parking spaces are provided must satisfy the following standards:***
>
> ***1. Location***
>
> ***Each parking facility must be located to maintain a residential character and a pedestrian-friendly street.***

Conclusion: Staff concluded that the parking areas are located to obscure direct views through landscaping, fencing, setbacks, and locating most spaces in the rear of the home. Exhibit 37, p. 11. Landscaping has been added to the front adjacent to Boland Farm Road and on the west side, adjacent to the abutting residential dwelling. The setback waivers are from the property lines adjacent to the fire station, an institutional use. Even then, the existing privacy fence and landscaping on the fire station property adequately screen the parking from residential areas further

from the use. The Hearing Examiner agrees that the parking will maintain the residential character of the surrounding area.

2. Setbacks

> ***a. The minimum rear parking setback equals the minimum rear setback required for the detached house.***
>
> ***b. The minimum side parking setback equals 2 times the minimum side setback required for the detached house.***
>
> ***c. In addition to the required setbacks for each parking facility:***
>
> > ***i. the required side and rear parking setbacks must be increased by 5 feet for a parking facility with 150 to 199 parking spaces; and***
> >
> > ***ii. the required side and rear parking setbacks must be increased by 10 feet for a parking facility with more than 199 parking spaces.***

These setbacks may be waived "if the alternative design satisfies Section 6.2.1." *Zoning Ordinance,* 59.6.2.10. Section 59.6.2.1., the "intent" of the parking standards, states:

> ***The intent of the vehicle and bicycle parking, queuing, and loading requirements is to ensure that adequate parking is provided in a safe and efficient manner.***

The Applicant has requested two waivers—one from the side yard setback along the eastern property line and one from the rear yard setback along the southern property line, described in Part II.C.3.b of this Report. Staff concluded that the setbacks met the standards for a waiver because both sides abut parking for an institutional use (the fire station) and is already screened by the privacy fence and Leyland Cypress trees on the fire station property. Staff found the waiver of both setbacks enabled a safe and efficient on-site circulation system. Exhibit 37, pp. 12-13.

Conclusion: The Hearing Examiner is satisfied that the location of the rear parking, new landscaping along Boland Farm Road and the western property line, and the existing fence adequately screens parking from the residential areas. The waivers allow a 20-foot two-way drive

aisle that makes interior circulation (to and from the rear parking lot) much safer and more efficient. With the conditions of approval in Part IV of this Report, the Hearing Examiner grants the requested waivers.

Section 6.2.9.C of the Zoning Ordinance sets minimum landscaping and screening standards for surface parking areas with 10 or more spaces on property that abuts properties in single-family detached zones:

> ***C. Parking Lot Requirements for 10 or More Spaces***
>
> ***1. Landscaped Area***
>
> ***a. A surface parking lot must have landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5% of the total area of the surface parking lot. Where possible, any existing tree must be protected and incorporated into the design of the parking lot.***
> ***b. A maximum of 20 parking spaces may be located between islands.***
> ***c. A landscaped area may be used for a stormwater management ESD facility.***
>
> ***2. Tree Canopy***
>
> ***Each parking lot must maintain a minimum tree canopy of 25% coverage at 20 years of growth, as defined by the Planning Board's Trees Technical Manual, as amended.***
>
> ***3. Perimeter Planting***
>
> ***a. The perimeter planting area for a property that abuts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use must:***
>
> ***i. be a minimum of 10 feet wide;***
> ***ii. contain a hedge, fence, or wall a minimum of 6 feet high;***
> ***iii. have a canopy tree planted every 30 feet on center; and***
> ***iv. have a minimum of 2 understory trees planted for every canopy tree.***

Conclusion: Staff concluded that the proposed Landscape Plan submitted prior to the public

hearing met these requirements. Exhibit 37. The Landscape Plan submitted into the record on June 1, 2020 (Exhibit 72(b)), adds only the additional space in the garage and does not otherwise alter the proposed landscaping for the site. Exhibits 69, 70. Based on this evidence, the Hearing Examiner finds that this standard has been met.

c. Other Parking Standards

Other parking standards are governed by Division 59.6.2 of the Zoning Ordinance. Sections 59.6.2.5. B through I contain technical requirements governing the design, size, location, access, and striping of vehicle parking spaces, and the design of access roads and walkways. Planning Staff concluded that the conditional use plan proposed met all the technical requirements of the Zoning Ordinance. Exhibit 37, p. 9-11. As there is nothing in the record to the contrary, the Hearing Examiner does not repeat these sections and finds that these standards have been met for the reasons stated in the Staff Report.

2. Site Perimeter Landscaping and Screening

Division 6.4 and 6.5 of the Zoning Ordinance set minimum standards for site landscaping, which are intended to "preserve property values, preserve and strengthen the character of communities, and improve water and air quality." §59.6.4.1. Section 6.5.2. excludes single-family detached homes from the technical screening requirements of the Zoning Ordinance, provided that the use is compatible with the neighborhood:

> ***In the Agricultural, Rural Residential, and Residential Detached zones, a conditional use in any building type, except a single-family detached house, must provide screening under Section 6.5.3 if the subject lot abuts property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use. All conditional uses must have screening that ensures compatibility with the surrounding neighborhood***.

Section 59.6.5.3.A.1 states that:

Screening is required along a lot line shared with an abutting property that is vacant or improved with an agricultural or residential use.

Section 6.5.3.C.7 sets out specific landscape requirements (*i.e.,* landscaping width, number of plants, plant spacing and types of plants) for conditional uses in Residential Detached Zones.

Both Staff and the Applicant agree that screening is not required along the eastern and southern property lines that abut the fire station. Exhibit 37, p. 16, T. 68. Both also agree that the six-foot privacy fence on the subject property and the Leyland Cypress on the fire station property will adequately screen these areas compatibly with the surrounding area. Staff confirmed that the screening along the remaining property lines meets the requirements of the Zoning Ordinance (*Id.,* p. 16):

> The Applicant's revised landscaping meets the General Landscape Requirements as defined and specified under Section 59-6.4.3., Section 6.5.3.A: Location, and 6.5.3.C.7, Screening Requirements by Building Types.

Conclusion: Staff and the Applicant correctly conclude that the specific screening standards in the Zoning Ordinance do not apply to the sides of the property abutting the fire station. Because this use is housed in a single-family detached building, the specific landscape standards of Section 6.5.3.C.7 do not apply to the remaining property lines. Therefore, the only standard to be applied is whether the screening provided is compatible with the surrounding area. For the sides abutting the fire station, the testimony is that the parking cannot be seen outside of the fence, and that the fence itself is screened by Leyland Cypress trees on the fire station property. Staff advises that landscaping proposed along the northern and western property lines meet the specific landscaping requirements of Section 59.6.5.3.C.7. Based on this evidence, the Hearing Examiner concludes that the screening along those property boundaries is compatible with the surrounding area and is in fact an improvement over existing conditions.

3. Outdoor Lighting

The outdoor lighting proposed for the conditional use was discussed in Part II.C.2. of this Report and Decision. The requirements in Division 59.6.4 of the Zoning Ordinance apply only to new lighting. Because no new lighting is being installed, they do not apply to this conditional use, and the only standard is whether the lighting will be compatible with the surrounding area.

As a benchmark for compatibility, the Zoning Ordinance caps permissible levels of illumination (from new lighting) at 0.5 footcandles along the property line. For conditional uses, the permissible lighting level is reduced to 0.1 footcandles along a property line that abuts single-family detached homes (Zoning Ordinance, §6.4.4.E):

> ***Outdoor lighting for a conditional use must be directed, shielded, or screened to ensure that the illumination is 0.1 footcandles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or Employment zone.***

Mr. Sekerak testified that he was unable to obtain accurate photometrics of the illumination generated by lighting on the subject property because of the ambient light from the fire station parking lot and the existing pole lights on the subject property. He measured illumination at between .6 and .1 footcandles at the property lines but could not differentiate the source of the light. Light measurements on the western side of the property were at .5 footcandles. Way Station proposes to remove much of the existing lighting. Once this is done, Mr. Sekerak opined that it is "obvious" that illumination levels will be much lower. T. 77-79. Staff advised that footcandles would be 0.1 after the lights are removed. Exhibit 37, p. 16.

Conclusion: From this evidence, the Hearing Examiner finds that the lighting on the property will be at residential levels compatible with the surrounding area and adjacent uses.

IV. Conclusion and Decision

As set forth above, the application meets all the standards for approval in Articles 59.3, 59.4, 59.6 and 59.7 of the Zoning Ordinance. Based on the foregoing findings and conclusions, the Hearing Examiner hereby ***GRANTS*** the Applicant's (1) request for a waiver of parking setbacks along the eastern and southern property lines and the (2) application for a conditional use under Section 59.3.3.2.E.2.b. of the Zoning Ordinance to build and operate a residential care facility for nine to sixteen persons at 20629 Boland Farm Road, Germantown, Maryland, subject to the following conditions:

1. Physical improvements to the Subject Property are limited to those shown on the Conditional Use Plan (Exhibit 72(a)) and Landscape and Lighting Plan (Exhibit 72(b)).

2. No residents of the residential care facility are permitted to park any vehicles on the property.

3. The maximum number of employees permitted on-site at any one time is 16.

4. No identification sign may be placed on the property.

5. The Applicant must provide marked crosswalks from the drive aisle/parking areas to the building front and rear entrances.

6. No special events shall be held on the facility's premises.

7. There shall be no more than six food and supply deliveries to the facility per month.

8. The Applicant must obtain a revocation of Special Exception Case No. S-2415 prior to issuance of a use and occupancy permit.

9. The Applicant must obtain an amendment of Preliminary Plan No. 11993011 to remove the limitation on use to a resident medical professional prior to issuance of a use and occupancy permit.

10. The Applicant must maintain the grounds, including plantings and fencing in good condition, free from debris and undue vegetative growth.

11. The Applicant and any successors in interest must obtain and satisfy the requirements of all Federal, State, and County licenses, regulations, and permits,

including but not limited to building permits and use and occupancy permits, necessary to occupy the conditional use premises and operate the conditional use as granted herein. The Applicant and any successors in interest shall at all times ensure that the conditional use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements, including the annual payment of conditional use administrative fees assessed by the Department of Permitting Services.

Issued this 15th day of June 2020.

Lynn A. Robeson
Hearing Examiner

RIGHT TO APPEAL

Any party of record may file a written request to appeal the Hearing Examiner's Decision by requesting oral argument before the Board of Appeals, within 10 days issuance of the Hearing Examiner's Report and Decision. Any party of record may, no later than 5 days after a request for oral argument is filed, file a written opposition to it or request to participate in oral argument. If the Board of Appeals grants a request for oral argument, the argument must be limited to matters contained in the record compiled by the Hearing Examiner. A person requesting an appeal, or opposing it, must send a copy of that request or opposition to the Hearing Examiner, the Board of Appeals, and all parties of record before the Hearing Examiner.

Additional procedures are specified in Zoning Ordinance §59.7.3.1.f.1.Contact information for the Board of Appeals is:

Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, MD 20850
(240) 777-6600
http://www.montgomerycountymd.gov/boa/

PLEASE NOTE THE FOLLOWING BOARD OF APPEALS FILING REQUIREMENTS DURING THE COVID-19 PANDEMIC:

The Board of Appeals website sets forth these procedures for filing documents with the Board:

Because remote operations may not always allow us to promptly date-stamp incoming U.S. Mail, until further notice, all time-sensitive filings (administrative appeals, appeals of conditional use decisions/requests for oral argument, requests for public hearings on administrative modifications, requests for reconsideration, etc.) should be sent via email to BOA@montgomerycountymd.gov, and will be considered to have been filed on the date and time shown on your email. In addition, you also need to send a hard copy of your request, with any required filing fee, via U.S. Mail, to the Board's 100 Maryland Avenue address (above). Board staff will acknowledge receipt of your request, and will contact you regarding scheduling.

.

If you have questions about how to file a request for oral argument, please contact Staff of the Board of Appeals.

The Board of Appeals will consider your request for oral argument at a work session. Agendas for the Board's work sessions can be found on the Board's website and in the Board's office. You can also call the Board's office to see when the Board will consider your request. If your request for oral argument is granted, you will be notified by the Board of Appeals regarding the time and place for oral argument. Because decisions made by the Board are confined to the evidence of record before the Hearing Examiner, no new or additional evidence or witnesses will be considered. If your request for oral argument is denied, your case will likely be decided by the Board that same day, at the work session.

Parties requesting or opposing an appeal must not attempt to discuss this case with individual Board members because such ex parte communications are prohibited by law. If you have any questions regarding this procedure, please contact the Board of Appeals by calling 240-777-6600 or visiting its website: http://www.montgomerycountymd.gov/boa/.

Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 05-Mar-20

TO: Kim Currano - kim.currano@stantec.com
Stantec

FROM: Marie LaBaw

RE: 20629 Boland Farm Road
CU20-01

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **05-Mar-20** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.

2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** Existing building: elevator shaft and FDC/hydrant additions *****

Development Applications and Regulatory Coordination Division Effective 6/29/2015

M-NCPPC 8787 Georgia Avenue, Silver Spring, MD 20910 301-495-4550, fax: 301-495-1306

APPLICATION

Forest Conservation Law Applicability for Conditional Uses/Special Exceptions

Property Information

20629 Boland Farm Rd., Germantown, MD 20876
Address *City*

Mary J. Boland | 19216 | 95 | | EU 63 |
Subdivision Name | *Plat(s)* | *Lot(s)* | *Block(s)* | *Tax Map* | *Parcel(s)*

03047093
Property Tax ID 1 *Property Tax ID 2* *Property Tax ID 3* *Property Tax ID 4*

Applicant (Owner, Contract Purchaser, or Owner's Representative)

Scott Rose — Way Station, Inc
Name *Company*

PO Box 3826
Street Address

Frederick — MD — 21705
City *State* *Zip Code*

301.662.0099 — SRose@waystationinc.org
Phone Number *Email Address*

Total Area of Property: 0.56 acres 24,225 square feet

Applicant attests that the following statements apply to the subject property conditional use/special exception application:

☐ The application does not propose any clearing or grading activities on or near the conditional use/special exception site. *(Requires plan number and M-NCPPC signature below)*

OR, all of the following:

☒
- The application applies to a property of less than 40,000 square feet.
- The property is not subject to a previously approved Forest Conservation Plan.
- The conditional use/special exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Board.

(Not subject to Forest Conservation Law; requires M-NCPPC signature below)

PLEASE NOTE: If regulated activities occur on the property other than what is being attested to, the exemption immediately terminates without action by the Planning Board. The Planning Director may require the submission and approval of a Natural Resources Inventory/Forest Stand Delineation and a Forest Conservation Plan, and may also issue a fine of up to $1,000 per day.

Scott Rose — 1-2-20
Applicant's Signature *Date*

Scott Rose, Way Station, Inc.
Printed Name

For Staff Use Only

M-NCPPC acknowledges that the conditional use/special exception for the above property:

☐ is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code.

☑ is exempt from the Forest Conservation Plan requirements under Section 22A-5(q)(1) of the Forest Conservation Law.

Plan Name: _____

Plan Number: 4_____

[signature] — 1-2-20
M-NCPPC Signature *Date*

Mark Pfefferle
Printed Name

DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Hadi Mansouri
Acting Director

January 7, 2020

Mr. Sergio Rodriguez
Stantec
20440 Century Boulevard, Suite 240
Germantown, MD 7115

Re: **COMBINED STORMWATER MANAGEMENT CONCEPT/*SITE DEVELOPMENT STORMWATER MANAGEMENT PLAN*** for
20629 Boland Farm Road
Preliminary Plan #: N/A
SM File #: 285501
Tract Size/Zone: R200
Total Concept Area: 24,225 sq ft
Lots/Block: 95
Watershed: Seneca Creek

Dear Mr. Rodriquez:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via a drywell.

The concept plan demonstrates that ESD to the MEP is met before the target ESD treatment volume is achieved. The lack of space, the lack of proper outfall locations and the presence of fill soils preclude the implementation of any additional ESD practices. A Pe of 1.03 inch is achieved via one drywell therefore, a waiver will be granted for quantity control.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

2. An engineered sediment control plan must be submitted for this development.

3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Jean Kapusnick at 240-777-6345.

Sincerely,

Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: jak

cc: N. Braunstein
SM File # 285501

ESD: Required/Provided 372 cf / 192 cf
PE: Target/Achieved: 1.8"/1.03"
STRUCTURAL: 0.00 cf
WAIVED: 0.027 ac.