



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

MCPB
Item No.:
Date:

CU-20-06 Redly Capital Investment: Conditional Use Request for Residential Care Facility (9-16 Person)

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Completed: September 4, 2020

Description

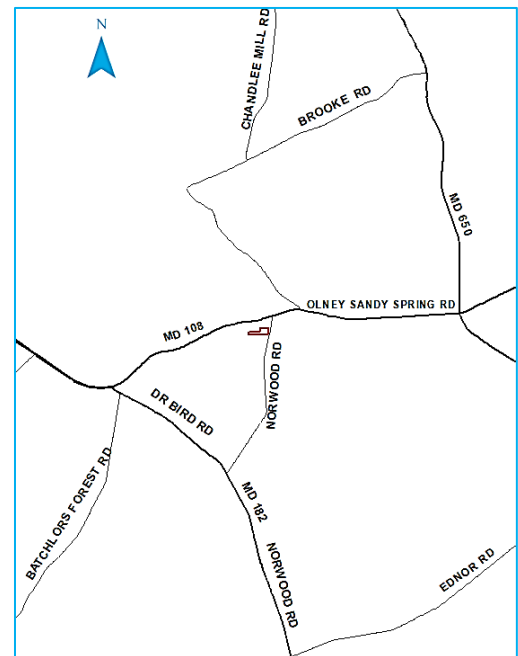
Request for a Conditional Use to operate a Residential Care Facility (9-16 Persons) in an existing structure on a 1.42 acres lot located at 17734 Norwood Road, approximately 300 feet south of its intersection with Olney-Sandy Spring Road (MD-108), Sandy Spring, identified as Parcel A and Outlot A, Aunt Hattie's Place, Plat 23975, R-200 Zone and Sandy Spring Ashton Rural Village Overlay Zone.

1998 Sandy Spring/Ashton Master Plan.

Staff Recommendation: Approval with conditions

Application Filed: May 13, 2020
OZAH Public Hearing: October 2, 2020
Planning Board Hearing: September 17, 2020

Applicant: Redly Capital Investments & Holding Corporation



Summary

- With the recommended conditions, the conditional 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 2.b** of Montgomery County Zoning Ordinance and the applicable development standards under the R-200 Zone (**Section 59. 4.4.7.B**) and the requirements of the Sandy Spring Ashton Rural Village Overlay Zone.
- The subject use is consistent with the recommendations of the *1998 Sandy Spring/Ashton Master Plan* and is compatible with the character of the surrounding area.
- Approval of the requested Conditional Use will not cause undue harm or adverse impact on the immediate neighborhood.
- There are no traffic, circulation, noise or environmental issues associated with the Application, provided that the recommended conditions are satisfied.
- Approval of the proposed Residential Care Facility Conditional Use will not substantially change the nature, character, scope or intensity that has been established by the group home for eight person that operated on the property in the past.
- Staff received no community correspondence expressing issues and concerns regarding the proposed use.
- This Application complies with the Guidelines for Environmental Management of Development in Montgomery County (2000).
- The Conditional Use Application is subject to a Final Forest Conservation Plan No. 820070130 which was approved for the original Aunt Hattie's Place. There will be no external alteration or modification to the existing house (except ADA required elevator addition) to accommodate the proposed Residential Care Facility.

SECTION I: STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL

Staff recommends approval of CU-20-01 subject to the following conditions:

1. The Residential Care Facility must be limited to a maximum of 16 residents and four employees on site at any one time.
2. No sign identifying the Facility as a Residential Care Facility may be located on the property or on the building.
3. No special events shall be held on the facility's premises.
4. Landscaping must be in accordance with the Landscape Plan revised on August 19, 2020.
5. The Applicant must obtain and satisfy the requirements of all licenses including a use and occupancy permit.

SECTION II: PROJECT DESCRIPTION

A. SITE DESCRIPTION

The subject property is located at 17734 Norwood Road, in Sandy Spring, approximately 310 feet south of the intersection of Olney-Sandy Spring Road (MD 108) and Norwood Road. The property is known as “Parcel A and Outlot A, Aunt Hattie’s Place”, and consists of approximately 1.42 acres of land improved with a 10,277 square foot two-story residential building plus basement that was formerly used as a residence and a group home for eight persons. The one-story residential portion of the building is located towards the property’s frontage on Norwood Road. The rear portion of the residence is attached to a three-story addition that was used to house the residents of the former residential care facility known as “Aunt Hatties Place”. Other improvements on the property include an outdoor patio, paved surface parking and paved driveways. The property is zoned R-200 (Residential, one-family) and is located in the Sandy Spring/Ashton Rural Village Overlay Zone.

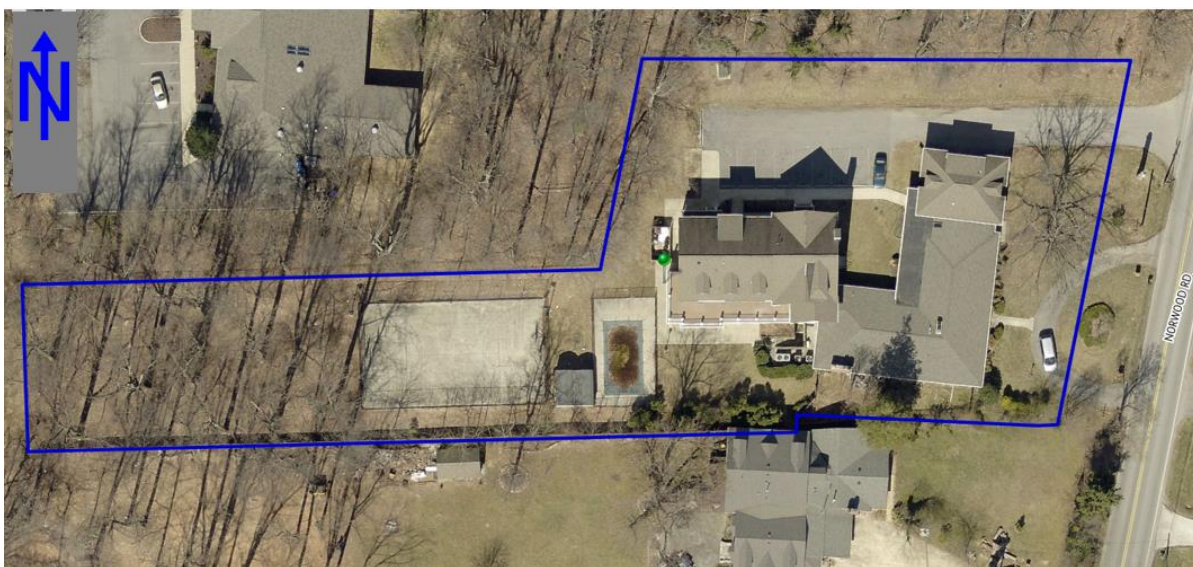


Figure 1. The Subject Site

The property is irregularly shaped, with approximately 246 feet frontage on Norwood Road and measuring 75.67 at the rear property line (east) forming an L-shape. Both the residence and the Facility are accessed from Norwood Road via three driveway aprons; two of which are located at the end of a circular driveway in the front of the residence in the central portion of the property. The third apron is located at the northeast corner extending along the entire northern side of the property and leading to the parking area.

A portion of the front yard and the west side yard contain shrub 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 identified on the property. However, there are existing conservation easements on the property.

B. NEIGHBORHOOD DESCRIPTION

For purposes of this application, Staff defines the surrounding neighborhood boundaries (Circled in Yellow—Figure 2) as the area within 1,500 feet (approximately 0.3 miles) of radius of the subject property.

Staff's definition of the neighborhood slightly differs from that of the Applicant's. The Applicant's boundaries cover an area within a 1.0-mile radius of the subject property. Staff's defined neighborhood's boundaries cover a 1.5-mile radius, taking into consideration the nature of the proposed use, the existing characteristics of the surrounding area, and to include a nearby intersection of MD 108 and Norwood Road.

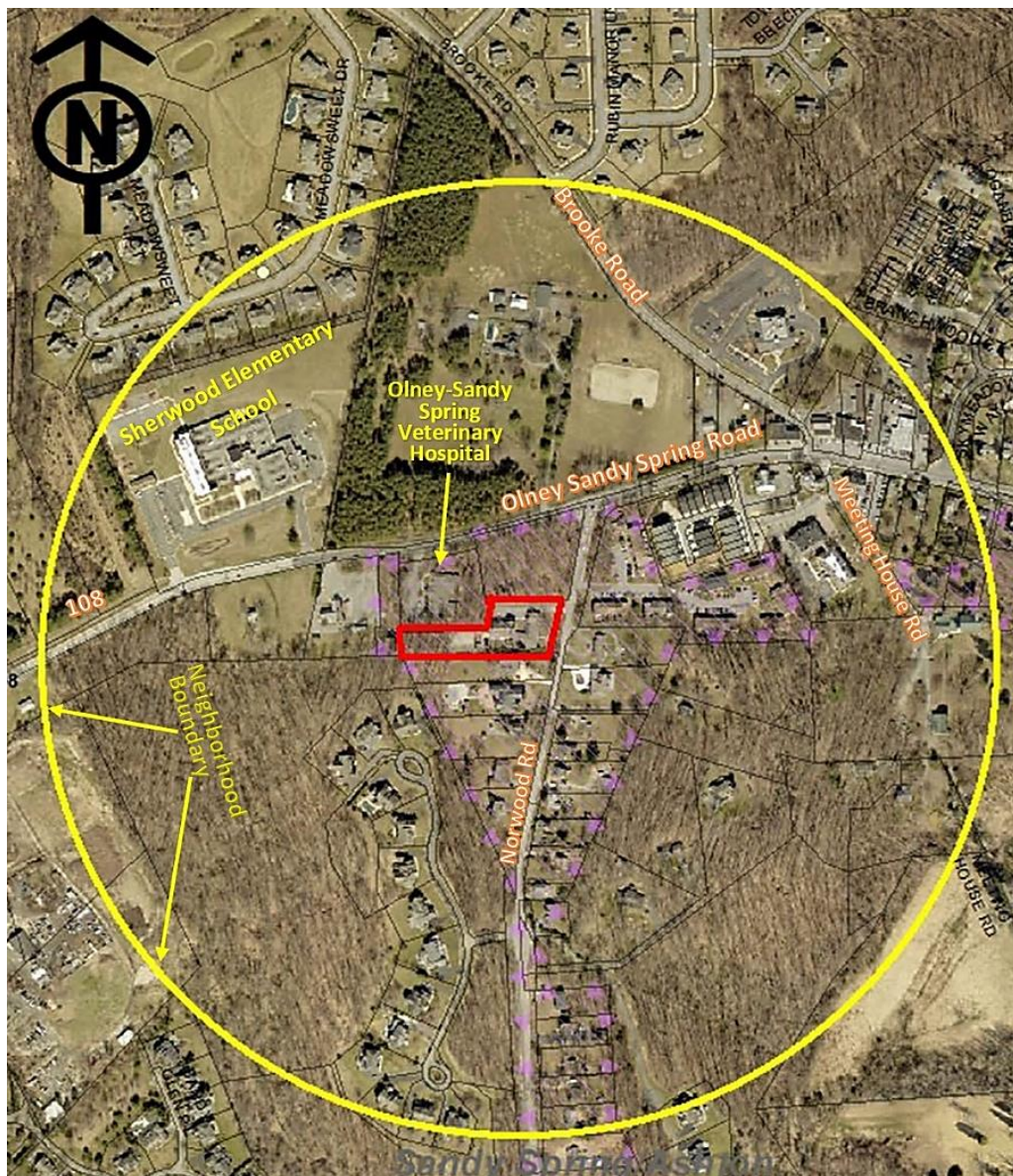


Figure 2: Neighborhood Boundaries

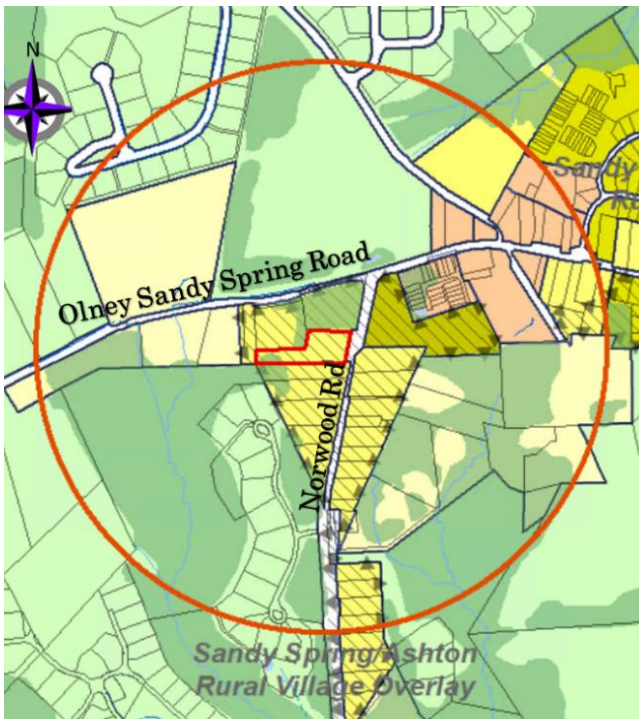
The surrounding area is developed with single family dwellings in a village type development with semi-rural character in an area defined by a variety of environmental features including

streams, slopes and large unimproved wooded properties. The area is mostly zoned in the RE-2 and RNC. The exceptions to these zones are small areas (including the subject property) at the central and northeastern portions of the defined neighborhood boundary and at the southeast and southwest corners of intersection of Olney-Sandy Spring Road and Brooke Road within the Sandy Spring Village center that are zoned R-200, CRN, RT, and R-90. This small enclave is improved with a townhouse community, and single-family homes as well as retail commercial uses. Sherwood Elementary School is also located in the northwestern portion of the neighborhood on the north side of Olney-Sandy Spring Road.

The property abuts an unimproved wooded parcel and the Olney-Sandy Spring Veterinary Hospital to the north and single-family dwellings to the west and south in the R-200 zone. Confronting the property to the east across Norwood Road are a single-family detached dwelling and the Sandy Spring Village Condominium (townhouses) in the R-200 and RT zones.

C. ZONING AND LAND USE HISTORY

Available records indicate that the property was placed in the R-200 Zone prior to 1981. The



1981 Sectional Map Amendment (SMA) G-293 for the Sandy Spring/Ashton Planning Area confirmed the property's R-200 Zone. The 1998 Sandy Spring/Ashton Sectional Map amendment (G-770) retained the property in the R-200 Zone.

The property was the subject of Special Exception S-2671 for a group home for 14 children that was recommended for approval by the Planning Board. The special exception application was later withdrawn and went on operating a group home for eight children, a use that was allowed by right at the time. In 2007, the Planning Board approved site plan No. 820070130 to allow improvements associated with the group home.

Figure 3: Existing Zoning

Staff found records for the following special exceptions in the Staff-Defined Neighborhood:

- S-1904 and S-1904A: Olney Sandy Spring Veterinary Hospital and modification
- S-1339: Accessory Apartment (1998)
- S-1478: Landscape Contractor

The veterinary hospital is an active Conditional Use that is currently in operation. Staff does not have information on the status of the remaining two uses that are on large parcels of land located at the southwest edge of the neighborhood.

D. PROPOSED USE

The Applicant, Redly Capital Investments & Holding Corporation proposes to establish a Residential Care Facility use utilizing an existing structure and other improvements on the property to operate a unique Residential Care Facility for up to sixteen (16) youth who have experienced social and emotional issues such as anxiety, depression Attention Deficit Disorder (ADD) and Attention Deficit Hyperactivity Disorder (ADHD).

The Applicant works in partnership with the Sandy Spring Friends School located 1.3 miles southeast of the subject property. The school is known to provide programs that address the needs of young boys and girls who are experiencing various social and emotional challenges and trains, guides and tutors them to transition into becoming active members of their community and society as a whole. Norwood House, the subject facility (Facility), would pick up the overflow students that could not be accommodated at the on-campus student dormitory.



Figure 4: The three-story addition to the rear of the residence, view from the north

The Applicant's statement of justification (SOJ) indicates that the one-story structure portion of the building located in the front side of the property will be utilized as a residence to the family of an administrator/educator employed at nearby Sandy Spring Friends School. The Residential Care Facility would be fully housed in the three-story structure attached to the rear of the residential house. The two structures are physically attached but are not internally connected. Movement between the residence/garage and the abutting residential care facility is controlled by locked doors. Movement between the residence/garage and the attached Residential Care Facility is controlled by locked doors. The interior of the three-story

rear Residential Care Facility is designed to function as living accommodations for the residents with generous common areas and other social interactions areas. The SOJ states that the parking area has space for nine cars, an in-ground pool, and a hard surface “sport court” for outdoor recreational activities that will be maintained for the use of the Facility’ residents. The interior of the facility that is currently used as a Residential Care Facility for eight children will be reconfigured to accommodate 16 residents. The Facility also consists of community rooms, a reading area, a meeting rooms, a TV room, and a game room as well as outdoor recreational facilities. The residents will have three meals a day at the school’s cafeteria. The kitchen and the dining room in the facility will be used only for pre-prepared or light snacks prepared by resident’s under staff’s supervision. Staff also uses the kitchen to prepare or warm up their own meals.

The SOJ indicates that the total number of staff at any given time will depend on the number of youths enrolled in the program and the maturity and the mix of student residents. At least one staff person will be present at Norwood House at all times when it is occupied by students. Counselors from the Sandy Spring Friends School may visit the Facility for group or personal counseling sessions. There will also be an on-call nurse available at all times for any medical emergencies. The SOJ states that there will be no staff who “reside” at the Facility, rather, there are accommodations for staff to be present at all times when residents are in the Facility. There will be a room allocated for a staff member or members who may sleep overnight in Norwood House.

Most residents are expected to spend most of their time during the day at the Sandy Spring Friends School Campus. A school vehicle, usually a bus or a van, will transfer residents from Norwood House to the Sandy Spring Friends School (4-minute drive). The shuttle schedule is coordinated with the school calendar as follows:

Table 1: Shuttle Schedule

DAILY SCHEDULE	
7:30 AM	Pick up at Norwood House and drop off at main campus.
7:30 AM – 4:30 PM	School day, including breakfast and lunch in the School cafeteria.
4:30 PM	Pick up at campus and drop off at Norwood House.
4:30 PM – 5:30 PM	Study time.
5:30 PM	Pick up at Norwood House and drop off at main campus for dinner.
7:30 PM	Pick up at campus and return to Norwood House.
7:30 PM – 9:30 PM	Study and relaxation before bed.

SECTION III: ANALYSIS

A. MASTER PLAN COMPLIANCE

The property is within the *1998 Sandy Spring/Ashton Master Plan* and is located at the midwestern edge of the Master Plan area). It is also located in the Sandy Spring/Ashton

Rural Village Overlay Zone. The Master Plan divides the Sandy Spring/Ashton area into the following analysis areas (Figure 6):

- Rural Legacy Area
- Village Centers Area
- Rural/Open Space Area
- Brooke Road/Chandlee Mill Road Area
- New Hampshire Avenue Area

The property is within the Village Center Area (p. 15). The Master Plan does not make specific recommendations for this property. It emphasizes rural villages as an important element of rural character in Sandy Spring. The one objective of the Master Plan is to “ensure that the villages of Sandy Spring and Ashton maintain separate and distinct identities.” P. 29. To that end, the Master Plan made several recommendations for the Sandy Spring Village Center including, flexible provisions for parking requirements, appropriate building heights, and design review to ensure that new development maintain the small scale envisioned for a village center. It also encouraged the use of traditional village design, “active fronts” on new buildings, placement of off-street parking out of view, and use of the Sandy Spring Historic District as source for design.

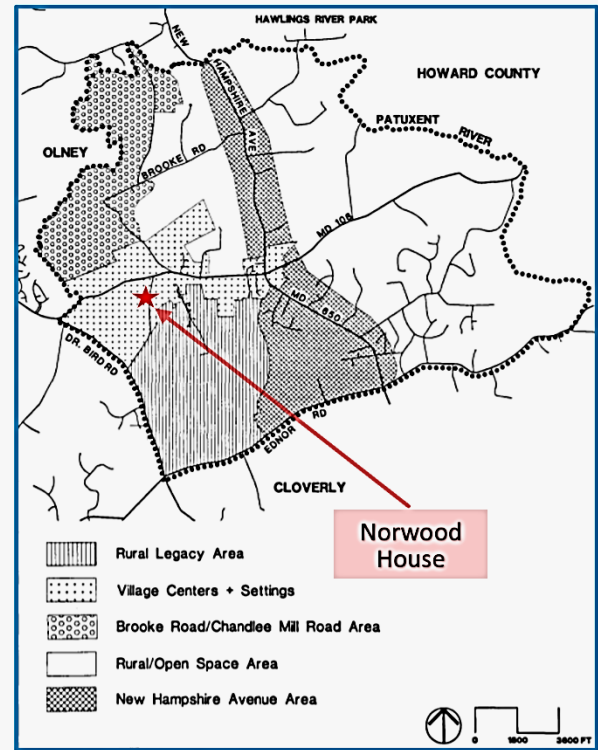
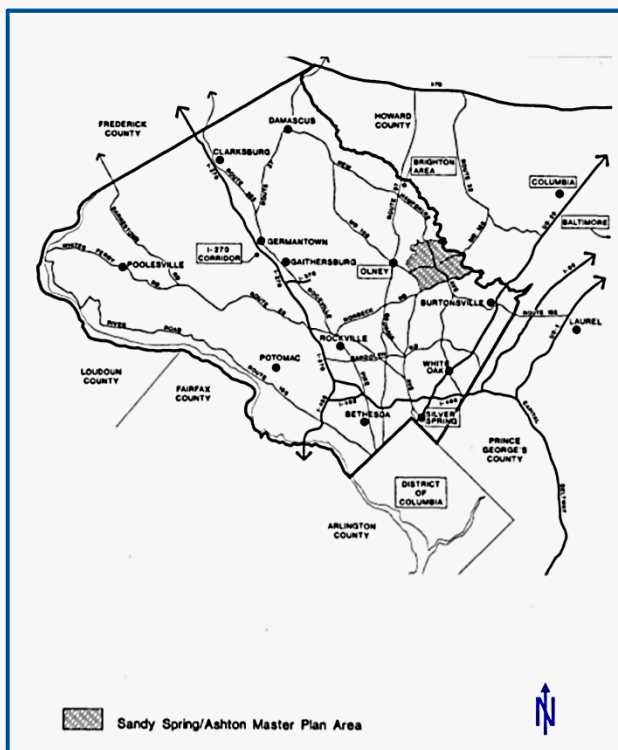


Figure 5: Sandy Spring/Ashton Regional Location Figure 6: Master Plan Analysis Area

The Conditional Use does not propose to modify the existing residential building which has been modified over 13 years ago to accommodate a by right use, which was a similar

use as the one proposed in the current application differing only by the number of residents. The Conditional Use proposes supplemental landscaping to enhance existing landscaping. In addition, by its nature, the proposed use is residential and re-purposes the existing residential structure. The property and the existing improvements on it have gone through Preliminary Plan and Site Plan approvals in the past and are compatible with the character of the surrounding area and the goals and recommendations of the Master Plan.

B. DEVELOPMENT STANDARDS

The following table summarizes the R-200 Zone development standards:

Table 2: Development Standards

R-200 Zone Development Standards	Zoning Ordinance 59-4.4.7.B	Proposed
Minimum Lot Area	20,000 SF	60,984 SF (1.40 ac)
Minimum Lot width: <ul style="list-style-type: none"> ▪ at front building line ▪ at front lot line 	100 ft 25 ft	168 ft 168 ft
Maximum lot Coverage	25 percent	16.2 percent
Minimum Building Setback Principal Building: <ul style="list-style-type: none"> • front • Side <ul style="list-style-type: none"> • One side • Sum of both sides • rear yard 	40 ft 12 ft 25 ft 30 ft	71 ft 17 ft 62 ft 31 ft.
Maximum Building Height >40,000 ft lot	50 ft	35ft
Parking: 59-6.2.4.B		
Min. Vehicle Parking spaces 0.25 sp/Per Bed 0.50/Per employee (See Table 8 below under: D Parking)	4 spaces <u>2 spaces</u> <u>6 spaces</u>	9 spaces including 1 van accessible space

**In supplemental information furnished via-email (8/18/20), the Applicant clarified that there will be a maximum of four employees including maintenance crew, cleaning crew, counselors and staff supervisor) at the facility at any given time.*

C. SANDY SPRING/ASHTON RURAL VILLAGE (SSA) OVERLAY ZONE-SECTION 4.9.15

4.9.15.A. Purpose

The purpose of the SSA Overlay zone is to:

1. **Preserve and enhance the rural village character of the Sandy Spring and Ashton village centers by ensuring an attractive and traditional pattern of houses, commercial establishments, open spaces and their relationship to roadways.**
2. **Encourage a compatible relationship between new or expanded houses or businesses and traditional neighboring structures that reflects the best of local village character, particularly in terms of scale, siting, design features, and orientation on the site.**

The proposed Conditional Use will be housed in an existing structure and no exterior modification is proposed to the structure nor will there be new improvements added on the property. With the proposed use, the established rural village character of the overlay area remains unaltered, rather, it will be enhanced aesthetically with added planting and upgrading of existing landscaping.

4.9.15. B. Sewer

Lots developed under the SSA Overlay zone must be connected to a community water and sewerage system...

The existing building is connected to public water and sewer system.

4.9.15.C. Development Standards

C-2. Where a lot is in a Residential zone:

- a. **The density of development must not exceed the standards for the underlying zone under optional method Cluster Development.**
- b. **The Planning Board may approve lot sizes as small as 900 square feet for a townhouse, 2,000 square feet for a duplex, and 3,000 square feet for any other building type, including a minimum of zero feet for side setbacks on one side, upon a showing that the resulting development will substantially conform with the recommendations of the master plan.**
- c. **The maximum height for all buildings is 35 feet; however, if in the site plan approval process the Planning Board finds that additional building height is compatible with the abutting uses and the building height substantially conforms to the intent of the master plan, the maximum building height is 40 feet.**

The existing development has an approved preliminary plan of subdivision and site plan and have been found to satisfy this requirement. The proposed use would not contradict the findings of the Planning Board as related to the existing development of the subject property.

D. TRANSPORTATION

Site Access, Parking, and Public Transportation

The proposed Residential Care Facility with a maximum of 4 employees on site at any given time does not trigger LATR and therefore, the Applicant is not required to provide a LATR study. Ingress and egress from the Residential Care Facility will continue to be via the existing driveway connected to Norwood Road. The residence along Norwood Road will continue to be accessed via the circular driveway and the garage driveway entrance.

The residents of the Facility will not have cars. As stated above, the Sandy Spring Friends School will provide transportation to and from school (Table 1) and will assist with other transportation needs.

The new Bicycle Master Plan recommends a 10 ft. side-path along the property frontage of Norwood Road, however, given that no new development is requested by the Applicant at this time, staff believes the application to be in substantial conformance with Master Plan recommendations that were in effect when the preliminary and site plans were approved for the prior use. Staff does not recommend that construction of the side-path be required as part of this review.

E. PARKING

The application meets the applicable requirements of Article 59-6. The parking table in **Section 59.6.2.4** requires a base minimum of 0.50 spaces per employee plus 0.25 space per each vehicle operated in connection with the proposed Residential Care Facility use located within the R-200 Zone:

Table 3: Required Parking

Section 59.6.2.4 Parking	Required	Provided
Vehicle spaces .25 sp/bed + 0.50 sp/employee	4 X .25 = 1 + 4 X .50 = 2 sp including 1 van-accessible handicapped spaces	9 sp including 1 van- accessible Handicapped spaces

The Applicant has indicated that none of the residents of the Facility will be driving. The Application provides adequate parking for the proposed use. In addition, in response to staff's suggestion, the Applicant has provided a bike rack with four bicycle parking spaces.

1. Section 6.2.5. Vehicle Parking Design Standards

6.2.5.B.

Location: Each required parking space must be within ¼ mile of an entrance to the establishment served by such facilities.

All proposed parking spaces are within 20 feet of the entrance to the Facility.

6.2.5.C.

Access: Each parking space must have access to a street or alley open to use by the public. Vehicle access crossing primary pedestrian, bicycle, or transit routes must be limited wherever feasible.

All proposed parking spaces that are dedicated to the Facility will be directly accessed from Norwood Road via a driveway located at the northeastern corner of the property.

6.2.5.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.**

The parking areas are located in a manner where direct views of the spaces from the road are restricted by existing landscaping, setbacks, and the placement of the existing building on the property.

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.**

The proposed plan satisfies all applicable setback requirements of section 6.2.5.K.2.

F. LANDSCAPING

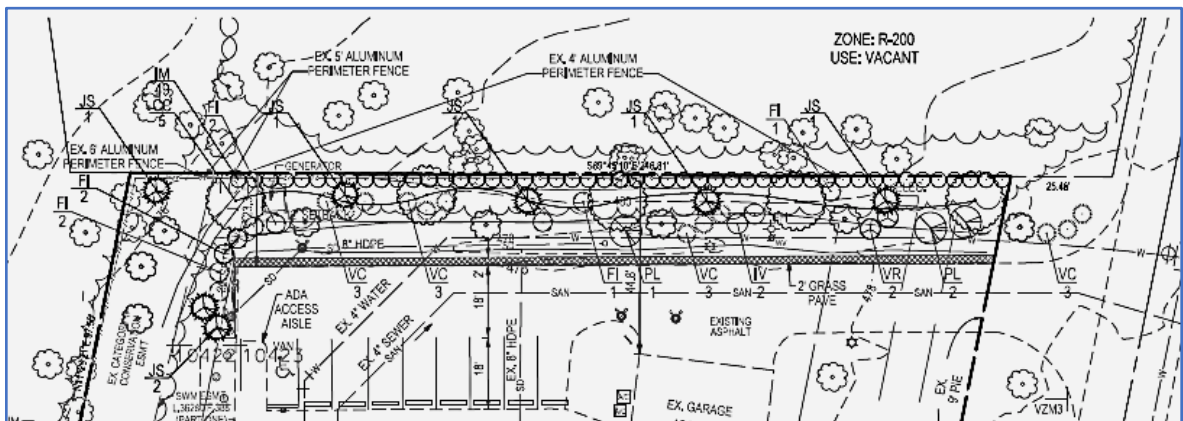
Section 6.2.9.B. Parking Lot Requirements for Conditional Uses Requiring 5 to 9 Spaces

- 1. Satisfies the minimum specified parking setback under Article 59-4 or, if not specified, is a minimum of 8 feet wide;**
- 2. Contains a hedge, fence, or wall a minimum of 4 feet high; and**
- 3. Has a minimum of 1 understory or evergreen tree planted every 30 feet on center.**

The revised Landscape Plan (revision date 08/19/20) satisfies the requirements of **Section 6.2.9.B.1 through 3: Parking Lot Requirements for Conditional Uses Requiring 5 to 9 Spaces**. The Applicant is showing existing surface parking of 9 spaces. The parking is located on the right side of the existing structure consisting of 8 regular parking stalls and one handicap parking stall. There is a 23-foot wide landscape buffer located between the parking stalls/drive lane and the property's northern lot line. This landscape buffer area is approximately 246 feet long, contains a 5-ft high metal fence, 7 evergreen trees and 3

[illegible]

The planting provided on the amended Landscape Plan meets or exceeds the minimum requirements of Section 6.5.3.C.7. The planting along the northern property line is per Option B under 59-6.5.3.7. The screening along the north property line adjacent to the vacant lot meets the requirement of Section 6.5.3.C.7 (Figure 8). The landscape planting area 246-foot long and 23-foot wide containing 9 canopy trees, 11 understory and evergreen trees, 14 large shrubs, 21 medium shrubs and a 5-foot-high metal fence.



The application requests alternative compliance along the south property line. The screening along the south property line is provided by existing mature vegetation comprised of large canopy trees, shrubs and a Category II Conservation Easement toward the rear of the property (Figure 9). There is also a 6-ft high board-on-board fence running along the southern lot line. The area between the existing house on this property and the residential structure on the adjacent property to the south is lacking in screening, but staff feels that *Section 6.8.1 Alternative Compliance* applies and satisfies the requirement. In this area, the two structures are particularly close to one another, separated by approximately 20-feet. This area also functions as a secondary access to the small grassed

The close proximity of the two residential structures and the need to maintain a secondary access to the rear of the Facility satisfies the alternative compliance. This is an existing condition and not one created by the Applicant with the construction of a new facility. This area between the two structures needs to remain in a relatively open condition to maintain secondary access to the rear of the Facility. The Applicant is providing screening between the adjacent residential property and the small open grass area as well as the pool as well as an existing 6-ft board-on-board fence.



H. LIGHTING

The Lighting Plan is adequate and safe for vehicular and pedestrian movement and does not unreasonably spill onto adjacent properties. The proposed lighting serves multiple purposes, including illumination of the site entrance, visibility lighting in the employee parking areas, area lighting near the structures and lighting of the existing sports court and pool area. A photometric study submitted with the Application shows measured lighting intensity across the entire property in foot-candles, the locations of lighting fixtures and the manufacturer's specifications on the proposed lighting fixtures. The Photometric Plan shows that the lighting will not cause glare on adjoining properties, nor will it exceed the 0.1 foot-candle standard at the side and rear property lines. The lighting,

with no direct light or light glare, will not have a negative impact on neighboring properties.

I. SIGNAGE

There will be no signage identifying the proposed use on the property.

J. ENVIRONMENT

Consistency with Environmental Guidelines

There are no environmental issues or concerns associated with the subject proposal. However, The Application is subject to the 2008 Approved Forest Conservation Plan (FCP) FCP No. 820070130. The current Conditional Use application is in compliance with the Approved FCP.

K. COMMUNITY CONCERNS

At the time of this report, no communication has been received from the community either in support or in opposition of the proposed Conditional Use. The Applicant's Attorney has submitted supplemental information (via e-mail March 13, 2020) to show community outreach efforts concerning the proposed Residential Care Facility.

SECTION IV: COMPLIANCE WITH THE NECESSARY FINDINGS IN SECTION 59.7.3.1.E AND SPECIFIC CONDITIONAL USE REQUIREMENTS IN SECTION 59-3

SECTION 59.7.1.E. NECESSARY FINDINGS

1. Section 59.7.3.1.E.1 states that, to approve a Conditional Use application, the Hearing Examiner must find that the proposed development satisfies the following requirements of Sections 59.7.1.E.a through g.

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

Currently, the property is being utilized as a Residential Care Facility for 8 persons. As noted, a Conditional Use (Special Exception S-2671) was recommended for approval by the Planning Board for a group home for up to 12 boys. The application was withdrawn shortly after the Planning Board Hearing. The Applicant later applied and obtained approval for Preliminary Plan (120070590) and Site Plan (82007013A), respectively, both in connection with a Group Home use for 8 boys, a use permitted by right, and established on the property upon the withdrawal of S-2761.

b. Satisfies the requirements of the zone under Division 59-3, the use standards (Division 4), and applicable general requirements under Article 59-6.

With Staff's recommended conditions of approval, the Conditional Use Application satisfies the specific Conditional Use standards and requirements of

Section 59.3.3.2.E: Residential Care Facility (9 to 16 persons). As shown on the Use Standard Table in Section III of this report, the Application meets the requirements of the R-200 Zone development standards per Section 59.4.4.7.B and the applicable parking, screening, perimeter landscaping, and sign requirements of Article 6.

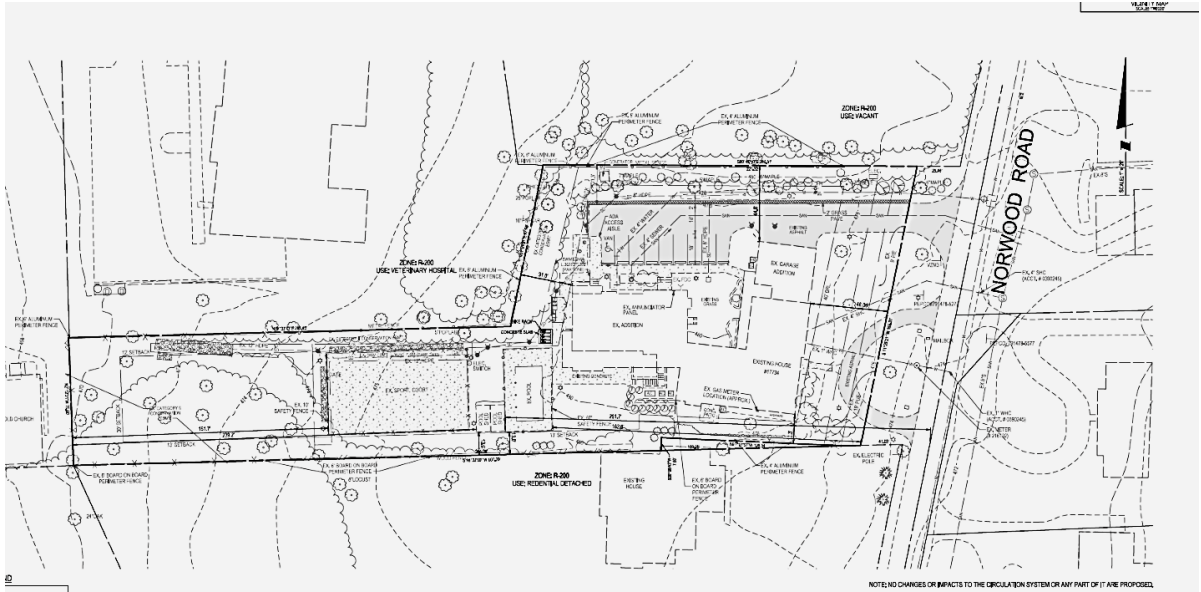


Figure 11: Conditional Use Site Plan

**59.3.3.2.E: RESIDENTIAL CARE FACILITY (9 TO 16 PERSONS): SPECIFIC
CONDITIONAL USE REQUIREMENTS:**

59.3.3.2.E 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.

The application will take the necessary measures to comply with all applicable requirements

- b. resident staff necessary for operation of the facility are allowed to live on-site; and

The Facility will not have a staff member that “resides” on the site but does have accommodations for a staff person to be present at all times to monitor residents, including staff’s sleeping accommodations should they be needed.

- 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.**

Infants younger than two months old will not be residing at the facility.

59. 3.3.2.E 2. Use Standards

59. 3.3.2.E 2.b. Residential Care Facility (9 - 16 Persons)

- i. **Where a Residential Care Facility (9-16 Persons) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section 7.3.4.**

The Applicant is proposing a Residential Care Facility for up to 16 youth with social and emotional challenges. The Application meets the definition for a Residential Care Facility (9-16 persons). The Application is allowed as a Conditional Use.

- 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.**

The Residential Care Facility provides services to youth between the ages of 13 to 18, specifically, for young girls and boys with Anxiety, Attention Deficit Disorder (ADD) and Attention Deficit Hyperactivity Disorder (ADHD). The residents spend a good deal of their days at the Sandy Spring Friends School where they get their academic trainings, meals, and counseling and training services for managing the social and emotional problems they are dealing with. The Norwood House has internal and external recreational facilities that are available, with supervision, for the residents living at the Facility.

- (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.**

The property is of sufficient size to accommodate the proposed number of residents. The property has been used formerly as a

group home for eight boys and a residence before. With the proposed Conditional Use, the Facility will have a maximum of 16 beds for residents rather than eight. The interior of the building will be reconfigured and redesigned to accommodate the proposed 16 resident maximum. The operations of the proposed use can be adequately accommodated within the existing structure. There will be no external modification to the existing Residential Care Facility building.

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

The property is zoned R-200.

- c. Substantially conforms to the recommendations of the applicable Master Plan.**
The application substantially conforms to the recommendations of the *1998 Sandy Spring/Ashton Master Plan* and is compatible with the character of the surrounding area as discussed under *SECTION III. A: Master Plan Compliance*.

There are no major Master Plan concerns that are associated with this application. The proposed Residential Care Facility is consistent with the land use objectives of the *1998 Sandy Spring/Ashton Master Plan*. The Facility will be compatible with the existing development pattern of the adjoining uses as well as the immediate neighborhood, in terms of height, size, scale, traffic and visual impacts.

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

With the recommended conditions, the proposed use will be in harmony with the general character of the neighborhood. The proposed use will be operated in such a manner that it will not interfere with the orderly use, development, and improvement of surrounding properties. The Conditional Use Plan provides for sufficient off-street parking that exceeds the required number parking spaces. The proposed Conditional Use is not likely to result in any notable negative impact on the residential neighborhood, in terms of increased traffic and noise.

The Applicant indicated that a trash enclosure is located at the western part of the property behind the building and fully concealed by a wood fence with gates. The trash pickup is one time a week, currently on Wednesday mornings.

In supplemental information provided, the Applicant clarified that there are no scheduled deliveries for the Facility. There is only limited food preparation for individual staff and snacks on site so there are no food deliveries. Anything that is needed at Norwood House for the residents' care and comfort is delivered to Sandy Spring Friends School at 16923 Norwood Road and then transported to Norwood House on a school shuttle bus or another school vehicle. Residents may

have some periodic personal delivery made to Norwood House (e.g., pizza delivery, Amazon, etc.) but there will be no regularly scheduled deliveries.

- 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 predominately residential nature of the area; a Conditional Use application that conforms with the recommendations of a Master Plan does not alter the nature of the area.**

There is one active Conditional Use in the immediate neighborhood: Special Exception S-1904/A: Olney-Sandy Spring Veterinary Hospital and modification, approved in 1992 with subsequent modifications, the latest in 2019. The proposed Conditional Use would replace an existing use (group home for no more than 8) that is permitted by right which is similar to the proposed use except that it provides accommodations for a lesser number of residents. The proposed use will have no adverse impact on the residential nature of the property or the immediate neighborhood.

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

The property is a recorded lot, with a previously approved Preliminary Plan (120070590) and a Site Plan (820070130) approval in 2007 for the previous use on the property as a small group home (8 residence). The Site Plan was later amended to include revisions for landscaping and screening. The Applicant maintains that it satisfies the existing prior approvals, with the minimal addition of supplementary landscaping. Staff agrees with the Applicant and supports the revised Landscape Plan. The proposed use will have a minimal impact on public facilities. The

proposed development will be served by adequate public facilities. No further subdivision or amendments to prior preliminary and site plans will be required.

a. Water and Sewer Service

The subject property, a platted lot, is served by public water and sewer service.

b. Storm Water Concept Plan

The Montgomery County Department of Permitting Services (MCDPS) Water Resource Section has confirmed that no new Storm Water Management (SWM) Plan submission is required. On November 29, 2019 The Water resource section of MCDPS endorsed the Applicant's letter of request for exemption from the requirement for SWM plan pursuant Section 19-2(b)(1) of the Montgomery Code. (Attachment C).

c. Transportation

Adequate Public Facilities Review (APF) and Local Area Transportation Review (LATR)

Based on the 2016-2020 Subdivision Staging Policy transportation impact criteria, the proposed use generates fewer than 50 peak-hour person trips; therefore, the application is not subject to a Local Area Transportation Review analysis.

The proposed access to the site is adequate to serve the traffic generated by the development. The internal pedestrian circulation and walkways, with the recommended conditions, will provide adequate movement of pedestrian traffic.

Fire Access

The Applicant submitted a Fire Access Plan to MCDPS Fire Department Access and Water Supply Office. By email dated January 28, 2020, the Office confirmed that the previously approved Fire Department Access Plan will stand as long as the applicant is not "altering the building footprint, lobby location, FDC, or hydrants. (Attachment C)

d Other Facilities

The Montgomery County Fire and Rescue station 4 is located at 17921 Brooke Road in Sandy Spring, 0.4 miles northeast of the subject property. Montgomery County Police Department, 4th District Station is located at 2300 Randolph Rd, Wheaton, Maryland 5.4 miles south of the property and a police substation is located approximately 4 miles to the west in Olney

Due to its nature, the Conditional Use does not generate any school aged children; therefore, school facilities review is not necessary.

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

The inherent, generic physical and operational characteristics associated with a Residential Care Facility include (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.

The scale of the building, the proposed access point, the internal vehicular circulation system and the onsite parking area are operational characteristics typically associated with a residential care facility (9-16 persons) and would not be unusual in any respect.

With the recommended conditions of approval, the inherent and non-inherent impacts associated with the proposed uses do not rise to a level sufficient to warrant a denial of the Application.

There will be no external alterations or modifications to the existing building. The proposed Residential Care Facility will not adversely affect the preservation of the existing residential character of the immediate neighborhood. Adequate off-street parking is provided to serve the proposed facility. As noted, there is on-site parking for 9 cars.

The size, scale, and scope of the proposed Residential Care Facility will not adversely affect the residential character of the neighborhood or result in any unacceptable noise, traffic disruption, or environmental impact. Thus, there are no inherent or non-inherent adverse effects associated with this Application sufficient to warrant a denial of the proposed Conditional Use.

- 2. Section 7.3.1.E.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.**

No change is proposed to the exterior of the existing dwelling, is generally consistent with the prevailing character of the neighborhood in terms of design and building materials.

SECTION V. CONCLUSION

The proposed Conditional Use satisfies all applicable review requirements for approval of a Conditional Use as specified in the 2014 Montgomery County Zoning Ordinance. The proposed use is consistent with the recommendations of the *1998 Sandy Spring/Ashton Master Plan and the requirements of the Sandy Spring Ashton Rural Village Overlay Zone*.

There are no unacceptable traffic, circulation, noise or environmental impacts associated with the Application provided that the recommended conditions are satisfied.

Based on the foregoing analysis, Staff recommends Approval of Conditional Use CU-20-06, subject to the conditions found on Page 2 of this report.

ATTACHMENTS

- A. Plans and Drawings
- B. Supplemental Information and Supporting Documents
- C. Comments from Agencies

CU-20-06/ET/090420