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**Stuart R. Barr**

December 23, 2015

Mr. James Wasilak  
Chief of Planning  
Department of Community Planning and Development Services  
City of Rockville, Maryland  
111 Maryland Avenue  
Rockville, Maryland 20850

Re: The Village at Rockville (formerly, "National Lutheran Home & Village at Rockville, Inc."); 9701 Veirs Drive, Rockville, Maryland 20850-3462  
Application for Special Exception for west campus redevelopment project (elimination of nine existing residential living triplex buildings (27 units) and construction of new independent living building).

Related applications: Pre-Application Meeting application PAM2015-00086;  
Variance Application for rear yard setback (to be filed concurrently with this application).

Dear Mr. Wasilak:

On behalf of our client, The Village at Rockville (formerly, National Lutheran Home & Village at Rockville, Inc.) ("TVAR"), we are submitting the enclosed application for a Special Exception, as described below. TVAR is a Continuing Care Retirement Community (Life Care Facility) located in Rockville, Maryland, operated by National Lutheran Communities and Services. To reposition itself in the marketplace, TVAR plans to redevelop a portion of its west campus by eliminating nine existing residential living triplex buildings and constructing a new independent living building on its campus located at 9701 Veirs Drive in Rockville (the "Property"). This application relates to Pre-Application Meeting application number PAM2015-00086, filed earlier this year.

**I. Description of Property and Surrounding Area**

The TVAR campus Property is located on the north side of Veirs Drive, approximately 400 feet east of the intersection of Glen Mill Road and Veirs Drive. The Property is approximately 31.03 acres in size and is identified as Parcel C – Lakewood House on Tax Map FR562, and Plat 23516 (Tax identification number 04-03573854). The Property is currently improved with a nursing home/assisted living and administrative building and 144 ILUs.

The Property is zoned R-400 (residential estate zone, with a 40,000 square foot minimum lot area) and is located within Critical Area #8 – Lakewood Country Club in the City of Rockville Comprehensive Master Plan. Surrounding the Property are Lakewood Country Club to the north and west, single-family detached residential dwellings to the south and east, and Montgomery County Public Schools further to the east.

**II. Background Information and Prior Approvals**

TVAR is a private not-for-profit corporation, with a primary function of providing quality care for the elderly. TVAR’s parent company was established in 1890 and has been providing care for the elderly for 125 years. TVAR has operated a skilled nursing home on its Rockville campus since 1978. 144 independent living units (ILUs) were added to the Property in phases, the most recent of which were completed in 2008.

Currently, TVAR operates under a life care facility special exception approval in the R-400 Zone. Prior to the City of Rockville’s adoption of its revised Zoning Ordinance on December 15, 2008, TVAR operated under special exception approvals for a “nursing home” and “housing for the elderly and physically handicapped” in the R-E zone. The revised Zoning Ordinance renamed the use category “housing for the elderly and physically handicapped” to “housing for senior adults and persons with disabilities” and rezoned the

Property from R-E to R-400. The revised Zoning Ordinance also added the “life care facility” use category, which is permitted by special exception in the R-400 Zone. In 2009, TVAR converted from the “nursing home” and “housing for senior adults and persons with disabilities” use categories to life care facility since TVAR meets the definition of a life care facility under the Zoning Ordinance and that use more accurately describes TVAR’s operations.

Over the years, TVAR has received the following other approvals on its campus:

- A-36-76: request for a variance from the maximum building height limitation in the R-E zone, granted by the Board of Appeals on October 9, 1976.
- S-21-76: request to develop a nursing home and housing for the elderly and physically handicapped in the R-E zone, granted by the Board of Appeals on October 9, 1976.
- U-68-77: proposal to construct a nursing home and housing for the elderly and physically handicapped in the R-E zone, approved by the Planning Commission on October 5, 1977.
- SPX95-0231: request to construct 5 triplex housing units for the elderly and physically handicapped in the R-E zone, granted by the Board of Appeals on December 2, 1995.
- USE96-0561: proposal to construct 5 new triplex housing units for the elderly and physically handicapped in the R-E zone, approved by the Planning Commission on June 26, 1996.
- SPX2004-00350: request to construct 5 new one-story triplex housing units for the elderly and physically handicapped in the R-E zone, granted by the Board of Appeals on March 5, 2005.
- USE2005-00690: request to construct 5 new triplex housing units for the elderly and physically handicapped in the R-E zone, granted by the Planning Commission on September 28, 2005.
- Special Exception Application SPX2010-00379 and Variance Application VAR2010-00005: request for 54 additional surface parking spaces, 4,300 square foot administrative addition, 14,000 square foot addition to third floor wing, and

conversion to Life Care Facility use, approved by the Board of Appeals on October 3, 2009.

- Site Plan Application STP2010-00039: request for 54 additional surface parking spaces, 4,300 square foot administrative addition, and 14,000 square foot addition to third floor wing, approved by the Planning Commission on June 23, 2010.
- Special Exception Minor Modification Application SPX2011-00383: request for two-story new entrance/drop off area, reduction of skilled care nursing beds from 300 to 160 and addition of 50 assisted living apartments (internal renovations), and other minor changes to campus, approved by the City of Rockville Chief of Planning on January 25, 2012.
- Site Plan Amendment Application STP2011-00070: request for two-story new entrance/drop off area, reduction of skilled care nursing beds from 300 to 160 and addition of 50 assisted living apartments (internal renovations), and other minor changes to campus, approved by the City of Rockville Chief of Planning on January 25, 2012.

**III. Description of Proposed West Campus Redevelopment Project - Conversion of Nine Existing Independent Living Triplex Buildings (27 total units) to Independent Living Building**

TVAR has always strived to enhance its facilities and increase and improve the elderly care services that it provides to its residents. The triplex units on the west side of the TVAR campus were constructed in the 1970s and are in need of redevelopment. Seventeen triplexes currently exist on the west side of the campus. TVAR plans to maintain the eight western-most existing triplex buildings and remove the other nine buildings (27 units total). In their place, TVAR plans to construct a new Independent Living Building (the “IL Building”) in the general location shown on the enclosed plans. Out of the 31 acre TVAR campus, the project site is approximately 4 acres.

The new IL Building will actually be two four-story buildings connected by a one-story link. The western building is referred to as the “apartment building” and the eastern building is referred to as the “community building.” The new four story eastern community building will house approximately 20 apartments and a variety of common spaces for the enjoyment of the community's independent living residents. The main level includes a welcoming entrance and living area, a community room with seating for up to 170 people, two dining venues and outdoor seating for both relaxing and dining that overlook the adjacent golf course. Marketing, administrative, and back of house areas also are located on the main level. The lower level of the community building houses a new wellness and fitness center that includes a lap pool and therapy pool, classrooms, an art studio, a theater/lecture space, and a fitness room that opens up to the outdoor green space that will have additional program elements to enhance the lifestyle for residents. Locker rooms, back of house spaces, receiving, and a link to the healthcare building also occur on the lower level. The upper two floors of the community building contain approximately 20 apartments that maximize the views to the community and adjacent golf course.

The community building is connected to a new four story apartment building to the west by a one-story link. The apartment building consists of approximately 112 apartments including one bedroom, one bedroom and den, two bedroom, and two bedroom and den configurations. Ancillary gathering spaces, resident storage rooms and back of house areas are also included on each of the four apartment levels. A 132 car parking garage will be constructed beneath the apartments that is partially below grade, minimizing its exposure to Veirs Drive. Programmed area includes approximately 37,000 square feet of common area and support space. The 112 entrance fee apartments and 20 rental apartments, ranging in size from 725 square feet to 1,550 square feet, will be intermixed within the two buildings.

The exterior of the buildings are designed to complement the other existing buildings on the campus and will be residential in nature. Exterior materials include simulated stone, brick and siding. Roofs will be primarily asphalt shingles with areas of standing seam metal

roofing to add architectural interest. Large windows will allow plenty of natural light into the units and community spaces while allowing for great views to the exterior surroundings.

A significant amount of thought has gone into the design. The project is programmed to diversify and enhance the amenities and living options available to residents of the campus. It will include an extensive variety of amenity spaces to enrich the lifestyle of TVAR residents including dining, wellness, fitness, and entertainment opportunities. The project has been designed to minimize the visible bulk of the building, and is articulated to create the feeling of a village-like group of smaller buildings. This is a dramatic departure from the grand sprawling approach that this type of building usually takes. All of the resident parking and 65% of the amenity space is below grade and completely hidden from the street. The cluster of buildings is held well back from the street which allows a number of mature trees to be retained, further mitigating the impact of the building's presence. The building intentionally presents its short sides to the street.

The casual, village-like approach also informs the architecture of the building. In a fresh, up-to-date, contemporary style, the building surfaces are carefully interrupted by changes in plane and materials to greatly reduce the apparent building bulk and provide a strong sense of human scale. Flat roofs also help to shorten the overall height of the building. Using brick and cement board siding as the main exterior materials, the design harmonizes with the existing healthcare building, while feeling much more informal and residential.

The landscape around and in between the building blocks is developed to be a series of outdoor rooms rather than left over grass spaces. The building merges with the landscape separating the main blocks and all the outdoor spaces will be heavily planted according to the best environmental practices. The project is designed to be a model for a more resident friendly, environment friendly, and neighborhood friendly approach to the development of senior living projects.

All of the improvements are expected to be constructed in one phase. Stormwater management will be provided as described in the attached Stormwater Management Concept

Plan. Once the buildings are completed, the number of peak hour employees on the TVAR campus will not increase above the current 185 allowed.

### **Access, Circulation, and Parking**

Access to the IL Building will be provided by the existing access point on Veirs Drive (the western-most connection to the campus from Veirs Drive). To accommodate the IL Building, TVAR proposes an additional access point on Veirs Drive, a circular driveway, and drop-off with nearby surface parking spaces, as shown on the enclosed plans.

As noted above, TVAR plans to construct structured parking for 132 cars beneath the new IL Building. The addition of these spaces and the surface parking spaces will provide adequate parking to support the existing and proposed uses, as required by Article 16 of the Zoning Ordinance. As shown on the parking tabulation provided on the Preliminary Site Plan, the proposed number of spaces will adequately serve the existing and proposed uses.

#### **IV. Request for Variance from Rear Yard Setback; Compliance with other Zoning Ordinance Provisions for Life Care Facility Use Special Exception**

Other than as noted below, the proposed application complies with the development standards for the R-400 Zone, the general standards for special exception approvals, and the specific standards for life care facility special exception uses set forth in sections 25.10.05, 25.15.01.a.2, and 25.15.02.k of the Zoning Ordinance, as described below.

#### **Requirements from Sections 25.10.05 and 25.15.02.k:**

- A minimum lot area of five acres.
  - The Property is 31.03 acres.
- A minimum of 100 feet of frontage on a public street.

- The Property has well in excess of 100 feet of frontage.
- A minimum 50 foot front yard setback.
  - The proposed IL Building has an 80 foot front yard setback for the main building.
- A minimum 20 foot side yard setback.
  - The Property has well in excess of a 20 foot side setback for the IL Building.
- A minimum 50 foot rear setback.
  - The rear property line that TVAR shares with Lakewood Country Club is shaped irregularly near the location of the proposed IL Building. Because of this irregularity, the Proposed IL Building will have a 25 foot rear yard setback, requiring a 25 foot variance from the rear yard setback. The IL Building would comply with the rear yard setback requirement if the property line extended in a straight line. In 2009, the existing main building received a zoning variance allowing a 42 foot rear yard setback (VAR2010-00005). Please see the accompanying application for Zoning Variance, for further information.
- A maximum 10% impervious surface in the front yard.
  - The existing impervious surface in the front yard of the TVAR campus already slightly exceeds 10% (and exceeded it prior to the adoption of this standard). TVAR will formally request a waiver from the front yard impervious area limitation, as provided in Zoning Ordinance Section 25.10.05.d, during Site Plan review. The approval of this waiver request will reduce impacts of paved areas on adjoining residential uses, provide more efficient on-site traffic circulation, and address practical difficulties.
- A maximum lot coverage of 30%.
  - The Property has approximately 20.7% lot coverage.

- A maximum building height of 40 feet – however, the Board may allow additional height up to 50 feet if additional setbacks are provided and the Board finds that the additional height will not have an adverse impact on the adjoining and confronting properties.
  - The IL Building is proposed to be approximately 50 feet in height. Additional setbacks from Veirs Drive are provided. The proposed setback distance from the Veirs Drive property line is approximately 80 feet, which is significantly more than the 50 foot setback requirement. Additionally, TVAR plans to preserve as many mature trees as possible along Veirs Drive to limit any potential visual impact from the IL Building. Given the additional setback distance provided, the careful design work for the project as explained previously above, and the preservation of trees that will provide screening, TVAR maintains that a 50 foot building height is appropriate under these circumstances.

**Requirements from Section 25.15.01.a:**

The proposed project does not violate and will not adversely affect the Master Plan, the Zoning Ordinance, or any applicable law. The proposed use at this location will not adversely affect the health or safety of residents or workers in the area. It will not overburden public facilities, will not be detrimental to the use or development of adjacent properties or the neighborhood, and will not change the character of the neighborhood or constitute a nuisance.

**V. Traffic and Adequate Public Facilities Ordinance**

A traffic statement is provided and demonstrates that the proposed IL Building will have a minimal effect on traffic. TVAR generates no public school age children. The proposed additions will be served by public water and sewer and other utilities.

**VI. Community Outreach**

TVAR considers itself a valuable asset to the greater Rockville community and is committed to working with the surrounding community and other interested parties. TVAR has conducted outreach with the surrounding community, City of Rockville planning staff, and Lakewood Country Club. TVAR conducted a formal community outreach meeting on February 24, 2015, and these meeting materials were provided to the City. TVAR will conduct an additional community outreach meeting in the near future.

**VII. Conclusion**

The proposed IL Building project and the requested modifications to its existing Special Exception approvals will enable TVAR to continue its mission to increase and improve the elderly care services that it currently provides to its residents.

The proposed changes comply with the development standards for the R-400 Zone, the general standards for special exception approvals, and the specific standards for life care facility special exception uses set forth in sections 25.10.05, 25.15.01.a.2, and 25.15.02.k of the City Zoning Ordinance. The proposals do not violate the Master Plan, the Zoning Ordinance, or any applicable law. The proposed uses will not adversely affect the health or safety of residents or workers in the area. They will not overburden public facilities, will not be detrimental to the use or development of adjacent properties or the neighborhood, and will not change the character of the neighborhood or constitute a nuisance. The proposals comply with all APFO requirements.

Please let us know when this application is scheduled for the next available Development Review Committee meeting. If you have any questions about this application or need any additional information, please do not hesitate to call me.

Thank you very much for your consideration and cooperation.

Respectfully submitted,

Lerch, Early & Brewer, Chtd.



By:

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