

SPECIAL EXCEPTION APPLICATION

CASE NO.: SPX 2010-00381

STATEMENT OF APPLICANT
SHELTER DEVELOPMENT, LLC
(Applicant)

Brightview of Rockville
9200 Darnestown Road
(Project)

CITY OF ROCKVILLE
BOARD OF APPEALS

Date Submitted: October 9, 2009
Date Revised: January 22, 2010

SPECIAL EXCEPTION REQUEST

The Applicant, Shelter Development, LLC, requests Special Exception approval to develop the 3.69 acre site located at 9200 Darnestown Road as an assisted living community called ***Brightview of Rockville***. Shelter Development seeks this approval under Rockville Zoning Ordinance Sec. 25.15.02 (j), Housing for Senior Adults and Persons with Disabilities.

Pursuant to Sec. 25.15.02.j.3.e, the Applicant seeks Board approval of building height of 50 feet as significant additional setbacks from the single family homes are provided.

Applicant requests approval of a monument project sign.

Applicant requests waiver of application of the APFO school impact test as the use is Housing for Seniors and Persons with disabilities and no school children will be generated by this use.

PROPERTY

The Property is 3.69 acres (160,736 sf) consisting of P703 and P728 with an address of 9200 Darnestown Road and zoned R-90. **A single family home currently occupies a small portion of the lot which is heavily landscaped with two rows of mature evergreen trees and deciduous trees screening the existing home from the Glenora Hills residential development to the west and to the south. The existing home has two curb cuts onto Darnestown Road to accommodate its circular driveway.**

The Property lies on the south side of Darnestown Road and is bounded to the east by Parcel 705, Parcel 707 and Block A, Lot 20, Ivy Woods Subdivision, zoned R-90 which together form the site of the proposed Kol Shalom Synagogue. To the west lies the residential subdivision of Glenora Hills which is accessed directly from Darnestown Road via Glenora Lane. The Falls Grove mixed-use residential and commercial PD-Falls Grove development lies north directly across Darnestown Road from the Property.

The Property has 360 feet of frontage on Darnestown Road and proposes a single entrance. The Property is proposed to be subdivided into one lot.

RELATED ACTIONS

PAM2009-00002, filed February 23, 2009.

Pre-Application Area Meeting held March 26, 2009.

NRI/FSD Approval #2009-000019 received 5/22/09.

Historic District Review HBS2007-00786 completed for property. Report did not recommend historic designation of the existing house.

Waiver of APFO test for schools requested as part of Special Exception application.

Approval of additional height to 50 feet under 25.15.02.j.3(e) requested as part of Special Exception application.

APPLICATION

Project Description

The Applicant, Shelter Development, LLC, requests Special Exception approval to develop the 3.69 acre site located at 9200 Darnestown Road as an assisted living community called Brightview of Rockville pursuant to Rockville Zoning Ordinance Sec. 25.15.02 (j), Housing for Senior Adults and Persons with Disabilities.

The Brightview of Rockville assisted living community is proposed to consist of 90 assisted living units with a total of 92 beds; these additional beds will accommodate the infrequent situation of a couple or siblings seeking an assisted living unit. The owner and operator of Brightview of Rockville will be Shelter Development, LLC. Shelter Development owns and operates Brightview communities within similar neighborhoods throughout Maryland and East Coast states from Maine to Florida.

The proposed Brightview community will provide caring, high quality, personalized residential care services for seniors and for persons with memory impairment disabilities. Brightview communities generally provide residents the following services and amenities: concierge, security, all utilities except phone and cable, three meals per day and snacks, housekeeping, laundry and linen service, 24-hour emergency call response systems, wellness programs, scheduled transportation, social and recreational activities, and limited personalized wellness health care management provided by on-site licensed nurses as well as visiting health care professionals. Personal care assistance with the activities of daily living such as bathing, dressing, and grooming and assistance with prescribed medications are provided to residents.

Approximately 26 of the units will be dedicated to the Wellspring Program, which is a separate and secured "neighborhood" within the building for those seniors confronting various forms of dementia or memory impairment, including Alzheimer's disease. The goal of the Wellspring Program is to enrich the quality of life for residents with Alzheimer's and other memory impairments by creating a customized plan of support and personalized care services tailored to their needs that maintains as much independence as possible in a compassionate and caring environment. The Wellspring Program provides a separate secured outdoor garden area for its residents.

Brightview offers the following communal amenities to residents: living room, library, group dining room and café, activities room, beauty/barber salon, multi-purpose room, outdoor

courtyards, and exercise and physical therapy room. Daily activity and entertainment programs are offered within the amenity areas to encourage social interaction within the community.

Mr. Andrew Teeters, Development Director, will testify on behalf of Shelter Development, LLC, for the Applicant on the proposed Brightview of Rockville.

Accessibility, Parking, Loading

Access to the site is proposed to be a single right turn in, right turn out entrance to Darnestown Road safely situated between the existing Glenora Lane intersection and the proposed Kol Shalom entrance. Westbound travelers on Darnestown Road will have a left turn lane into the site via a left turn stacking lane created from changes in the existing Darnestown Road pavement markings.

A total of forty-three (43) parking spaces will be provided on the west side of the site including 3 handicapped spaces. Shelter's over 30 years of collective experience operating similarly sized communities servicing the senior population has shown that while few residents retain personal vehicles upon establishing their Brightview residence, 43 parking spaces is the adequate number of on-site parking spaces to meet the needs of staff, including staff shift change periods, the needs of visitors, including for special community events and holidays, and the needs of residents with cars. Brightview is a good neighbor and provides for its parking needs wholly on its site. Therefore, although the City Code requires only 30 parking spaces for this use, based on Applicant's operational experience, Applicant is requesting 43 spaces as the adequate number of spaces to meet the needs of this project. The parking area has been designed to minimize its actual and perceived size, to orient parking spaces and headlights internal to the site, and to provide a drop-off area at the main building entry for the convenience of residents and guests. All spaces are within 150' of the building. All individual parking spaces will be constructed of pervious concrete. The parking area is screened with mature landscaping and additional plantings. In addition, the parallel parking spaces on the west side are recessed below a 5 foot retaining wall providing additional screening.

Pedestrian circulation is provided through a network of sidewalks providing access to Darnestown Road, the parking area and the building, and also providing walking paths around the central courtyard. A sidewalk along Darnestown Road will be provided along the Property frontage and be extended to Glenora Lane. Connection to the new sidewalk of the Kol Shalom project to the east will be coordinated.

Shelter Development provides its residents with a dedicated shuttle that offers scheduled daily transportation service to shopping, medical visits and other social outings, recreation activities and community events such as the theatre, festivals, art shows, and the like.

One loading zone will be provided on the northwest side of the building for deliveries and trash and recycling management. The loading space is immediately adjacent to the internal trash and recycling room in the building and the delivery receiving area.

Conformance with the Zoning Ordinance Development Standards:

The Project conforms to the development standards and special exception standards for a project providing senior housing in the R-90 zone:

<i>Development Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>
Minimum Lot Size	2 acres	3.69 acres gross, 3.39 ac net
Minimum Street Frontage	100 feet	360 feet
Minimum Setbacks		
Front yard	50 feet	50 feet
Side yard	22 feet (<i>i.e.</i> 2x the zone 11')	31 feet (non-residential/east)
	22 feet (<i>i.e.</i> 2x the zone 11')	110 feet (residential – west)
Rear yard	50 feet (<i>i.e.</i> 2x the zone 25')	90 feet
Maximum Lot Coverage	25%	15 %
Maximum Building Height	50 feet (Board of Appeals may approve with additional setback)	50 feet to top of roof
Parking Housing for senior adults	1 per dwelling units = 30 sp	43 parking spaces
Bicycle Parking Spaces		
Short term	1 per every 100 units = 1	1 bike rack
Long term	1 per every 50 units = 2	1 bike locker with 2 spaces

Special Exception Standards and Findings

The proposed use at the Property will not:

1. **Adversely affect the health and safety of residents or workers in the area;**

The existing Property has two entrances onto Darnestown Road which entrances will be reduced to a single right turn in, right turn out entrance safely located between Glenora Lane and the proposed Kol Shalom Synagogue entrance. Pursuant to the CTR Transportation Report, the proposed use will generate less than 30 peak hour vehicle trips. The Applicant proposes to provide adequate parking on-site and provides transportation

services for residents that don't drive. The proposed use will not adversely affect the health and safety of residents or workers in the area.

2. Overburden existing and programmed public facilities as provided in Article 20 and as provided in the adopted Adequate Public Facilities Standards Manual;

The subject site, building improvements, and proposed use will not overburden site area roadways, public sewer or public water services. The proposed use as housing for seniors and persons with disabilities, and with the Applicant's experience at other Brightview communities where the average age of residents is 82 years old and the minimum age is 62 years old (except as permitted under the Federal or City definition of Senior), will not generate school age children and is eligible for a waiver from the school impact test under the APFO.

3. Be detrimental to the use or development of adjacent properties or the neighborhood;

The Project is surrounded by developed properties with established neighborhoods to the north (Falls Grove) and to the west and south (Glenora Hills). The Falls Grove and Glenora Hills neighborhoods are both designed with homes oriented towards the interior of their subdivisions and away from Darnestown Road. The site to the east of the Property is approved for a Project Plan for the Kol Shalom Synagogue which is proceeding with knowledge of and in coordination with the proposed development of the subject Property as an assisted living community. The improvements on the Property have been sited to provide significant setbacks from the single family homes to the north, west and south, and to place the building closest to the parking lot for the proposed Kol Shalom Synagogue. Vehicular access to the subject Property is direct from Darnestown Road and does not impact neighborhood access. The proposed Project will not be detrimental to the use and development of adjacent properties and neighborhoods. Generally, assisted living communities are a valued part of a community providing opportunities for citizens to remain in their neighborhoods when they can no longer safely remain in their homes and provide a place to keep loved ones close to adult children who live in the neighborhood.

4. Change the character of the neighborhood in which the use is proposed considering services provided, population density, character, and number of similar uses;

The Brightview Project is a home to its residents, designed to reflect the general residential community vernacular, through the use of materials, roof lines, façade changes, design elements, and color. At both ends of the building the height has been reduced: to two stories to the west and to one story to the rear to be similar in character with the adjacent neighborhood. The site is heavily landscaped now and the Project proposes to preserve many of the existing trees, including a majestic elm tree and a double row of pine trees which has buffered the Property from the Glenora Hills neighborhood for decades. The Project is also compatible with the mixed use residential and commercial Falls Grove development north across Darnestown Road. There are no similar uses near this Property. The Project will not change the character of the neighborhood.

5. Constitute a nuisance because of noise, traffic, number of people, or type of physical activity;

The proposed use will not constitute a nuisance as impacts, if any, are de minimus and are as would be expected if the use was located anywhere else in the zone, and so this use at this location is deemed compatible with other R-90 uses. The CTR Traffic Report indicates that the use will generate less than 30 peak hour trips (20 trips) and have no adverse impact on the road network. The proposed use is a quiet use with limited outside physical activity. The 92 residents' average age is expected to be approximately 82 years of age and outside activities are generally limited to sitting on one of the porches and patios watching the world go by or taking a short walk in a courtyard garden. Truck deliveries have access directly to and from Darnestown Road and do not utilize neighborhood streets. The parking lot was designed to orient headlights internal to the site and to screen all parking with landscaping and setbacks.

6. The proposed use complies with all applicable requirements of the Code including the special requirements contained in Section 25.15.02 for the Special Exception for Housing for Seniors and Persons with Disabilities;

- a. *Minimum Lot area of 2 acres.* The Property is 3.69 acres.
- b. *Frontage of at least 100 feet on a public street.* The Property has 360 feet of frontage on Darnestown Road.
- c. *Setbacks. All structures must be setback at least as follows:*
 - Front yard: 50 feet.* The building is setback 50 feet from the new property line after dedication of additional right of way for Darnestown Road. The porch extends 12 feet into the setback as permitted under 25.09.05.1.h.
 - Sideyard: twice the minimum setback in the zone.* R-90 requires 11 feet of side yard setback therefore 22 feet is the minimum setback. The Project provides 31 ft setback from the proposed Kol Shalom parking lot on the east, and 110' from the single family residential properties on the west.
 - Rear yard: twice the minimum setback in the zone.* R-90 requires 25 feet of rear yard setback therefore 50 feet is the minimum setback. The Project provides 90 feet rear yard setback to the one story section of the building.
- d. *Lot coverage in R-90 zone – maximum 25%.* The building lot coverage is approximately 15%.
- e. *Building height 35' maximum building height to midpoint of gable, 40' max to peak in R-90. Board may allow additional height up to 50 feet in a single family zone if additional setbacks are provided.* The building varies from one story to four stories with a maximum building height of 50 feet to the top of the roof (44 feet to midpoint of the gable). Additional setbacks have been provided from the single family residential properties to the west (required 22"; provided 110') and south (required 50"; provided

90'), and to the proposed Kol Shalom parking lot on the east (required 22'; provided 31').

Brightview significantly exceeds the 22 foot minimum sideyard setback requirement. The two story section is setback approximately 110 feet from the closest single family residential properties to the west; the four story section is setback over 140 feet. From the majority of single family residential properties on Glenora Lane, the building is set back over 275 feet. The distance between the proposed Kol Shalom Synagogue building and the Brightview building is over 300 feet.

Brightview exceeds the 50 foot rear yard setback requirement. The one story section is setback approximately 90 feet from the closest single family residential properties to the south; the four story section is set back over 150 feet. From the majority of single family residential properties on Glenora Terrace, the building is setback over 300 feet.

- f. *Occupancy restricted to senior adult or persons with disabilities as defined in Section 25.03.02.* Brightview's residents comply with this definition.
- g. *Maximum Impervious Surface in the Front Yard (30%).* The impervious surface in the front yard is approximately 19.2%.

City of Rockville Comprehensive Plan Recommendations

The Property is located within the Rockshire and Fallsmeade Planning Area which notes that most of the development in this Planning Area has occurred during the 1970's and 1980's. The Plan does not make any recommendations in respect to this Property, rather confining the discussion to the existing residential neighborhoods.

Since the Master Plan was adopted for this area, the Falls Grove mixed use Planned Development has been developed immediately north across Darnestown Road. Kol Shalom Synagogue is currently pursuing approval of a Project Plan for a house of worship on the property east of the site.

Building Form, Architecture, and Building Height

The Brightview community will be contained within one building structure which ranges from one to four stories in height. The building is designed with one story to the rear nearest the Glenora Hills homes to the south and two stories nearest to the Glenora Hills homes to the west. The four story section of the building has a varying roofline to ensure that the building appears to have varied heights and massing.

Brightview of Rockville is designed to present a well-designed front façade along Darnestown Road, a second well-designed front façade for its main building entry on the circle, and completely finished facades on the remaining sides. The building's architecture draws its inspiration from some of the area's more iconic structures including the Glenview Mansion. The building is designed to reflect the general community vernacular in respect to design elements, façade changes, materials and color.

The maximum height of the building is 50 feet to the top of the roof (44' to the midpoint of the gable); the Zoning Ordinance permits buildings up to 50 feet with Board approval if additional setbacks are provided. Based on comments received from the community at the pre-submission area meeting, the Applicant redesigned and re-sited the building to reduce the building footprint and place the massing of the building at the northeast corner of the site next to the proposed Kol Shalom parking lot at the farthest area away from the Glenora Hills neighborhood. By moving to four stories, the building floor size is reduced, providing additional setback from the Glenora Hills neighborhood. The building sideyard setback requirement is 22 feet; Brightview provides a sideyard setback from the Glenora Hills homes on the west of 110 feet to the two story section of the building and 143 feet to the four story section of the building. The rear yard setback requirement is 50 feet; Brightview provides a rear yard setback of 90 feet to the one story section of the building and over 150 feet to the four story section of the building. Further, an existing majestic 40 year old elm tree is in the circle which screens the four story building from the Glenora Hills neighborhood with a very wide, very high canopy. For these reasons, the Applicant requests approval of building height to 50 feet.

Ms. Cynthia Shonaiya, architect with Hord/Coplan/Macht, will address the architectural aspects of the building and the site in her testimony.

NRI/FSD/ Forest Conservation Concept Plan:

An NRI/FSD has been approved and a Preliminary Forest Conservation Plan has been submitted prior to filing of this Special Exception Application. A Landscape Plan is included with the Application. As shown on the approved NRI/FSD and the Forest Conservation Plan, as well as on the Landscape Plan, the Property has a considerable amount of existing evergreens and mature trees and bushes.

A majestic elm tree planted in the center of the Property by the property owners in the 1960s is a focus of the Applicant's efforts to preserve existing trees and is proposed to be a signature statement for the Project in the circular entry and courtyard at the main building entry.

The submitted Plans have taken considerable effort to preserve not just the elm tree but as many mature trees as possible. Where tree preservation was not possible due to site layout or to ill health of the trees, new plantings will be supplied.

The west side and rear of the Property contains a double stand of white pine trees, all of differing height, fullness and health. These trees were planted many years ago by the Property's present owner and they will serve as a buffer between the proposed Brightview of Rockville and the residential properties to the west which face onto Glenora Lane and to the rear, which face onto Glenmore Terrace. They will be enhanced with additional plantings and are proposed for a forest conservation easement.

Mr. Kevin Foster of GLW Engineers, will provide testimony describing the site's forest conservation compliance.

Signage

The Application proposes one free-standing project monument sign to be located near the project entrance at Darnestown Road. The design anticipates that the sign will be constructed of a masonry-like material and will have ground illumination at night. Additional secondary signage on and around the building will be in accordance with the sign provisions of the City's Zoning Ordinance.

Adequate Public Facilities:

Public water, sewer, electric and other utilities are available on the Property or in the affronting street. An extension to the City's water mains in Darnestown Road to a connection to the west at Glenora Lane will be provided by Applicant to create a loop and improve the City's system.

The proposed use of Housing for Seniors and Persons with Disabilities will not generate school children and the Applicant requests that the school impacts test be waived as provided in Article 20 and the APFO standards of the Zoning Ordinance.

Stormwater Management:

A storm water management concept plan has been submitted for approval as part of the Special Exception Application to meet the 2010 State of Maryland regulations.

Mr. David Weber, of Gutschick Little and Weber, will provide testimony describing the civil engineering, storm water management, APFO, landscaping, and Planning compliance of the proposed Brightview of Rockville.

Solid Waste Management

The building will include an internal trash and recycling room adjacent to the loading space. Trash pick-up will be through a private trash collector or municipal services, depending on availability. Trash will be picked up as needed, generally 2 times per week. Medical waste, which is generally minimal, is picked up once per month by a private contractor.

Transportation and Mobility

Access to and from the Property will occur by way of Darnestown Road, which is a Montgomery County road. There will not be access to the site from or through any proximate residential neighborhoods. A Traffic Statement prepared by Kimley-Horn and Associates, Inc. complying with the CTR requirements has been submitted concurrently with the Special Exception Application. The Statement concludes that the Brightview project will produce fewer than 30 peak hour trips. The change in use of the site as proposed will have a negligible effect on traffic

conditions in the area. No safety improvements are needed. The internal circulation of the site functions safely.

A left turn lane for west bound travelers on Darnestown Road with a stacking capacity of five cars will provide left turn access into the Property by changing the pavement markings on Darnestown Road.

Art in Private Development:

This Project will comply with Chapter 4 of the City Code (Publicly Accessible Art in Private Development) ordinance requirements through installation of on-site physical art.

Public Use Space

The Project is exempt from the public use space requirement under 25.17.01.e.

Sustainable Design Elements

The Applicant intends to promote energy efficiency, water efficiency, healthy buildings, and the conservation of natural resources in the construction and operation of its building, while connecting the project to the larger community and the natural environment.

Brightview at Rockville is striving towards guidelines provided by LEED silver for non-residential buildings and will work to incorporate the requirements of the City's Green Building Code, when adopted.

The Project has lot coverage of only 15% well below the allowable lot coverage of 25%.

OPERATIONS

Employees

Brightview management personnel will run the day-to-day operations onsite. Employees in the Brightview community include an administrative and security staff, marketing staff, activities and transportation staff, dining staff, nursing staff, housekeeping staff, and maintenance staff. The staff in the Brightview community will have three work shifts: 7am-3pm; 3pm-11pm; 11pm-7am.

The approximate number of employees, full time and part-time, during each shift is as follows:

- 7am-3pm: 26 employees
- 3pm-11pm: 13 employees
- 11pm-7am: 7 employees

Security

Security is an important element of the proposed Brightview community. There will be a concierge staff person onsite during business hours to assist guests and handle incoming deliveries. The doors to the community will be open to the public and residents until the evening. In the evening the doors will be electronically controlled and admittance will be by a staff member. A portion of the first floor of the building, which houses the Wellspring Program, is secured at all times to provide appropriate supervision for these residents. The Wellspring neighborhood will have its own secure outdoor courtyard area with walking paths, landscaping, and sitting areas. This area is contained within a perimeter of ornamental fencing. Finally, there will be a 24-hour emergency service available to the residents.

Deliveries

Food Deliveries: 2 times per week for main food deliveries (dry goods); 3 to 4 deliveries per week for dairy, juices, fresh produce, meat and fish.

Linens: A laundry facility will be included in the community. Table and bed linens are delivered 2 times per month.

UPS and other overnight delivery companies: approximately 2 times per week for business use, residential use may vary.

Deliveries normally occur on weekdays during non-peak traffic hours between 10am and 2pm.