

**BOARD OF APPEALS
FOR
ROCKVILLE, MARYLAND**

In the Matter of the Application of :
National Lutheran Home & Village at Rockville, Inc. :
for a Life Care Facility Special Exception : [PAM-2009-00003]
(conversion from existing nursing home :
and senior housing special exceptions) :

**STATEMENT IN SUPPORT OF
SPECIAL EXCEPTION APPLICATION**

July 13, 2009

I. Introduction

National Lutheran Home & Village at Rockville, Inc. (the “Applicant” or “NLH”), the owner of the subject property, submits this Statement in Support of its Special Exception Application to permit:

- (1) a 14,000 square foot 3rd floor addition to its existing skilled nursing facility;
- (2) a 4,300 square foot administrative building addition;
- (3) 52 additional surface parking spaces; and
- (4) a conversion of its existing nursing home and housing for senior adults and persons with disabilities special exception approvals to a life care facility special exception approval.

The requests are described more fully below and are located on the property owned by NLH located at 9701 Veirs Drive, Rockville, Maryland 20850 (the “Property”). NLH requests approval under the life care facility special exception use category, as set forth in section 25.15.02.k of the City of Rockville Zoning Ordinance (“Zoning Ordinance”).

II. Background Information

NLH is a private not-for-profit corporation, whose primary function is to provide care for the elderly. NLH was established in 1890 and has been providing care for the elderly for 119 years. Since 1978, NLH has operated a 300 bed skilled nursing home on its Rockville campus. 144 independent living units (ILUs) have been added to the Property in phases, the most recent of which were completed in 2008. Currently, NLH operates under two special exception use categories: nursing home and housing for senior adults and persons with disabilities.¹ The requested modifications to its existing Special Exception approvals would enable NLH to increase and improve the elderly care services that it currently provides to its residents.

NLH has received the following prior approvals:

- 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.
- 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.
- 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.

¹ The prior use category "housing for elderly and physically handicapped" was renamed to "housing for senior adults and persons with disabilities" under the revised Zoning Ordinance.

- 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 cottages for the elderly and physically handicapped in the R-E zone, granted by the Board of Appeals on September 28, 2005.

III. Description of Property and Surrounding Area

The Property is located in the City of Rockville 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 (1,351,667 square feet) 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 215,540 square foot nursing home 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. As shown on the enclosed Zoning Map, 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, surround the Property.

IV. Request for Special Exception Approval

Prior to the City of Rockville’s adoption of its revised Zoning Ordinance on December 15, 2008, NLH 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. NLH wishes to convert from the “nursing home” and “housing for senior adults and persons with disabilities” use categories to life care

facility since NLH meets the definition of a life care facility under the Zoning Ordinance and that use more accurately describes NLH's operations. NLH also wishes to make physical improvements to its campus, as described below. All of the improvements are expected to be constructed in one phase.

1. **Administrative Addition**

NLH proposes the addition of approximately 4,300 square feet of administrative office space to its main building. The proposed administration addition is located on the entry level and adjacent to the existing main entry. The additional space will accommodate staff offices, conference rooms, and training space. NLH currently has undersized administrative offices including Social services and Human Resources located through-out the existing three wings of the nursing building. This administration addition and renovation of current administration will allow NLH to consolidate these administrative offices, ancillary spaces and conference rooms with other administration offices for better efficiency. The vacated administrative spaces located through out the nursing wings will be reconfigured to provide additional resident common activity spaces on each of the existing nursing wings along with the additional space gained from the nursing addition described below. The 4,300 square foot administration addition will offer a separate entry to directly serve the administration personnel and their business related visitors with out entering resident areas. The addition will also allow NLH to relocate other existing entry level functions such as their current mail room to the new space thus providing additional entry level common space such as lobby, reception, Gift & Candy Shop, and Café for residents and their families.

2. **Nursing Home Addition**

The NLH nursing home is divided into eight nursing units located in three wings of the building: northern, eastern, and western. Each nursing unit consists of 36 to 38 beds, which totals 300 beds overall. NLH proposes a 14,000 square foot T-shaped addition to the third floor of the North wing (the wing furthest away from Veirs Drive). The North wing of the main

building currently is one story lower than the rest of the building so the addition will make the height of that wing consistent with the other wings of the building.

The addition will add a nursing unit for a total of 9 units and will redistribute the current bed count of 300 beds to increase space for resident care and allow greater efficiency of care and services to the existing nursing home residents. No additional residents or beds are proposed to be added to the nursing home.

A wide variety of accessory and supportive facilities are also included in the nursing home building including day care, dining, staff quarters, meals-on-wheels, and personal services. The third floor addition will accommodate the following renovations throughout the facility:

- Reduce the quantity of residents in each unit and increase the number of resident common areas such as activity rooms, dining rooms, and parlors;
- Improve residential privacy by increasing the quantity of private and semi-private rooms available at the NLH;
- Increase the size of resident bathrooms to accommodate the installation of showers and improved accessibility;
- Create a neighborhood design for each floor, with open space and a community feel; and
- Improve dining venues on each floor.

3. **Additional Parking Spaces**

NLH requests the addition of 52 surface parking spaces to the Property. The additional proposed parking spaces are necessary to meet existing and future demand and are based on NLH's experience with its existing parking conditions. The proposed parking spaces will be located primarily in front of the main building along the existing drive aisle roughly parallel to Veirs Drive.

The addition of these spaces will provide adequate parking to support the existing and proposed uses, as required by Article 16 of the Zoning Ordinance. As explained further in the attached CTR Report, and as shown on the parking tabulation provided on the Site Plan, the proposed number of spaces will adequately serve the existing and proposed uses. Under the

requirements, 402 parking spaces are required on the Property, and 420 are proposed.² NLH proposes to landscape the spaces to prevent any adverse off-site impacts as shown on the attached Landscape Plan. Storm water management will be provided as described in the attached Stormwater Management Concept Plan.

V. **Compliance with Zoning Ordinance Provisions for Life Care Facility Use Special Exception**

The proposed Special Exception 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 Property has a 149 foot front yard setback for the main building.

- A minimum 20 foot side yard setback.
 - The Property has a 800 foot side setback for the main building.

² Currently, the Zoning Ordinance does not provide a parking standard for a Life Care Facility use. A standard will be proposed as part of the pending Zoning Text Amendment for corrections/additions to the revised Zoning Ordinance. In the interim, the City applies the combination of parking standards for nursing home and housing for senior adults and persons with disabilities uses.

- A minimum 50 foot rear setback.
 - The existing main building has a 42 foot rear setback and was approved under Special Exception #S-21-76 and Variance #A-36-76 (height variance), granted by the Board of Appeals on October 9, 1976, and Use Permit #U-68-77, approved by the Planning Commission on October 5, 1977.

- A maximum 10% impervious surface in the front yard.
 - The existing impervious surface in the front yard of the NLH campus already slightly exceeds 10% (and exceeded it prior to the adoption of this standard). The additional proposed parking spaces only increase the amount of impervious surface in the front yard by a fraction – from 11.94% to 12.05% (168 square feet of additional impervious surface total). NLH 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 16.1% 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 proposed additions do not exceed 40 feet.³

³ As previously noted, the Board of Appeals granted Variance Application #A-36-76, a zoning variance from the height limitation requirement in the R-E zone, on October 9, 1976.

Requirements from Section 25.15.01.a:

The proposal 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.

The zoning ordinance also requires that housing for the elderly be located sufficiently close to general commercial or convenience shopping to adequately meet the needs of the residents. These needs have been addressed for many years with a combination of convenience services on the NLH Campus (a cafeteria, snack bar and gift and sundry shop) and via transportation services, which are frequently provided to local shopping centers. In addition, many ILU residents have their own automobiles. This has proven satisfactory to the residents of the existing 144 Independent Living Units and has been previously approved by the Board of Appeals.

VI. Traffic and Adequate Public Facilities Ordinance

A traffic statement (Comprehensive Transportation Review) has been prepared by Kimley-Horn and Associates, Inc. and demonstrates that the proposed modifications to the existing facility will have a minimal effect on traffic. NLH generates no public school age children and therefore, requests a waiver from the APFO requirement for schools. The proposed additions will be served by public water and sewer, and an Overall Utility Plan is included with this application.

VII. Community Outreach

NLH considers itself a valuable asset to the greater Rockville community and is committed to working with the surrounding community and other interested parties. NLH has conducted outreach with the surrounding community, City of Rockville staff, and Lakewood

Country Club. NLH and its consulting team met formally with community representatives at NLH on February 25, 2009.⁴ Many other informal meetings and outreach efforts have been conducted. NLH has scheduled its next proposed community meeting for July 27, 2009.

VIII. Application Contents

NLH submits the following materials in support of its Special Exception application:

1. Completed Special Exception Application Form (12 copies), Filing Fees, and IRS Letter confirming nonprofit status (1 copy)
2. Statement in Support of Special Exception Application (12 copies)
3. Development Review Committee Meeting Notes (1 copy)
4. Draft letter for public hearings and community meeting (1 copy) (to be coordinated with City planning staff)
5. Tax Map and Subdivision Plat Number 23516 (1 copy)
6. Official Zoning Map (1 copy)
7. Photographs of Property (1 copy)
8. Comprehensive Transportation Review (CTR) Report (1 copy with copy to CPDS)
9. Existing Conditions Plan (12 copies)
10. Overall Drainage Area Map (1 copy)
11. Overall Special Exception Site Plan and Detailed Special Exception Site Plan (2 pages) (12 copies)
12. Overall Utility Plan (12 copies)
13. Architectural Elevations (12 copies)
14. Floor Plans (12 copies)
15. Approved Natural Resource Inventory/ Forest Stand Delineation Plan (2 pages) (1 copy)
16. Landscape Plan (3 pages) (12 copies)
17. Stormwater Management Concept Plan and Approval Letter from Public Works (1 copy)
18. CD containing electronic version of plans (1 copy)

⁴ A sign-in sheet and minutes from the February 25, 2009 meeting are attached to NLH's pre-application submission.

IX. Conclusion

Because of an increased demand for elderly support services, NLH is in critical need of additional administrative space, parking spaces, and nursing home options for its long-term residents. NLH is proposing this Special Exception approval to provide current and future NLH residents with a tranquil and secure transitional home that they and the entire community can be proud of. The NLH urges the Board of Appeals to approve this application to allow it to continue and modestly expand its mission of care.

For all of the reasons contained in this statement NLH respectfully requests approval of the Special Exception proposal as described in this application. Thank you very much for your favorable consideration.

Respectfully submitted,

Lerch, Early & Brewer, Chtd.

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