

**MINOR SITE PLAN AMENDMENT APPLICATION**

**CASE NO.: STP2013-\_\_\_\_\_**  
**to implement SPX 2012-000385**

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**STATEMENT OF APPLICANT**

Potomac Valley Nursing Facilities, Inc. (Applicant)

Potomac Valley Nursing & Wellness Center  
1235 Potomac Valley Road  
(Project)

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CITY OF ROCKVILLE

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Date: June 6, 2013

## **MINOR SITE PLAN AMENDMENT TO IMPLEMENT SPX2012-00385**

The Applicant, Potomac Valley Nursing Facilities, Inc. t/a Potomac Valley Nursing & Wellness Center (“Potomac Valley”), requests approval of a minor site plan amendment to implement its Nursing Home Special Exception Amendment SPX2012-00385 approved by the Board of Appeals on April 13, 2013 that permits an increase in employees, an expanded parking lot, a replacement entrance sign, a replacement emergency generator, storage sheds, updates to internal pedestrian circulation, decks, a gazebo, ESD stormwater management facilities, and minor site modifications on the 4.5 acre site located at 1235 Potomac Valley Road. Potomac Valley seeks this approval under Rockville Zoning Ordinance Sec. 25.07.09.n.1.

A nursing home has been operated on the Property since 1963 under Special Exception S-50-61, as amended in 1963. Potomac Valley has operated the nursing home on the Property since 1980, and amended the special exception in 1996 in SPX1996-000245, and most recently in 2013 in SPX2012-00385. The existing nursing home is approximately 52,121+/- gsf on 2 floors and a below-grade level. Potomac Valley is licensed for 175 beds/residents. No additional bed capacity or building addition is proposed.

The Special Exception approval included a monument project sign to replace the existing monument project sign. The replacement project sign is proposed for the same location, also unlit, and is generally the same size. It includes a section for changeable copy to make announcements as permitted by Zoning Ordinance Section 25.18.12. The replacement sign includes stone framing complementary to the stone façade of the nursing home.

The use is a Nursing Home and no school children have been, or will be, generated by this use.

### **PROPERTY**

The Property is 4.5+/- acres (196,227 sf) consisting of Lot 3, Markwood subdivision with an address of 1235 Potomac Valley Road. A copy of Plat 6908 is attached. The property is zoned R-90. A copy of the certified zoning map is attached. The Potomac Valley Nursing and Wellness Center currently occupies the lot together with appurtenant parking areas, driveways, landscaping features, trash facilities, emergency equipment, and sheds. See existing aerial photograph attached.

The lot slopes down from Potomac Valley Road both south towards I-270 and east towards Don Mills Court. The lot is heavily treed along its perimeter to the west, south, and east with primarily deciduous tree stands screening the existing nursing home from the New Mark Commons residential development to the west and east and I-270 to the south. The existing nursing home has a single curb cut onto Potomac Valley Road to accommodate its driveway.

The Property has 343 feet of frontage on Potomac Valley Road. The Project is confronted across Potomac Valley Road to the north by 6 single family homes (3 directly confronting the

Property) in the New Mark Commons development also zoned R-90 (#1204-1224 Potomac Valley Road). To the west and south lies unimproved, forested land and to the further south, the I-270 right of way. To the further west beyond the unimproved parcel lies single family homes on Marcus Court. To the east lies single family homes on Don Mills Court (4 adjoining the Property).

## **RELATED ACTIONS**

Special Exception SPX2012-00385 approved by the Board of Appeals April 13, 2013.

PAM2012-00046, filed October 14, 2011.

Pre-Application Area Meeting held November 7, 2011.

NRI/FSD FTP#2012-00010.

Stormwater Management Concept Plan #SMP2012-00012 approved March 2013.

Preliminary Forest Conservation Plan #FTP2012-00010 approved March 2013.

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

Approval of monumental sign as part of Special Exception application.

Use Permit USE1996-00568 approved by the Planning Commission January 29, 1997.

Special Exception SPX1996-000245 approved by the Board of Appeals November 2, 1996.

Special Exception S-50-61 approved by the Board of Appeals December 7, 1961 and extended and amended by the Board of Appeals on February 2, 1963.

Record Plat No. 9608 approved by Rockville Planning Commission January 17, 1963 and recorded January 28, 1963.

## **APPLICATION**

### **Project Description**

Potomac Valley requests approval of a minor amendment to its use permit to implement the minor modifications to the site as approved in the Special Exception for the existing nursing home pursuant to Rockville Zoning Ordinance Sec. 25.07.09.n.1. The minor amendment includes:

- 1) increase of 30 employees at peak daytime shift;
- 2) add 30 additional parking spaces for the increase in employees since 87 parking spaces were approved in SPX1996-00245 in 1996;
- 3) bike racks and lockers to bring the bike parking facilities to current code;
- 4) relocation of trash and recycling facilities;
- 5) relocation and replacement of emergency generator and addition of sound buffering;
- 6) replacement of the existing monument project sign;

- 7) replacement and relocation of portion of the existing board on board fence along the eastern boundary to the extent necessary after construction;
- 8) installation of landscaping and screening, storage sheds, sidewalk connections internal to the site and along Potomac Valley Road, and stormwater management facilities; and
- 9) ratification of outdoor amenity structures, including a lower deck and gazebo and a deck adjacent to the front entrance used by residents for enjoyment of the outdoors.

Construction materials and colors will be compatible with the existing building and site structures for a seamless look. Truck loading, trash, and the emergency generator will be screened from adjoining homes. Existing tree buffer to the closest neighborhood along Don Mills Court will be minimally impacted as the site modifications and stormwater management facilities are generally located in the area of existing asphalt and concrete pads, the existing trash enclosure, and sheds. Additional evergreen screening of the trash and sheds from Don Mills Court is provided along and within the existing forest buffer per the approved preliminary Forest Conservation Plan.

The proposed parking area on the west side of the site is located so it adjoins additional unimproved land owned by the Property owner and oriented toward the I-270 right- of- way. Upon completion, the parking lot plus the expansion of the parking lot will provide a total of 117 parking spaces. This is calculated based as a starting point on the total of 87 spaces approved pursuant to the 1996 special exception application, SPX1996-00245. The instant modification application seeks to add 1 parking space for each of the additional 30 employees added on the major day shift, for a total of 117 parking spaces. Bicycle parking has been added and includes 4 short term and 1 long term bicycle spaces.

### **Operations and Staffing**

Potomac Valley Nursing and Wellness Center is a 175-bed nursing home which operates twenty-four hours a day. Potomac Valley provides skilled nursing care which is complemented by a team of board-certified physicians, psychiatric clinical nurse specialists, social workers, rehabilitation professionals, licensed dieticians, and massage therapists. Services include 24-hour nursing care for injury, illness, and advanced aging, rehabilitation therapies, short term therapies, end-of-life/palliative care, behavioral health care, nutrition therapies, and specialized care for Alzheimers and memory impairments. At peak times during the major daytime shift, between the hours of 10 am and 2 pm Monday through Friday, the maximum number of PVN staff members working on-site will be one hundred (100). This peak number includes full-time and part-time over-lapping day shift administrative, medical, and operations staff. At scattered times in addition, 5 traveling corporate representatives, consultants, and specialists visiting patients by appointment, visit PVN at different times and on variable days during the month.

### **Accessibility, Parking, Loading**

Access to the site is via an existing driveway entrance to Potomac Valley Road safely situated between the existing Marcus Court intersection and the New Mark Esplanade intersection.

The driveway entrance is approximately 370 feet from the Marcus Court intersection and 730 feet from the New Mark Esplanade intersection.

A total of one hundred seventeen (117) parking spaces will be provided on the north, west and south side of the site and includes five (5) handicapped parking spaces.

A sidewalk connection along Potomac Valley Road to the site entrance is proposed. An expansion of the existing internal pedestrian path from the street entrance sidewalk to the front door is shown as striping on the pavement.

A new parking lot is proposed on the southwest corner. The new parking lot will be constructed of permeable pavement. The parking area is screened with mature landscaping and additional plantings. Truck turning is provided at the entrance of the new parking lot. A truck turning template has been provided.

One loading zone will be provided on the south side of the building for deliveries. The loading space is screened from the single family homes by the existing building, fencing, sheds, and trash enclosure.

A temporary construction drive is shown on the east side of the building within the existing screen fencing to provide access for equipment to construct the new ESD biofilter on the east side of the building. The temporary construction drive will be removed and the area restored after construction.

**Conformance with the Zoning Ordinance Development Standards**

The Site Plan is included in this revision. The Project conforms to the development standards and special exception standards for a nursing home in the R-90 zone:

<i>Development Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>
Minimum Lot Size	1,000 sf net lot area per bed x 175 beds = 175,000 sf min	4.5 acres (196,227 sf)
Minimum Street Frontage	80 feet	343 feet
Minimum Building Setbacks		
Front yard	30 feet	30 feet
Side yard	11 feet	103 feet (bldg - residential/east); 75 feet (new shed – residential/ east)
Rear yard	25 feet	69 feet to existing building; 35 feet to new shed
Maximum Lot Coverage	25%	15%

<i>Development Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>
Maximum Impervious Surface in Front Yard	30%	8%
Maximum Building Height	35 feet (Board of Appeals may approve with additional setback)	n/a no new buildings
Parking Nursing Home	Current code: 1 per 4 beds, 1 per employee on major shift Existing per SPX96-00245=87	117 parking spaces 87 ex. + 30 for add. emp = 117
Bicycle Parking Spaces Short term Long term	2 per 40,000 sf = 4 1 per 70,000 sf = 1	2 bike racks – 4 spaces 1 bike locker

**Site Plan Standards and Findings**

The site plan implements the Special Exception approval and the proposed use at the Property will not:

- 1. Adversely affect the health and safety of persons residing or working in the neighborhood – 25.07.01.a.3.a.i:**

The existing Property has operated as a Nursing Home since 1963 without adversely affecting the health and safety of residents or workers in the area. No increase in licensed beds is proposed; no intensification of use will result. The existing entrance onto Potomac Valley Road is safely located between intersections in a residential neighborhood. Pursuant to the CTR Transportation Report, the increase in staff for the proposed use will generate less than 30 peak hour vehicle trips. The Applicant proposes to provide adequate parking on-site. The proposed use will not adversely affect the health and safety of residents or workers in the area.

- 2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood – 25.07.01.a.3.c.i;**

The proposed use will not constitute a nuisance as inherent and non-inherent impacts, if any, are de minimus and inherent uses 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 and have no adverse impact on the road network. The proposed use is a

quiet use with limited outside physical activity. Truck deliveries have access directly to and from Potomac Valley Road and do not utilize other neighborhood streets. The additional parking lot was designed to screen parking with existing and added landscaping and setbacks.

**3. Overburden existing and programmed public facilities as provided in Article 20 and as provided in the adopted Adequate Public Facilities Standards Manual – 25.07.01.a.3.a.iii;**

The use has existed on the Property since 1963. No intensification of the use is proposed. The licensed bed/resident count remains at 175. The proposed increase in employees and site modifications will not overburden site area roadways, or public sewer or public water services. The existing building is served by fire, emergency services, and police within APFS response times. The use as nursing home will not generate school age children and is eligible for a waiver from the school impact test under the APFO.

**4. Adversely affect the natural resources or environment of the City or surrounding areas – 25.07.01.a.3.c.ii;**

The existing nursing home sits within a landscaped lot with mature forest and individual trees. The project includes improvements to the stormwater management of the site for both existing and proposed improvements which will enhance the environment in the surrounding areas and additions to the existing forest buffer on the eastern boundary of the site. The project will not adversely affect the natural resources or environment of the City and surrounding areas.

**5. Be in conflict with the Plan – 25.07.01.a.3.a.v;**

The project is consistent with the Plan and implements the goals of the Plan to provide diverse housing in the community, allow seniors to remain within their neighborhoods as their needs change; and addresses the needs of the community as the population ages, as discuss further below.

**6. Constitute a violation of any provision of this Chapter or other applicable law – 25.07.01.a.3.c.iii;**

The project complies with the provision of this Chapter and other applicable laws and regulations.

- a. *Minimum Lot area of 9,000 sq ft.* The Property is 4.5 acres.
- b. *Frontage of at least 25 feet on a public street.* The Property has 343 feet of frontage on Potomac Valley Road.
- c. *Setbacks. All structures must be setback at least as follows:*  
*Front yard: 30 feet.* The existing building is setback 30 feet from the property line.  
*Sideyard: 11 feet.* The Project provides a 75 ft setback from the side common property line with single family residential properties on the east to the proposed shed.

- Rear yard: 25 feet.* The proposed shed is 35 feet from the unimproved property at the rear property line. The existing building is 69 feet from the rear property line.
- 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 proposed sheds are one story and below the maximum building height.
  - f. *Maximum Impervious Surface in the Front Yard (30%).* The impervious surface in the front yard is approximately 8%.
  - g. *Net Lot Area per bed: 1,000 gsf.* The Property has 175 licensed beds on 196,227 sq ft, or 1,121 sq. ft. net lot area per bed.

**7. Be incompatible with the surrounding uses or properties – 25.07.01.a.3.a.vii;**

The Project is a residential/institutional use in existence since 1963 surrounded by later developed properties within established neighborhoods in New Mark Commons to the north, west, and east. The Don Mills Court and Marcus Court neighborhoods are both designed with homes oriented towards the interior of their subdivisions and away from the nursing home site. The site modifications will not be generally visible to the homes confronting the front of the existing building along Potomac Valley Road. The emergency generator and sheds are sited to provide significant setbacks from the single family homes to the east, screened by existing mature forest and the installation of additional evergreen and landscaping. Vehicular access to the subject Property is direct from Potomac Valley Road and does not impact neighborhood access. The proposed modification will be compatible with the use and development of adjacent properties and neighborhoods. Generally, nursing homes 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.

**City of Rockville Comprehensive Plan Recommendations**

The City of Rockville Comprehensive Master Plan, approved and adopted November 12, 2002, identifies the Property as part of Planning Area 3 which includes Hungerford, Lynfield and New Mark Commons. The Potomac Valley Nursing and Wellness Center is noted in the Comprehensive Master Plan as located within the Planning Area although there are no specific recommendations as to the Property and its facility. The 1985 Approved Planning Area 3 Neighborhood Plan is reflected in the Comprehensive Plan.

The Comprehensive Master Plan comments on the undeveloped R-90 zoned 5-acre Parcel 2 which is adjacent to the Property (owned by the Property Owner/Landlord, which is not the Applicant) observing that “[t]here may be appropriate institutional uses for this site compatible

with the scale and residential character of the adjacent neighborhood.”<sup>1</sup> Nonetheless, Parcel 2 is *not* the subject of Applicant’s request to modify its existing use permit and this application does not propose any development on Parcel 2.

The Comprehensive Master Plan states that the average age of the Rockville population has risen, such that by 2000, 17.3% of the population was over age 60.<sup>2</sup> The Plan confirms that there are several nursing homes located throughout Rockville, including Potomac Valley. Although “[t]he City does not have a specific housing program to house the elderly,”<sup>3</sup> the Comprehensive Master Plan goes on to state that, as individuals reach their 80s and may experience a decline in health and strength, there will be a “greater demand for assisted living facilities, nursing homes, and/or for social services to assist people who remain in their own homes or apartments.”<sup>4</sup> In sum, there is no reasonably foreseeable reduction in the demand for and the attendant need for nursing home services in Rockville. The need is expected only to increase. Potomac Valley Nursing provide diversity in housing in the community and allows seniors to remain living within their neighborhoods and communities.

### **NRI/FSD / Forest Conservation Concept Plan**

The NRI/FSD and Preliminary Forest Conservation Plan have been approved as part of the Special Exception Application. A Landscape Plan is included with the Application. As shown on the NRI/FSD and the Forest Conservation Plan, as well as on the Landscape Plan, the Property has a considerable amount of existing forest, evergreens, and mature trees and bushes.

The submitted Plans have taken considerable effort to preserve as many mature trees as possible. Where tree preservation was not possible due to site layout of stormwater facilities and lines or to ill health of the trees, new plantings are to be supplied.

### **Signage**

The Application proposes to replace the one free-standing project monument sign near the project entrance at Potomac Valley Road with a sign of similar size but with updated materials compatible with the building. The design anticipates that the sign will be framed with stone and wood. A section for changeable copy is included for announcements.

### **Adequate Public Facilities**

Public water, sewer, electric and other utilities are available on the Property or in the affronting street. The proposed use of Nursing Home will not generate school children and the

<sup>1</sup> See City of Rockville Comprehensive Master Plan, page 11-13.

<sup>2</sup> See City of Rockville Comprehensive Master Plan, page 10-2 and page 17 of Comprehensive Master Plan Addendum and Errata Sheet.

<sup>3</sup> See City of Rockville Comprehensive Master Plan, page 10-3.

<sup>4</sup> See City of Rockville Comprehensive Master Plan, page 10-9.

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 approved as part of the Special Exception Application to meet the 2010 State of Maryland regulations for the additional impervious areas added since the last SPX approval.

### **Solid Waste Management**

The building will locate the trash and recycling management equipment and facilities in a screened space in the parking lot. Trash pick-up is through a private trash collector. Trash will be picked up as needed, generally 2 times per week. Recycling is picked up as needed, generally 1 time per month.

### **Emergency Generator Operations**

The State mandates that the facility test the emergency power system no less than once a month for a minimum of 30 minutes under normal emergency facility connected load. (COMAR 10.07.02.26(F)(5)(d)).

Applicant tests the emergency generator weekly, each Monday from around 9:30am-10:15am. This includes 30 minutes of run time under full load capacity and 10-15 minutes of cool down time.

The project includes the relocation of the emergency generator and fuel tank pad to accommodate a replacement emergency generator and fuel tank for the existing building and addition. Sound buffering is provided through manufacturer's equipment to meet County noise standards.

### **Transportation and Mobility**

Access to and from the Property will occur by way of Potomac Valley Road, which is a City of Rockville public street. A Traffic Statement prepared by Street Traffic Studies complying with the CTR requirements had been submitted and reviewed by the City DPWT concurrently with the Special Exception Application. The Statement concludes that the Project will produce fewer than 30 new peak hour trips. The additional staff on 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.

### **Public Use Space**

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



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www.rockvillemd.gov

April 23, 2013

Potomac Valley Nursing Facilities, Inc.  
c/o Michelle Upchurch, Administrator  
1235 Potomac Valley Road  
Rockville, Maryland 20850

Nancy Regelin, Esquire  
12505 Park Potomac Avenue, Suite 600  
Potomac, Maryland 20854

Re: (Major Amendment) Special Exception Application SPX2012-00385  
1235 Potomac Valley Road, Rockville, Maryland 20850

Dear Ms. Upchurch & Ms. Regelin:

At its April 13, 2013 meeting, the City of Rockville Board of Appeals held a public hearing to consider the referenced application request. Based on the information and testimony provided, the Board voted to approve the request subject to certain conditions. The subject application request was submitted in accordance with Section 25.15.01.b.2. of the City of Rockville Zoning Ordinance. The application request was processed as a major modification of the Potomac Valley Nursing and Wellness Center's previously approved Special Exception Applications S-50-61 and SPX1996-0245.

The Board's approval of the subject modification request, allows the following staffing, building, and site improvements: a) increase daytime staffing levels by 30 new staff members; b) expand the site's existing 87 space parking facilities by adding 30 new parking spaces; c) replace and relocate the facility's above ground generator and accompanying fuel tank; d) replace and relocate existing and proposed accessory buildings; e) relocate trash and recycling facilities, f) install and plant new trees and other vegetative materials as directed by the City Forester; g) construct a new pedestrian sidewalk along the western segment of the site's street frontage; h) construct a new stormwater management/micro bio-retention facility; i) replace and install new fencing along the site's eastern boundary; and j) replace the existing site identification/monument sign.

The nursing home property is approximately 4.5 acres in size and zoned for R-90 (Single Unit Detached Dwelling (Restricted Residential) land usage. The property is improved

Michelle Upchurch  
Nancy Regelin  
Page 2  
April 23, 2013

with a 175 bed nursing home, 52,121 gross square feet in size, masonry in construction. Services provided include 24-hour nursing care for injury, illness, and advanced aging, rehabilitation therapies, short term therapies, end-of-life/palliative care, behavioral health care, nutrition therapies, and specialized care for Alzheimer's and memory impairments. The facility operates under three work shifts which are as follows: a) Shift 1 – (11:00 p.m. to 7:00 a.m.; b) Shift 2 – (7:00 a.m. to 3:00 p.m.; and c) Shift 3 – (3:00 p.m. to 11:00 p.m.).

After considering all of the information, evidence, and testimony presented at the public hearing the Board voted to approve the request for the reasons listed in the staff report and subject to the following conditions:

- 1). The proposed building and site improvements are to be constructed and implemented in accordance with site development and buildings plans respectively prepared by VIKA Maryland LLC aka VIKA Inc. and A.R. Meyers & Associates Architects, Inc.
- 2). The size/square footage of each of the existing and proposed storage sheds must be denoted and referenced on site plan sheet #SP-1, i.e., as shown at the respective locations on the plan (ref. Section 25.15.01.b.2.(c) of the Zoning Ordinance.
- 3). Provide wheel stops for all parking spaces which are 16 feet in length that are permitted to have a two (2) foot overhang beyond the paved surface, i.e., this includes all spaces located in the new parking area and those that make up the southern row of spaces located near the proposed generator/fuel tank/storage shed area (ref. Section 25.16.06.b.4.(a) of the Zoning Ordinance).
- 4). Applicant must comply with all conditions of the Pre-Application stormwater management (SWC) Concept approval letter dated March 22, 2013.
- 5). Applicant must comply with all conditions of the Notice of Violation letter issued by the Department of Public Works (DPW) and dated December 15, 2011.
- 6). A Final Forest Conservation Plan shall be submitted in connection with the Site Plan and reflect the following revision to the Preliminary Forest Conservation Plan: a) In collaboration with the Department of Public Works revise the storm drain connection from the micro-bio retention pond to avoid removal of Tree #39.

Michelle Upchurch  
Nancy Regelin  
Page 3  
April 23, 2013

- 7). All forest conservation and significant tree replacement requirements shall be met on site.
- 8). Provide supplemental planting as directed by the City Forester's office within the forest conservation easement area along the eastern property line adjacent to lots 1, 2, and 3 of New Mark Commons (Block E). Up to 24, 6-7 feet high evergreen trees consisting of at least two species may be required. As part of this planting, the southern face of shed #1 shall be buffered and the overflow line restored to the extent determined possible by the City Forester.
- 9). The existing fence along the applicant's southern and eastern property lines shall be replaced with an 8 foot tall view blocking fence compatible with the neighborhood.
- 10). The sound wall surrounding the existing cooling tower shall use materials consistent with the local architecture.

In accordance with Section 25.15.01.b.2. of the Zoning Ordinance, the Board of Appeals approval of the special exception was based on the following findings, supported by the testimony presented at the public hearing and evidence in the record:

1. The request was processed and scheduled for public hearing by the Board of Appeals in accordance with requirements set forth in Article 5 of the Zoning Ordinance, i.e., applications and notification procedures. The public hearing was limited to consideration of the proposed modifications as set forth in the application and aspects of the previously approved special exception use that were directly related to or were affected by the proposed modification.

In its hearing of the modification request, it was the determination of the Board of Appeals, that the following elements of the modification request would not substantially alter the use and operation of the existing nursing home as approved under the home's previously approved special exceptions: a) increase daytime staffing levels by 30 new staff members; b) expand the site's existing 87 space parking facilities by adding 30 new parking spaces; c) replace and relocate the facility's above ground generator and accompanying fuel tank; d) replace and relocate existing and proposed accessory buildings; e) relocate trash and recycling facilities, f) install and plant new trees and other vegetative materials as directed by the City Forester; g) construct a new pedestrian sidewalk along the western segment of the site's street frontage; h) construct a new stormwater management/micro bio-retention facility; i) replace and install new fencing

along the site's eastern boundary; and j) replace the existing site identification/monument sign.

2. Based on the information provided, there was no evidence presented that the proposal to increase the facility's current day shift staffing levels by an additional 30 new employees, would be inconsistent with the site's previously approved special exception applications S-50-61 and SPX96-0245.

The Board agreed that such a staffing increase would not alter or create substantive operational changes inconsistent with the nursing home's previously approved special exceptions. The proposed staffing increase, along with all of the site and building improvements, will not substantively alter the physical character nor current operations of the existing nursing home, such that the modifications proposed will adversely impact surrounding land uses. The applicant does not propose to physically expand the existing building structure, alter or increase services currently being provided, nor cause vehicular traffic to increase within the subject site area.

Under the subject modification request, the applicant affirmed that since the last approval of SPX96-0245 in 1996 "there has been an increasing number of visiting specialists providing specialized services to residents of the nursing home, coupled with a gradual need to increase the number of full-time day shift staff members." It was further noted that such a staff level increase was needed in order to respond to more complex resident needs and to stay in line with progression in the nursing home industry and regulations. Under the proposal to increase the number of day shift staff by 30 employees, Section 25.16.03.d. of the Zoning Ordinance requires the applicant to construct/provide 30 additional parking spaces bringing the total number of spaces provided to 117, e.g., one (1) space for each new employee.

3. It was acknowledged that while there will be an increase in the number of vehicles entering and exiting the site, the trips will be spread out over the course of the day and not be generated during peak morning or evening travel hours. It was noted that of the 30 additional staff members that will be working the day shift, many are consultants or specialists who are on site part of the daytime shift and not necessarily arriving and departing during the morning and evening peak travel hours. Thus, there was no evidence presented that affirmed the additional vehicular traffic being generated by the additional 30 new staff members would adversely impact site area streets and roadways.

4. The Board heard testimony from a neighboring property owner concerned with the visual impact created by the accessory buildings on his property. In an effort to mitigate

the visual presence of the rear yard accessory buildings and new surface parking facilities from the neighboring residential homes to the east, the applicant will install additional trees and other vegetative materials as shown on the landscape plans submitted with this request. The additional plantings will supplement the existing mature trees and other vegetative materials which are now located in and around those site improvements. As proposed, the replacement and planting of additional trees and other vegetative materials ensure that the site's new stormwater management facilities, new and relocated rear area yard storage buildings, and associated surface parking spaces are appropriately screened and buffered from neighboring land uses.

Also, in response to concerns raised by a number of neighboring property owners with regard to the site's air conditioning cooling tower and plans to replace the facility's backup emergency above ground electrical generator, the applicant hired Phoenix Noise & Vibration, LLC to conduct an evaluation of the noise levels which would be generated by that equipment. The purpose of the evaluation was to analyze the potential for mechanical noise impact upon adjacent residential properties. The Board heard testimony from the consultant about the noise study undertaken and the results of the analysis. Based on the analysis undertaken, the consultant concluded that "as measured at the closest residential properties, noise levels radiated from the new generator (with sound enclosure) and existing cooling tower (with an 8 foot tall noise barrier) at the Potomac Valley Nursing and Wellness Center) will be below Montgomery County's daytime and nighttime limits. Compliance with the required noise level limits is contingent upon the construction of an 8 foot tall noise barrier along the eastern and southern sides of the existing cooling tower, and a fabricated sound enclosure for the new emergency generator capable of reducing generator noise to 55dBA at a distance of 36 feet."

Based on the information and testimony provided at the public hearing, the Board found the modification request as presented complies with and does not violate applicable development standards of the City's Zoning Ordinance or other applicable law. Thus, the request as submitted, complies with all R-90 zoning building setbacks, lot coverage and building height restrictions, vehicular parking requirements, etc.

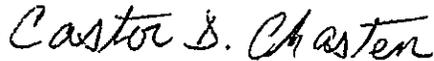
5. In a separate but related matter, the Board of Appeals received a request from Mark Wetterhahn and Martin Reiss (neighboring property owners) to conduct a joint site visit in order to observe/view the subject site from the vantage point of the rear yard of the neighboring property located at 9 Don Mills Court. In its consideration of the modification request and decision to approve said request, the Board voted not to conduct a joint site visit, noting that they had previously visited the site (individually) and

Michelle Upchurch  
Nancy Regelin  
Page 6  
April 23, 2013

collectively agreed that such a joint site visit would not yield added benefit or greater insight than what had already been gained by their initial site visits.

Thus, in accordance with the findings of record, as supported by the evidence and testimony provided, the Board of Appeals voted to approve SPX2012-00385, subject to the applicant's compliance with all conditions as referenced and explained in this correspondence. The applicant is advised that the Board's decision does not constitute approval by any agency having jurisdiction over the operation of the planned site use. Section 25.07.08.n.1. of the City of Rockville Zoning Ordinance requires that a **minor site plan amendment must be filed within six (6) months of the date of the Board's decision or the approval shall expire. The Board may for good shown, grant no more than two (2) extensions of the implementation period of not more than six (6) months each, subject to the provisions of Section 25.05.08. of the Ordinance.**

By Direction of the City of Rockville  
Board of Appeals



Castor D. Chasten, Planner III  
Staff Liaison

/cdc

cc: Board of Appeals  
Jeff Amateau, VIKA, Inc.  
Meredith Byer, VIKA, Inc.  
Elise Cary, Assistant City Forester – R&P  
Timothy Dugan, Shulman Rogers  
Gabriel Kosarek, Civil Engineer II - DPW  
Bobby Ray, Principal Planner – CPDS  
Martin Reiss, Neighboring Property Owner  
Cynthia Walters, Senior Assistant City Attorney  
Jim Wasilak, Chief of Planning – CPDS  
Mark Wetterhahn, Neighboring Property Owner  
Mark Wessel, Engineering Supervisor – DPW

PLAT No 6908

OWNERS DEDICATION

Ms. F. Moran McConihe and Marguerite McConihe, his wife, Malcolm S. McConihe & Mary K. McConihe, his wife, Emmett H. Markwood and Katherine B. Markwood, his wife, owners of the property shown and described herein, hereby adopt this plan of subdivision, establish the minimum building restriction lines, and dedicate the streets to public use. There are no easements, liens, trusts, or suits of action on the property included in this subdivision.

DATE: 1/18/1962  
F. MORAN McCONIHE  
MARGUERITE McCONIHE  
MALCOLM S. McCONIHE  
MARY K. McCONIHE  
EMMETT H. MARKWOOD  
KATHERINE B. MARKWOOD  
WITNESSES TO BOTH

ENGINEER'S CERTIFICATE

I hereby certify that this plan is correct that it is a subdivision and dedication of part of the Lands as conveyed by Rockville Farm to Emmett H. Markwood by deed dated Oct. 15, 1955 and recorded among the Land Records of Montgomery County, Md. in Liber 143 of Folio 143, also part of the Land as devised unto F. Moran McConihe & Malcolm S. McConihe, Jr. by will and recorded among the Will Records of said County in Liber K M B 142 of Folio 228, and that iron pipes shown thus - - - and stakes thus - - - are in place.

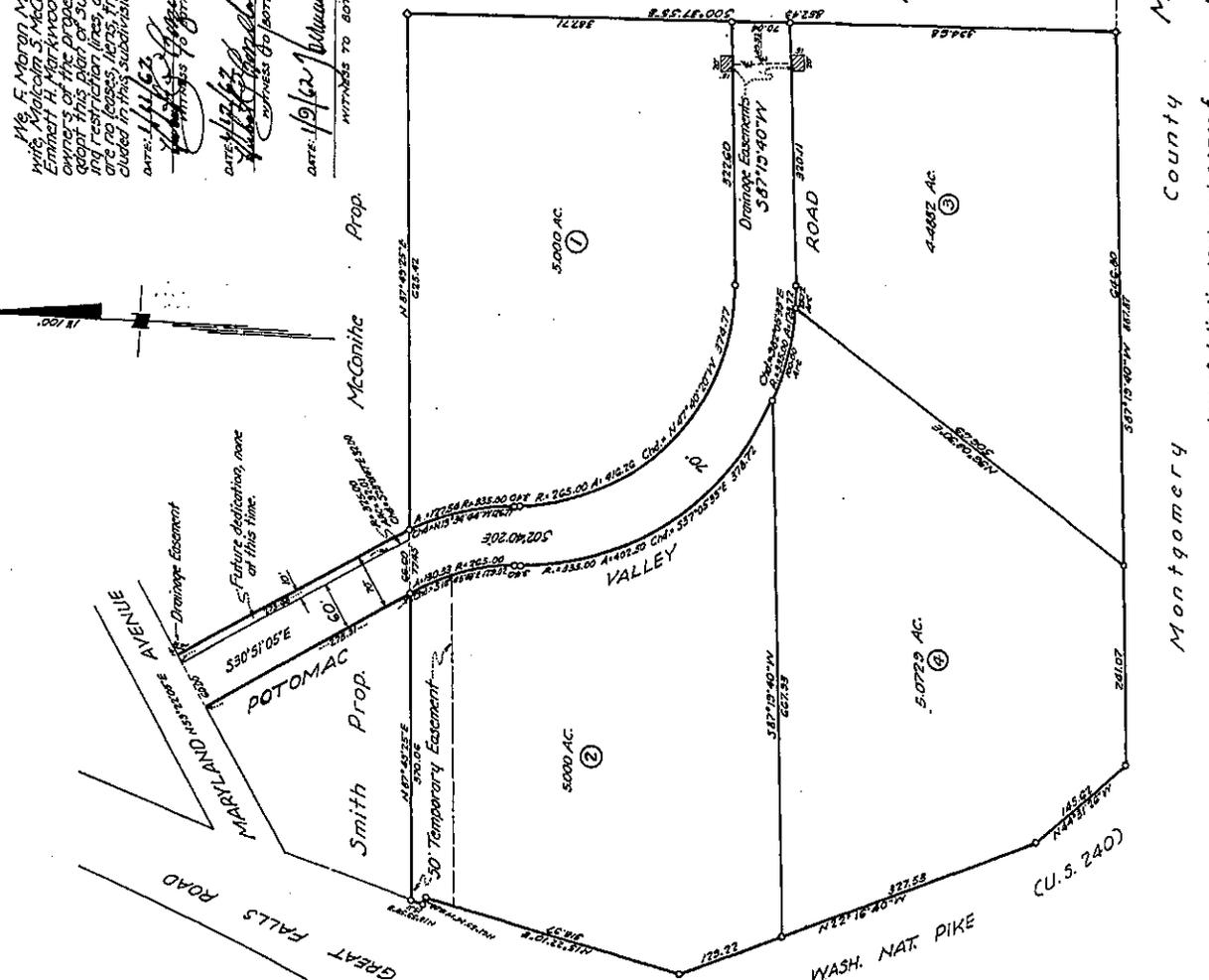
DATE: 1/18/1962  
R. K. MADDOCK  
R. K. MADDOCK, REG. LAND SURVEYOR MD. No. 578

NOTE: Temporary Easement 50' wide, shown along the lines of lot 2, to be abandoned when Property No. 10 is completed and constructed.

FILED  
JAN 28 1962

LOTS 1, 2, 3, 4 STREET DEDICATION  
MARKWOOD SUBDIVISION  
CITY OF ROCKVILLE  
MONTGOMERY COUNTY MARYLAND  
SCALE: 1" = 100'

R. K. MADDOCK  
COUNTY SURVEYOR  
ROCKVILLE, MD.



Montgomery County

Area of dedication Markwood 64,749 sq. ft.  
Area of dedication McConihe 17,508 sq. ft.

APPROVED BY  
CITY OF ROCKVILLE PLANNING COMMISSION - ROCKVILLE, MD.

Without commitment as to installation of water, sewer and streets. Date: January 17, 1962

Robert J. Williams  
CHAMAN  
W. Williams  
CHIEF EXECUTIVE OFFICER



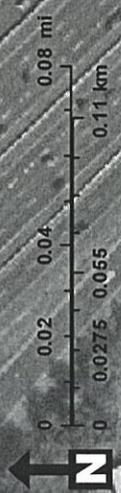
Manard State Archives



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DATE:  
June 6, 2013  
AUTHOR:

# Potomac Valley Nursing & Wellness Ctr



This drawing is intended to be used for reference and illustrative purposes only. The drawing is not a legally recorded plan, survey, or engineering schematic and it is not intended to be used as such. This drawing is a compilation of information from various sources. Map layers were created from aerial sources, all recent surveys, and the

