

## BOARD OF ADJUSTMENT STAFF CASE REPORT

**PLN-BOA-26-00006: BEHAVIORAL HEALTH REAL ESTATE ASSOCIATES** – requests a conditional use permit for a rehabilitation home within a Neighborhood Character Design (ND-1) Overlay zone in a Planned Neighborhood Residential (R-3) zone, on property located at 319 Duke Road. (Council District 5)

### Zoning Ordinance

residence for persons recovering from the effects of drug or alcohol abuse, psychiatric disorders, or as a condition of their parole or probation. Such homes may provide counseling in educational, vocational, or other areas by a paid or volunteer staff and generally have 24-hour-a-day supervision.”

Article 8-12(d)(8) states that boarding or lodging houses, assisted living facilities, and hospitality houses for more than eight (8) persons and rehabilitation homes, provided that no use permitted under this section shall be located less than five hundred (500) feet, as measured from the nearest property line, from another use permitted under this section. are conditional uses within the R-3 zone.

### Case Review

- The applicant is requesting a conditional use permit to utilize an existing structure at 319 Duke Road for a rehabilitation home use, specifically a residential mental health and eating disorder treatment program.
- The subject property is a 1.3-acre parcel, located on Duke Road south of the intersection of Duke Road and Providence Lane. The subject property is bounded on three sides (north, south, and west) by residential zoning and uses and to the east by Neighborhood Business (B-1) zoned properties including a window treatment store.
- This location has a history of personal and residential care uses dating back to the 1950s, when the site was originally used as a personal care facility operated by the YWCA. Over time, the Board of Adjustment has approved several similar facilities at this location, with the most recent being the approval of a conditional use permit to establish a personal care facility for CCG Ventures, LLC in 2023 (PLN-BOA-23-00047: CCG Ventures, LLC).
- According to the applicant’s justification statement, it is their intent to utilize the existing facility for a residential mental health and eating disorder treatment program. The current facility consists of a 23,216 square-foot, two-story structure comprised of a 24-unit residential wing and a wing devoted to common areas. The facility will be designed for up to sixty (60) licensed beds. However, the applicant expects to maintain a lower average daily census. The applicant notes that the length of stays is individualized based on each patient’s clinical need but is generally measured in weeks. The property currently features 24 parking spaces and the applicant has indicated that they do not intend to expand the footprint of the existing building or add additional parking for the new use.
- The applicant states in their justification materials that the program will serve individuals who do not require acute inpatient psychiatric hospitalization, but who benefit from a structured residential environment with clinical support. According to the applicant, residents will follow a stable daily schedule typical of residential behavioral health programs, including meals, therapeutic programming, supervised activities, and designated quiet hours.
- The applicant states that there will be a maximum of twenty (20) employees on site at any given time and that staffing is shift-based and structured to provide 24-hour supervision, with staggered shift transitions to avoid peak congestion periods. Nursing staff operate on two (2) twelve-hour shifts per day, while Behavioral Health Technicians operate on three (3) eight-hour shifts per day. The applicant states that administrative functions will be handled off-site, which will further limit on-site staffing demand and traffic impacts. Patients will not be allowed to drive, park, or store their personal vehicles on site while staying at the treatment center.
- The applicant states that controlled access points, supervised common areas, and standard camera security systems consistent with care operations will be maintained. The applicant also states that

fencing and lighting will support a contained and orderly environment.

- Staff is supportive of the requested conditional use as it will utilize an existing structure for a similar type of use as the personal care facility that was previously approved at this location. Adequate parking is available and the use should not have an adverse impact on the subject or surrounding properties.

The Staff Recommends: **Approval**, for the following reasons:

- a. Granting the requested conditional use permit should not adversely affect the subject or surrounding properties, as the proposed rehabilitation home use will utilize the existing building and will be similar in terms of hours and patterns of operation as the personal care facility that was previously approved at this location.
- b. All public facilities and services continue to be available and adequate for the facility.

This recommendation of approval is made subject to the following conditions:

1. The property shall be operated in accordance with the submitted application materials and site plan.
2. All necessary permits and/or approvals shall be obtained from the Divisions of Planning and Building Inspection, as well as necessary state agencies, prior to occupancy.

RMB/DWB/DAC/TLW

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