



APR - 3 2009

MCPB No. 08-140
Preliminary Plan No. 120080350
Sunrise Senior Living of Olney
Date of Hearing: October 16, 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on May 21, 2008, Sunrise Development L.L.C., ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create One (1) Lot on 5.0 acres of land on the north side of Olney-Sandy Spring Road (MD 108) approximately 2600 feet east of Prince Phillip Drive ("Property" or "Subject Property"), in the Olney Master Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120080350, Sunrise Senior Living of Olney, ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated October 3, 2008, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, the Planning Board held a public hearing (the "Hearing"); on October 16, 2008 on the Application; and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 16, 2008, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Robinson; seconded by

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency:

Commissioner Alfandre; with a vote of 5-0, Commissioners Alfandre, Cryor, Hansen, Presley and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120080350 to create one (1) lot on 5.0 acres of land located on the north side of Olney-Sandy Spring Road (MD 108), between Prince Philip Drive and Old Baltimore Road, in the Olney Master Plan area, subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to one lot for a long-term care, assisted living facility containing 74 units with a maximum of 94 beds.
- 2) Applicant is bound to the conditions of approval for Special Exception S-2712.
- 3) The proposed development must comply with the conditions of the Preliminary Forest Conservation Plan, dated December 11, 2007. The Applicant must satisfy all conditions before the Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits. Conditions include, but are not limited to:
 - a. Approval of Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan, prior to any clearing, grading or demolition on the site.
- 4) The Applicant must dedicate all road rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Master Plan unless otherwise designated on the Preliminary Plan.
- 5) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, "To Be Constructed By _____" are excluded from this condition.
- 6) To satisfy the Policy Area Mobility Review (PAMR) requirement to mitigate six (6) weekday site-generated peak-hour trips, the Applicant must pay \$20,000.00 to the Montgomery County Department of Transportation (MCDOT) towards its real-time transit information sign program prior to the release of building permits for the proposed development.
- 7) The record plat must reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 8) The record plat must provide for dedication of 75 feet of right-of-way from the centerline of MD 108 Olney – Sandy Spring Road (MD 108).
- 9) The certified preliminary plan must show existing and proposed street trees along Olney-Sandy Spring Road (MD 108).
- 10) The record plat must reflect the liber and folio for the "access and use easement" if executed with adjacent property owner.

- 11) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated March 28, 2008.
- 12) Prior to issuance of access permits, the Applicant must comply with the conditions of the State Highway Administration (SHA) letter dated July 11, 2008, unless otherwise amended.
- 13) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.
- 14) The record plat must show necessary easements.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the Master Plan.

The Master Plan indicates that special exceptions "should be compatible with the development pattern of the adjoining uses in terms of height, size, scale, traffic and visual impact of the structures and parking lots." Special Exception Case No. S-2712, made the necessary findings for conformance with the Master Plan. The Preliminary Plan remains essentially unchanged from the plan reviewed as part of the Special Exception. The Planning Board finds that the Preliminary Plan substantially conforms with the Master Plan.

2. Public facilities will be adequate to support and service the area of the proposed subdivision.

Public facilities and services are available and will be safe and adequate to serve the proposed development. The Property will be served by public water and public sewer systems. The Application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services, are operating according to the Growth Policy resolution currently in effect and will be safe and adequate to serve the Property. All public utilities, including gas, electric, water, sewer, and telecommunications, are readily available to the site. The Board finds that public services will be adequate to serve the proposed subdivision.

The Local Area Transportation Review indicates that a traffic study is not required as part of the FY2007-2009 Growth Policy Adequate Public

Facilities test. The proposed facility is estimated to generate less than 30 peak-hour trips during the weekday morning (6:30 A.M. – 9:30 A.M.) and evening (4:00 P.M. – 7:00 P.M.) peak periods.

This Application is required to satisfy the 2007-2009 Growth Policy test for Policy Area Mobility Review (PAMR). The proposed use is estimated to generate more trips than the threshold value of three peak-hour trips during the weekday morning and evening peak-periods. To satisfy the FY 2007-2009 PAMR test in the Olney Policy Area, an Applicant is required to mitigate 25% of peak-hour site-generated trips. For this Application, with a trip generation of 24 peak-hour trips, six (6) peak-hour trips during both the morning and evening peak periods will need to be mitigated. With these requirements and with the sidewalks required as part of this Preliminary Plan, the Board finds that vehicular facilities and pedestrian access will be safe and adequate for the proposed subdivision.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, of the Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision, which is located in a RE2/TDR-2 zone. The Board finds the Application meets all applicable sections of the Subdivision Regulations.

- 4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

This Property is subject to the Montgomery County Forest Conservation Law; a Forest Conservation Plan has been submitted for approval. There are 4.68 acres of forest existing on-site and 2.08 acres of forest will be retained in a Category I Forest Conservation Easement. There is no planting requirement and all areas of the stream valley buffer will be forested. The Board finds that the concept for meeting forest conservation requirements complies with Chapter 22A, the Montgomery County Forest Conservation Law.

- 5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The Stormwater Management Concept Plan requires sand filters to provide on-site water quality control and a partial green roof. MCDPS is not requiring channel protection volume controls because the one-year post-development peak discharge is no more than 2.0 cubic feet per second. The Board finds that the Applicant can meet the stormwater management requirements specified in Chapter 50, the Montgomery County Subdivision Regulations.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

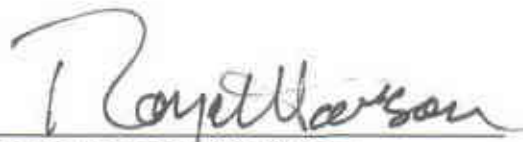
BE IT FURTHER RESOLVED, that the date of this Resolution is APR 23 2009 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Robinson, with Commissioners Hanson, Robinson, Cryor, and Presley present and voting in favor of the motion, and Commissioner Alfandre necessarily absent at its regular meeting held on Thursday, March 26, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board