



MCPB No. 16-085
Preliminary Plan No. 12016011A
Colesville Senior Living Facility
Date of Hearing: September 8, 2016

SEP 15 2016

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on March 7, 2016, the Planning Board, by Resolution MCPB No. 16-023, approved Preliminary Plan No. 120160110, for one lot for the construction of a three-story domiciliary care facility for seniors consisting of a maximum of 113 units (136 beds) on approximately 5.9 acres of land in the R-200 Zone, located at 13908 New Hampshire Avenue ("Subject Property"), in the White Oak Master Plan ("Master Plan") area; and

WHEREAS, on July 20, 2016, Columbia/Wegman Acquisitions, LLC ("Applicant") filed a preliminary plan amendment to the previously approved Preliminary Plan to amend Condition No. 8, in order to address the timing of the construction of the required shared-use path and recordation of the required PIE, which conflicts with the stormdrain easement for New Hampshire Avenue and requires its abandonment by the Maryland Department of Public Works; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12016011A, Colesville Senior Living Facility ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Staff and the staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board dated August 22, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 8, 2016, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Colesville, Maryland 20910

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WHEREAS, at the Hearing, the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below;

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board APPROVES Preliminary Plan No. 12016011A to modify Condition No. 8 to provide as follows:¹

8. The Applicant must comply with the recommendations of the Intercounty Connector Limited Functional Master Plan Amendment as follows:
 - a. Within two years of approval of the resolution, the Applicant must:
 - i. Obtain approval from the Maryland Board of Public Works to abandon/vacate the SHA drainage easement located along the New Hampshire Avenue frontage of the Property;
 - ii. Record in the Land Records a Public Improvement Easement (PIE), in a form approved by the County and/or Maryland State Highway Administration (SHA), for any portion of the shared-use path which lies outside of the right-of-way for New Hampshire Avenue; and
 - iii. Construct the shared-use path as shown on the Preliminary Plan.
 - b. Prior to issuance of any building permit and Sediment Control Permit, the Applicant must enter into a Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety, with the following provisions:
 - i. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
 - ii. The cost estimate must include the applicable elements of the Landscaping and Lighting Plan limited to the purchase, installation and maintenance of all landscape plant material; on-site lighting; and for the construction of a 10-foot wide shared-use asphalt path along New Hampshire Avenue. The surety must be posted before issuance of any building permit.
 - iii. Completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
 - iv. The bond or surety for each item shall be clearly described within the Surety and Maintenance Agreement including all relevant conditions.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

BE IT FURTHER RESOLVED, that all other conditions of approval for Preliminary Plan No. 120160110 remain unchanged and in full force and effect;

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, that except as specifically set forth herein, with the conditions of approval this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect;

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 15 2016 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; 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 Vice Chair Wells-Harley, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Cichy voting in favor, and Commissioners Dreyfuss and Fani-González absent at its regular meeting held on Thursday, September 8, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board