



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 17-070
Preliminary Plan No. 120170080
Willow Manor at Fairland
Date of Hearing: July 24, 2017

JUL 31 2017

RESOLUTION

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

WHEREAS, on December 8, 2016, KB Companies, Inc (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 15.93 acres of land in the R-30 zone, located at 3300 Briggs Chaney Road (“Subject Property”), in the Fairland/Colesville Policy Area and 1997 *Fairland Master Plan* (“Master Plan”) area; and

WHEREAS, Subdivision Regulation Amendment 16-01, adopted by the Montgomery County Council on November 15, 2016 as Ordinance No. 18-19, replaced Chapter 50, Subdivision of Land in its entirety, effective February 13, 2017 (“Subdivision Regulations”); and

WHEREAS, Ordinance 18-19 provided that any preliminary plan application filed and certified as complete before the effective date of the Subdivision Regulations may, at the applicant’s option, be reviewed under the Subdivision Regulations in effect when the application was submitted; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120170080, Willow Manor at Fairland (“Preliminary Plan” or “Application”); and

WHEREAS, Applicant opted to have this Preliminary Plan reviewed under the Subdivision Regulations in effect on December 8, 2016; and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 12, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

Approved as to
Legal Sufficiency
8/7/17
Christina Somet 7/20/17
MNCPPC Legal Department
www.montgomeryplanningboard.org Phone: 301.495.4605 Fax: 301.495.1320
E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, on July 24, 2017, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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. 120170080 to create one lot on the Subject Property, subject to the following conditions:¹

- 1) This approval is limited to one (1) lot for 116 senior adult attached residential dwelling units including a minimum of 13.2% MPDU's as well as the existing East County Regional Services Center ("ECRSC"), East County Community Recreation Center ("ECCRC"), and Park and Ride facility.
- 2) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated April 27, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 3) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated May 18, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 4) The Planning Board accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated May 22, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

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.

- 5) The Certified Preliminary Plan must contain the following note:

“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
- 6) Prior to recordation of any plat, Site Plan No. 820170050 must be certified by M-NCPPC Staff.
- 7) Prior to Certified Preliminary Plan, the Applicant must make the following modifications to the Preliminary Plan:
 - a. The Applicant must correct the total “Provided” parking calculations in the “Vehicular Parking Tabulation” table.
 - b. The Applicant must dimension the existing right-of-way between the centerline and the Subject Property on all roads adjacent to the Subject Property.
 - c. Submit and receive approval of a revised Stormwater Management Concept for the Montgomery County Department of Permitting Services to relocate stormwater management facilities per the comments from the Montgomery County Department of General Services.
 - d. Show the existing pedestrian easement identified by the Montgomery County Department of General Services and provide the Liber Folio of the easement.
 - e. The Applicant must revise all references to 121 dwelling units on all sheets, including all data tables, to indicate 116 dwelling units.
 - f. Show the existing pedestrian easement identified by the Montgomery County Department of General Services at Liber 6270 Folio 359.
 - g. The Applicant must revise the data table to reflect the correct amount of “required” vehicle and bicycle parking based on 116 dwelling units.
 - h. The Applicant must revise the Provided Density calculations in the Data Table based on 116 dwelling units.
- 8) Record plat must show necessary easements.
- 9) Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and open spaces will be determined at site plan.

- 10) The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

The Master Plan includes the Subject Property proposed for development in the “Greencastle/Briggs Chaney” community. The Master Plan does not make any specific recommendations for the project site or any community-wide recommendations that apply to the Subject Property.

The Master Plan supports the *community identity* goal of the Act and General Plan by “provid(ing) for attractive land uses that encourage opportunity for social interaction and promote community identity” (p. 19). The Fairland Master Plan proposes using “design improvements to increase the connections... between residential and commercial areas” (p. 19).

One objective of the Master Plan’s Land Use Plan is to “encourage housing for the elderly in appropriate locations” (p. 30). Independent Living Facility for Seniors at the Subject Property conforms with these goals and objectives because the housing is on the same property as the ECRSC and RCCRC, bus stops at the Park and Ride with convenient access to Metro Stations.

The Subject Property is in the Little Paint Branch watershed. The Master Plan Environmental Resources section places the site in an “Environmental Restoration Area” (p. 133). An objective for the Environmental Restoration Area is to “minimize additional adverse impacts from new development outside the Silverwood subwatershed” (p. 135). The Subject Property is outside the Silverwood subwatershed of the Little Paint Branch watershed, and thus falls under this objective. To meet this objective, the Master Plan recommends “a combination of standard environmental protection... for new development and stormwater retrofits or stream enhancement... to address existing problems” and further recommends “limit[ing] impervious surfaces as much as possible, given existing land use and zoning patterns” (p. 135). The greater part of the building will be built on an existing surface parking lot, with only a small amount of additional imperviousness added, and therefore the Application follows this Master Plan recommendation.

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

Roads and Transportation Facilities

The Applicant is not required to dedicate any additional right-of-way or building any additional bicycle facilities with the public right-of-way because all the adjacent roads have the sufficient master planned right-of-way and bicycle facilities are as planned within the right-of-way.

Pedestrian and Bicycle Facilities

The Application provides a 5-foot wide lead-in sidewalk from Robey Road and the combination of proposed and existing sidewalks within the site provide sufficient interior connections to other streets adjacent to the Subject Property and other uses within the site. As noted above, Robey Road, Briggs Chaney Road, and Gateshead Manor Way all have sidewalks with green panels along the Subject Property frontage, and Robey Road and Briggs Chaney Road have existing shared use paths on the opposite side of the street from the Subject Property.

Local Area Transportation Review (LATR)

Applications submitted prior to January 1, 2017, are subject to the 2012 Subdivision Staging Policy (SSP) and the 2012-2016 Local Area Transportation Review (LATR) Guidelines. Therefore, trip generation for the project was calculated using Table 1-7 (senior/elderly housing) in Appendix 1 of the 2012-2016 LATR Guidelines. Based on the layout of the proposed building and the services to be provided to residents, Table 1-7 of the LATR Guidelines requires the use of trip generation rates from the *Institute of Transportation Engineers (ITE) Trip Generation Manual*, Land Use Code 250. ITE Land Use Code 250 has been replaced with ITE Land Use Codes 251 (Senior Adult Housing – Detached) and ITE Land Use Code 252 (Senior Adult Housing – Attached). Trip generation rates were calculated using the senior adult housing - attached code (252), which best matched the proposed use, using the *ITE Trip Generation Manual*, 9th edition.

The originally proposed 121-unit senior adult attached dwelling units would generate 24 peak-hour vehicle trips within the weekday morning peak period and 31 peak-hour vehicle trips within the evening peak period. These vehicle trips exceeded the 30 peak-hour vehicle trip threshold under the 2012 SSP and therefore a traffic study would be necessary. Because the Applicant is under extreme time constraints due to federal funding limitations for the project, they must move forward with the project now. Therefore, the Applicant is pursuing 116 units of senior adult attached housing at this time, which generates 29 peak-hour vehicle trips within the evening peak period – under the 30-vehicle trip threshold.

Transportation Impact Tax and Transportation Policy Area Review (TPAR)

The Applicant must satisfy the Transportation Policy Area Review (TPAR) test by paying updated General District Transportation Impact Tax to Montgomery County Department of Permitting Services (DPS) because the Application was filed before January 1, 2017, but will be receiving a building permit from DPS after March 1, 2017. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code, and any amendments to this chapter.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed dwelling units and existing facilities. All dwellings units will be served by public water and sewer. Other telecommunications and utility companies reviewed the Preliminary Plan and found that the Subject Property can be adequately served. The Preliminary Plan has also been reviewed by the MCDPS, Fire Department Access and Water Supply Section who have determined that the Application provides adequate access for fire and emergency vehicles. Other public services such as police and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. The Application is for senior adult housing which does not generate school age children. Thus, this Application is exempt from the School Facilities Payment Test.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The lot size, width, shape and orientation are appropriate for accommodating the new senior adult residential building along with the existing services center and recreation center. The lot is appropriate for the location of the subdivision taking into account the recommendations included in the Master Plan, and for the apartment building type contemplated for the Subject Property.

The lot was reviewed for compliance with the dimensional requirements for the R-30 zone as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone.

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

The Preliminary Plan is subject to the Chapter 22A, Montgomery County Forest Conservation Law. The Final Forest Conservation Plan No. 820170050 ("FFCP") is part of Site Plan No. 820170050. The Subject Property was previously covered by Final Conservation Plan No. MR1998603. The FFCP shows the relocation of 0.46 acres of forested Conservation Easement on the Subject Property. Associated with the FFCP is a tree variance requesting impacts to specimen trees.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on May 18, 2017. The Application will meet stormwater management goals through the use of micro-biofiltration.

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)), 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 in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~JUL 31 2017~~ ^{JUL 31 2017} (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 Cichy, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Monday, July 24, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board