



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

MCPB No. 17-071  
Site Plan No. 820170050  
Willow Manor at Fairland  
Date of Hearing: July 24, 2017

JUL 31 2017

**RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on February 27, 2017, KB Companies, Inc (“Applicant”) filed an application for approval of a site plan for 116 senior adult attached dwelling units within a single three-story building including a minimum of 13.2% MPDU’s on 15.93 acres of R-30 zoned-land, located at 3300 Briggs Chaney Road (“Subject Property”), in the Fairland/Colesville Policy Area and 1997 Fairland Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820170050, Willow Manor at Fairland (“Site Plan” or “Application”); 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

WHEREAS, on July 24, 2017, the Planning Board held a public hearing at which it heard testimony and received evidence 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 Site Plan No. 820170050 for 116 senior adult attached dwelling units within a single three-story building including a minimum of 13.2% MPDU’s on the Subject Property, subject to the following conditions:<sup>1</sup>

<sup>1</sup> 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.

### Conformance with Previous Approvals & Agreements

1) Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120170080.

### Environment

2) The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 820170050, as amended and approved as part of this Site Plan:

a) Prior to Certified Site Plan, the Applicant must revise the Final Forest Conservation Plan to correct the following:

- i) Labelling, including adding the tree identification labels.
- ii) Add additional tree protection measures along the proposed limits of disturbance where it is adjacent to existing trees.
- iii) Revise the location of the proposed Category I Conservation Easements per comments from the Montgomery County Department of General Services. The revised Conservation Easement locations must meet the requirements of the Forest Conservation Law, and are subject to Staff review and approval.
- iv) Indicate the location of the proposed natural surface path with the Category I Conservation Easement.

b) The Applicant must record a Category I Conservation Easement as specified on the approved and Certified Final Forest Conservation Plan. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any clearing or grading on the Subject Property, and the Liber Folio for the easement must be referenced on the record plat.

c) The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

d) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the approved Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.

e) Prior to the start of any clearing or grading occurring on the Subject Property, the Applicant must install permanent conservation easement

signage along the perimeter of all the Category I conservation easements on the Subject Property. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction, or as determined by the M-NCPPC forest conservation inspector.

3) Noise Attenuation

- a) Prior to issuance of any Certified Site Plan, the Applicant must provide certification to M-NCPPC Staff from an engineer with competency in acoustical analysis that the building shell will attenuate current exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) Prior to issuance of any Use and Occupancy Certificates, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.
- c) Prior to Certified Site Plan, the Applicant may provide a noise analysis delineating the 55 dBA Ldn noise contour from Briggs Chaney Road. If the noise analysis demonstrates compliance with the *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development*, conditions 3a and 3b will be satisfied.

Public Use Space, Facilities and Amenities

4) Common Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 259,594 square feet of Common Open Space (37.4% of net lot area) on-site.
- b) Prior to the issuance of Use and Occupancy certificates for the residential development, all common open space areas on the Subject Property must be completed.

5) Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities constructed as part of this Site Plan including, but not limited to benches, interactive musical instruments, and landscaping.

6) Common Open Space

Common Open Space must conform to Section 6.3.5 of the Zoning Ordinance and must be delineated on the Certified Site Plan.

Transportation & Circulation

7) Pedestrian & Bicycle Circulation

- a) All internal sidewalks and pedestrian paths must be a minimum of five feet wide.
- b) The Applicant must provide at least eight long-term bicycle parking spaces within a bike locker in a well-lit location near a building entrance or in a designated secured bike room for employees, as well as at least one inverted-U bike rack (or equivalent approved by Staff that conforms to American Pedestrian and Bicycle Professionals Guidelines) for a total of at least one short-term bicycle parking space near the main entrance of the building.
- c) The Applicant must construct a five-foot wide pedestrian access path connecting with an on-site sidewalk to the East County Community Recreation Center to the southeast as shown on the Certified Site Plan.

#### Density & Housing

8) Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated May 31, 2017, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) The development must provide 13.2 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the DHCA must be executed.

9) Occupancy Provisions

- a) The occupancy of the dwellings is restricted under Section 59.3.3.2.C.2.a.iii. The primary resident(s) must be at least 62 years of age, and other members of the household are not age-restricted. Other residents may be a care-giver or any other assistant authorized to occupy the housing unit under any federal or state program that is specifically designed and operated to assist seniors.
- b) Prior to building permit, The Applicant must provide proof to MCDPS that the use meets all Federal, State and County licensure, certificate and regulatory requirements.
- c) Occupancy of all MPDU units will be limited to households that satisfy the income restrictions set forth in Article 25A of the Montgomery County Code for MPDU's and any related regulations, as amended.

Site Plan

10) Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet 09-ARCH-820170050-001, 09-ARCH-820170050-002, 09-ARCH-820170050-003, 09-ARCH-820170050-004, 09-ARCH-820170050-005, 09-ARCH-820170050-006 of the submitted architectural drawings, as determined by M-NCPPC Staff. Specifically, the Applicant must provide at a minimum the following building elements:

a) Maximum building height of 35 feet as measured by MCDPS.

11) Landscaping

a) The Applicant must install the site elements as shown on the landscape plans submitted to MNCPPC or an equivalent.

b) The Applicant must install the plantings shown on the landscape plans submitted to M-NCPPC. Any variation in plant species or quantity needs approval of M-NCPPC Staff.

12) Lighting

a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).

b) All onsite down-lights must have full cut-off fixtures.

c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.

d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.

e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

f) The light pole height must not exceed 12 feet including the mounting base.

13) Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment control permit, the Applicant must enter into a Site Plan 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 in accordance with Section 59.7.3.4.K.4 [59-D-3.5(d)] of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private hydrant systems, private roads and on-site sidewalks/bikeways, storm drainage facilities, street trees and street lights associated with private streets. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

14) Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

15) Certified Site Plan

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a) All on-site sidewalks must be a minimum of 5 feet wide.
- b) The Applicant must correct the total "Provided" parking calculations in the "Vehicular Parking Tabulation" table.

- c) The Applicant must revise Sheet 32-APE-820170050 by modifying the color-coded areas to reflect correct number of parking spaces labeled on the drawing.
- d) Include the stormwater management concept approval letter, development program, Preliminary Plan, and Site Plan Resolutions on the approval or cover sheet(s).
- e) Dimension the existing right-of-way between the centerline and the Subject Property on all roads adjacent to the Subject Property on the Certified Site Plan.
- f) Applicant must provide an ADA-compliant pedestrian crossing between the proposed building and the East County Regional Services Center (ESRSC) that is perpendicular to the drive aisles, and therefore the shortest distance between the two sides of the street. Planning Staff recommends this connection between the eastern side of the residential front plaza/drop-off area (with additional pedestrian ramps and paved areas) and the striped space between the western handicap spaces in front of the ESRSC. The Applicant must work with Planning Staff to incorporate this change on the Certified Site Plan.
- g) Add a note to the Certified Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- h) Modify data table to reflect development standards approved by the Planning Board.
- i) Ensure consistency of all details and layout between Site and Landscape plans.
- j) Add detailed specifications of the bike lockers in the location shown on the Certified Site Plan.
- k) The Applicant must submit and receive approval of a revised Stormwater Management Concept to address comments from the Montgomery County Department of General Service prior to the submittal of the Certified Site Plan.
- l) The Applicant must adjust the Category I Conservation Easement to address comments of the Montgomery County Department of General Services.
- m) Applicant must delineate natural surface paths through the Category I Conservation Easement areas. Final alignment of the paths will be field determined with M-NCPPC staff.
- n) 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.
- o) Show the existing pedestrian easement identified by the Montgomery County Department of General Services at Liber 6270 Folio 359.

- p) The Applicant must revise the floor plan layout to remove 5 dwelling units on Sheets 09-ARCH-820170050-002, 09-ARCH-820170050-003, and/or 09-ARCH-820170050-004.
- q) The Applicant must revise all references to 121 dwelling units on all sheets, including all data tables, to indicate 116 dwelling units.
- r) The Applicant must revise the data table to reflect the correct amount of “required” vehicle and bicycle parking based on 116 dwelling units.
- s) The Applicant must revise the Provided Density calculations in the Data Table based on 116 dwelling units.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Willow Manor at Fairland, Site Plan No. 820170050, submitted via ePlans to the M-NCPPC as of the date of the Staff Report July 12, 2017, are required, except as modified by the above conditions of approval; and

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 development satisfies any previous approval that applies to the site.*

The Site Plan conforms to all conditions of Preliminary Plan 120170080, which is being reviewed concurrently and is amending Final Forest Conservation Plan No. MR1998603.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable as the Site’s zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*



a. Use Standards

The use of an Independent Living Facility for Seniors or Persons with Disabilities is identified as a limited use in the R-30 zone, and is subject to the following specific use standards.

- i) *The facility must meet all applicable Federal, State, and County licensure, certificate and regulatory requirements.*

As conditioned, prior to building permit, the Applicant will be required to provide proof to MCDPS that the use meets all Federal, State and County requirements.

- ii) *Resident staff necessary for the operation of the facility are allowed to live on-site.*

The Site Plan does not include housing for the operators of the facility but also does not prohibit it in the future.

- iii) *Occupancy of a dwelling unit is restricted to the following:*

1. *A senior adult, as defined in Section 1.4.2, Defined Terms;*

As conditioned, the primary resident must be at least 62 years of age.

2. *Other members of the household of a senior adult, regardless of age; c) A resident care-giver, if needed to assist a senior resident; or d) A person authorized to occupy housing provided under any federal or state program that is specifically designed and operated to assist seniors as defined in that program.*

The Site Plan does not limit the ability for additional residents of the unit's necessary to provide assistance to residents.

3. *If imposing age restrictions that would limit occupancy otherwise allowed by this Subsection, the facility must only impose age restrictions that satisfy at least one type of exemption for housing for older persons from the familiar status requirements of the federal "Fair Housing Act," Title VIII of the Civil Rights Act of 1968, as amended, or the state Fair Housing Act, Subtitle 7 of Title 20 of the Annotated Code of Maryland, State Government Article, as amended.*

The Site Plan does not impose any additional age restrictions not consistent with the Zoning Ordinance defined term for a senior adult.

b. Development Standards

The Subject Property includes approximately 15.93 acres zoned R-30. The Application satisfies the applicable development standards as shown in the following data table:

<b>Section 4.5 Zoning Data Table: R-30</b>		
<u>Optional Method Apartment</u>	<u>Required</u>	<u>Provided</u>
<b>1. Site</b>		
<b>Dimensions (min)</b>		
Usable Area <sup>2</sup>	11,700 sq. ft.	693,864 sq. ft.
<b>Density (max)</b>		
Density (units/acres of usable area)	17.69	7.28
<b>Open Space (min)</b>		
Common Open Space, Site >10,000 sq. ft.	25%, 173,466 sq. ft.	37.4%, 259,594 sq. ft.
<b>Site Coverage (max)</b>		
Site Coverage	18%	10.9%
<b>2. Lot</b>		
<b>Dimensions (min)</b>		
Lot Area	12,000 sq. ft.	696,057 sq. ft.
Lot width at front building line	To be Determined at Site Plan	789.66 feet
Lot width at front lot line	50 feet	789.66 feet
Frontage on street or open space	Required	Achieved
<b>Coverage (max)</b>		
Lot	N/A	N/A
<b>3. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
Front setback from public street	Determined at Site Plan	34.31 feet
Front seatback from private street or open street	Determined at Site Plan	N/A

<sup>2</sup> The area upon which the density of development is calculated in optimal method MPDU projects.

<b>Section 4.5 Zoning Data Table: R-30</b>		
<u>Optional Method Apartment</u>	<u>Required</u>	<u>Provided</u>
Side street setback	Determined at Site Plan	142.25 feet (from Robey Road)
Side or rear setback	Determined at Site Plan	62.11
Side or rear setback, abutting property not included in application	Equal to req. setback for detached house building type in the abutting zone under standard method and Section 4.1.8.A	N/A
Rear setback, alley	N/A	0 feet
<b>Accessory Structure Setbacks (min)</b>		
Front setback	N/A	0 feet
Side street setback	N/A	0 feet
Side or rear setback	N/A	0 feet
Side or rear setback, abutting property not included in application	N/A	0 feet
Rear setback alley	N/A	0 feet
<b>Parking Setbacks for Surface Parking Lots (min)</b>		
Front setback	30 feet	30.73 feet (Briggs Chaney Road)
Side street setback	10 feet	87.91 feet (Gateshead Manor Way)
Side or rear setback	0 feet	84.11 feet (adjacent property)
Side or rear setback, abutting property not included in application	Equal to req. setback for detached house building type in the abutting zone under standard method and Section 4.1.8.A	N/A
<b>Height</b>		
Principal Building	35 feet	35 feet or less
Accessory structure	25 feet	N/A
<b>Section 6.2 Parking</b>		
Vehicle Spaces (1 per DU plus employee)	117	72**

<b>Section 4.5 Zoning Data Table: R-30</b>		
<u>Optional Method Apartment</u>	<u>Required</u>	<u>Provided</u>
Required minimum vehicle parking for Subject Property	<ul style="list-style-type: none"> <li>• East County Community Rec. Center = 59</li> <li>• East County Regional Services Center = 32</li> <li>• Future BRT station = 200</li> <li>• Proposed Application with allowed reduction = 59</li> <li>• Total Req. Parking = 352</li> </ul>	Total Vehicle Parking Provided after build out = 398
Bicycle Parking	29 (28 long-term, 1 short-term)	8 long-term, 1 short-term*
Motorcycle Parking	2	2
Car Share Parking	1	1

\* Waiver granted for the amount of the long-term bicycle parking

\*\* Parking adjustment factor of 0.5 applied per section 59.6.2.3.I.2.b

c. General Requirements

i. *Site Access*

The access to the development is adequate for 116 senior adult attached dwelling units and the adjacent government and recreational uses that share the access. Vehicle and pedestrian access to the Subject Property is provided at two locations. The primary access will be through an existing access point on Robey Road which is the most direct access to the building. The secondary access is on Gateshead Manor Way through the existing parking lot. There are additional pedestrian only access points; one located in the northwestern side of the Subject Property along Robey Road. The other pedestrian connection accesses the Briggs Chaney Road right-of-way which provides access to the ECRSC and the senior adult housing project. A less direct pedestrian access point exists on Gateshead Manor on the southeast side of the Subject Property. This pedestrian connection provides a direct connection to the RCCRC as well as the Site Plan via both existing and approved internal pedestrian facilities.

ii. *Parking, Queuing, and Loading*

The Site Plan provides adequate parking to serve the development. Vehicle parking in the R-30 Zone outside of a reduced parking area has a minimum of 1 space per dwelling unit for an Independent Living Facility for Seniors or Persons with Disabilities plus one space per employee according to Section 6.2.4(B). Under Section 6.2.3(I)(2)(b), vehicle parking can be reduced by a factor of 0.50 for senior housing as defined by Section 1.4.2(S) which defines “senior adult” as a person who is 62 years of age or older. The Site Plan has set aside 72 vehicle spaces (59 spaces required for Senior Housing use) of the 398 total spaces.

Parking across the site, for both the approved and the existing uses on the Subject Property, will be adequate as well. The Park and Ride facility is slated to become a Bus Rapid Transit Station for the Route 29 corridor in 2020. As such, MCDOT required, via the letter dated April 27, 2017, that 200 parking spaces remain based on their parking projections for 2020. The RCCRC requires 59 vehicle parking spaces and the ECRSC requires 32 spaces.

Overall, the entire Subject Property requires a minimum of 352 parking spaces to meet all the requirements of Division 6.2 for all uses, approved and existing, on the Subject Property. The Applications will ultimately provide 398 parking spaces to be split amongst all the uses.

According to MCDOT, while the parking projections at the time of opening in 2020 is 200 parking spaces. In the future, MCDOT projections predict this BRT station will ultimately need 550 parking spaces in 2040 which is more spaces than the existing parking lot contains now. Therefore, MCDOT knows that a structured parking facility located within the existing parking lot will be necessary in the future regardless of the results of the Application.

The building will utilize one loading area for adequate off-street loading. A loading dock which does not block any vehicle travel routes is provided on the northwest corner of the building for longer loading and unloading needs. For shorter duration pickup and drop-offs, two laybys are provided in front of the main entrance to the building and in front of the existing ECRSC.

*Waiver of long-term of bicycle parking*

Section 6.2.4.C of the Zoning Ordinance requires that bicycle parking spaces be provided for an Independent Living Facility for Seniors or Persons with Disabilities at a rate of 0.25 space per dwelling unit for projects of 20 dwelling units or more, of which 95% must be long-term spaces. With 116 proposed units in the Independent Living Facility for Senior or Persons with Disabilities, 29 bicycle parking spaces are required, of which 28 are long-term and one is short-term.

However, Section 6.2.10 allows the Planning Board to grant a waiver to reduce the number of bicycle parking spaces. The Applicant is requesting to reduce the number of bicycle parking spaces from 31 to 9, eight of which would be spaces for long-term use and one would be for short-term use.

The Planning Board grants the waiver to reduce the number of bicycle parking spaces because the nature of the use does not create high demand for bicycle facilities. As such, residents are not likely to travel by bicycle. The eight bicycle parking spaces for long-term use that the Planning Board recommends are expected to be used by employees of the Independent Living Facility for Seniors or Persons with Disabilities and the active residents. Approval of this waiver meets the intent of the bicycle parking requirements because sufficient bicycle parking will be provided for the use.

iii. *Open Space and Recreation*

The Site Plan meets the requirements of Division 6.3, Open Space and Recreation. The Site Plan provides for more than the required amount of Common Open Space; the type of open space required when constructing apartment building type dwellings in the R-30 zone. Common Open Space is intended for recreational use by residents and visitors and should be located in a centralized location bordered by buildings or roads, or located to take advantage of existing natural features. Applicants must provide a minimum of 25% of the Subject Property as Common Open Space, and at least 50% of the total Common Open Space should be in one contiguous space. The Site Plan identifies 37.4% (259,594 sq. ft.) of the total Subject Property as Common Open Space, which is located into one area. The Common Open Space area is approximately 259,294 sq. ft. located along the northern side of the Subject Property that includes a pedestrian connection to the RCCRC. The

Common Open Space also includes an area designed as more of a formal community gathering (“Outdoor Community Space”), in the center of the building area on the northwest side of the Subject Property which is approximately 18,000 sq. ft. in size (14% of the total).

In order to meet the definition of “Common Open Space” under Section 6.3.5(A)(2), the Applicant must provide access to the common open space to give the residents recreation opportunities. As such, the Applicant must delineate a natural surface system. These natural surface trails are not shown on the Site Plan. However, it is included as part of the conditions of approval to be address on the Certified Site Plan in conjunction with Staff.

The Outdoor Community Space includes a circular shaped path at the center of the building patio, two sets of decorative seating, an interactive musical instrument, and extensive landscaping. The centralized location of this Outdoor Community Space is critical to providing nearby access to all residents regardless of dwelling unit location.

The Montgomery County Zoning Ordinance requires the development of property with more than 19 residential units to meet the point-measurements established in the Montgomery County Recreation Guidelines of 2017. As a Site Plan proposing 116 senior adult attached dwelling units, the Application is subject to the Guidelines.

The Demand, Supply, and Adequacy Report for recreation is adequate at all six age levels. The Application includes installing two decorative benches, an interactive outdoor drum kit, a large open grass lawn area, natural area, multi-purpose lobby area, and internet café.

Adjacent to the senior housing in this Application and located on the Subject Property is the ECCRC where residents can access three outdoor basketball courts and a playground as well as all of the indoor programming provided by the recreation center. This on-site facility counts as 30% of the points required under the Recreation Guidelines. The Applications provide a sidewalk extension to the existing pedestrian network to provide access to the recreation center.

Finally, the soccer field and baseball field are accessible at the Greencastle Elementary School directly to the north.

iv. *General Landscaping and Outdoor Lighting*

The Site Plan meets the standards for the provision of landscaping and outdoor lighting as required by Division 6.4. The two important parts of the landscaping for the Subject Property is creation of more of a streetscape than a parking lot driving aisle running between the senior adult attached housing and the ECRSC and enhancing the Outdoor Community Space at the rear of the approved building to create an inviting community gathering space. For every dozen parking space is a "tree island" along the driving aisle which contains a Blackgum tree. This helps breakup the parking area and create a streetscape environment to reduce the perception that the corridor is a vehicle dominated environment. The Outdoor Community Space has a variety of trees and shrubs planted around the inside of the walking path around the stormwater facility. Additional trees and shrubs will be planted towards the opening of the existing forest area to create a transition between the landscaped area and natural area.

The Landscape and Lighting Plan for the Subject Property serve the purpose of safety. Lighting is being provided with decorative fixtures mounted at 10 feet tall along the driving aisles, parking areas, and walkways to illuminate the vehicle and primary pedestrian environment. Lighting in the Outdoor Community Space and the pathways around the building are designed at a more pedestrian scale with 3.5-foot-tall LED bollards. These bollards are included around the path in the Outdoor Community Space as well. The light levels at the Subject Property boundary adjacent to residential areas are at or under the 0.5 footcandle maximum allowed.

v. *Screening*

The Site Plan approves senior adult attached dwelling units in the R-30 Zone, and the abutting building type and zone is a commercial daycare in the RT-10 Zone. Based on the table of screening requirements based on abutting zones in Division 6.5.2.C.2, screening would be required between an apartment building type and adjacent residential dwellings in a townhouse or multi-unit residential zone. However, while the adjacent property is zoned RT-10, the use on the property is a commercial day care facility which does not require screening. Therefore, this section is not applicable.



5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on May 18, 2017. Applications will meet stormwater management goals through the use of micro-biofiltration facilities.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

Natural Resource Inventory/Forest Stand Delineation and Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #419961160 for the Subject Property was approved on February 22, 1996 and recertified on October 7, 1998. The NRI/FSD identified the environmental features and forest resources on the Subject Property.

Forest Conservation Plan Amendment

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Final Forest Conservation Plan MR19986030 was approved for the Subject Property on July 19, 1999 and amended on December 7, 1999. The Forest Conservation Plan was approved at the time of the Mandatory Referral for the ECRSC. As required by the County Forest Conservation Law (Chapter 22A of the County Code), an amendment to the Final Forest Conservation Plan ("FFCP") for the Subject Property was submitted with the Site Plan. Although the FCP is amending Forest Conservation Plan MR19986030, it has been given a new plan number to correspond to the Site Plan number 820170050. The FCP amendment reconfigures the locations of the conservation easements on the Subject Property to allow for the construction of the senior housing building, parking lot, and required stormwater management features.

Forest Conservation Plan MR19986030 identified approximately 3.74 acres of forest and other environmentally sensitive areas to be protected in Category I conservation easements; however, the easements were never recorded. The development of the Subject Property for the senior housing requires the relocation of approximately 0.46 acres of unrecorded conservation easement to another location on the Subject Property. The

0.46 acres is comprised of 0.24 acres of isolated, upland forest located in the western corner of the Subject Property, adjacent to Briggs Chaney Road, 0.21 acres of upland forest in the northern corner of the Subject Property, and 0.01 acres of forested stream buffer for the construction of a storm drain outfall. The Application protects an additional area including a combination of stream valley buffer and adjacent upland forest that was not previously identified to be protected in a conservation easement. The originally approved Forest Conservation Plan MR19986030 included a total of 3.74 acres of conservation easement and the amended FCP 820170050 results in the protection of forest and environmental stream valley buffer area in excess of 3.74 acres on the Subject Property. The easements for the entire property are required to be recorded as part of this Application.

*Forest Conservation Variance*

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to two Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance. If the Variance were not considered, the site would not be fully developed in a manner that helps accommodate the growing elderly population of Montgomery County and that is consistent with the R-30 zone. The necessary water and sewer connections and stormwater management facilities required to serve the elderly housing could not be built.

The Board makes the following findings necessary to grant the Variance:

- i. Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the Variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to the

reasonable development of the Subject Property. The Protected Trees are in the developable area of the Subject Property. The development to provide elderly housing requires connections to water and sewer lines and stormwater management facilities to maintain water quality. Granting a Variance to allow land disturbance within the developable portion of the Subject Property is not unique to this Applicant. The Planning Board believes that the granting of this Variance is not a special privilege that would be denied to other applicants.

- ii. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The need for the Variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested Variance is based upon existing Subject Property conditions, the location of the Protected Trees within and adjacent to the developable area of the Subject Property, the need for additional housing for the growing senior population, and the requirements of the zone.

- iii. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a Variance is a result of the existing conditions and the proposed design and layout of the Subject Property, and not a result of land or building use on a neighboring property.

- iv. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The Variance will not violate State water quality standards or cause measurable degradation in water quality. No trees located within a stream buffer, wetland, or Special Protection Area will be removed as part of this Application. There will be minor impact to the critical root zone of one tree within the stream buffer, but adequate tree protection measures will be provided and the tree will continue to provide the same functions that it does today. In addition, MCDPS has found the stormwater management concept for the project to be acceptable as stated in a letter dated May 18, 2017. The stormwater management concept incorporates Environmental Site Design (ESD) standards.

No mitigation is required for two Protected Trees impacted but retained.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The Site Plan provides for safe and well-integrated parking and circulation patterns on the Subject Property. The Subject Property will have four points of access. The primary, and most direct, access will be on Robey Road in the existing location. There will be three secondary access points on Gateshead Manor Way. This access points are in close proximity to each other but provide access to parallel routes to access the building. These access point connect to provide thru-travel from west to east across the Subject Property. Access to all dwelling units will be through main public entrance across the driving aisle from the ECRSC. The Site Plan provides sidewalks in front of the building along with pedestrian access to Robey Road. Other pedestrian infrastructure will provide a crossing between the building and ESRCs. Finally, Application proposes a sidewalk around the southwest side of the building to connect the residential use to ECCRC and the adjacent parking lot.

The Application has adequate internal circulation for both passenger vehicles and pedestrians, including a vehicle drop-off/pick-up area in front of the building entrance. The area in front of the loading dock provides sufficient circulation space for a standard single-unit truck (SU-30) and a 30-foot garbage truck.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Master Plan includes the Subject Property 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 Master Plan recommends 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 approved 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 approved 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.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

Adequate Public Facilities were determined under Preliminary Plan No. 120170080.

9. *The development is compatible with the character of the residential neighborhood.*

The Site Plan provides for safe and well-integrated parking and circulation patterns on the Subject Property. The Subject Property will have four points of access. The primary, and most direct, access will be on Robey Road in the existing location. There will be three secondary access points on Gateshead Manor Way. These access points are in close proximity to each other but provide access to parallel routes to access the building. These access points connect to provide thru-travel from west to east across the Subject Property. Access to all dwelling units will be through main public entrance across the driving aisle from ECRSC. The Site Plan provides sidewalks in front of the approved building along with pedestrian access to Robey Road. Other pedestrian infrastructure will provide a crossing between the building and ESRCS. Finally, the Application provides a sidewalk around the southwest side of the building to connect the residential use to the ECCRC and adjacent parking lot.

The Application has adequate internal circulation for both passenger vehicles and pedestrians, including a vehicle drop-off/pick-up area in front of the building entrance. The area in front of the loading dock provides sufficient circulation space for a standard single-unit truck (SU-30) and a 30-foot garbage truck.

The Subject Property contains the existing ECRSC and ECCRC as well as the future location of a BRT station for the Route 29 corridor. Constructing senior adult attached housing in a centralized location on this Subject Property provides seniors with easy access to recreation/exercise opportunities and access to governmental functions at ECRSC. Furthermore, the current Park and Ride location/future BRT station will provide transportation access for seniors without access to automobile transportation.

The building location in the center of the parking area provides adequate setback to ensure compatibility with the neighborhood. This compatibility is heightened due to the relative similarity in building height throughout the neighborhood.

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 this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; 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 (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.

  
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Casey Anderson, Chair  
Montgomery County Planning Board