



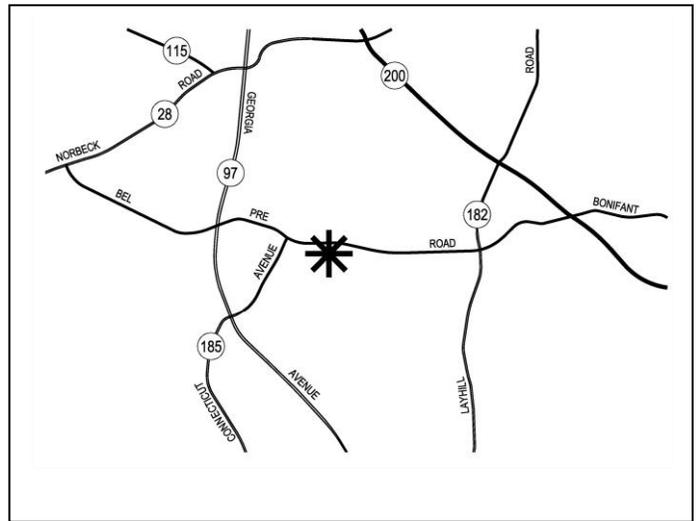
Parkview at Aspen Hill, Preliminary Plan No. 120170030

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Completed: 6/16/17

Description

- Request to subdivide the property into three lots for a proposed independent living facility, an existing church, and an existing detached house;
- Located at 3132 Bel Pre Road, Silver Spring in the 1994 *Aspen Hill Master Plan* area;
- 11.70 acres in the RE-2 Zone;
- Applicant: Parkview at Aspen Hill, LLP;
- Filing Date: February 27, 2017.



Summary

- Staff recommends approval with conditions.
- The Hearing Examiner approved conditional use CU 17-04 on January 17, 2017 for an independent living facility, per Section 59-3.3.2.C.2.b, on the Property.
- By approving this Preliminary Plan, the Planning Board is also approving the Final Forest Conservation Plan.

STAFF RECOMMENDATION

Staff recommends approval of Preliminary Plan No. 120170030 subject to the following conditions:

1. This Preliminary Plan is limited to three lots for: a proposed 120-unit senior living facility, including 15% of the units reserved for households of very low income as defined in Zoning Ordinance Section 59.1.4.2; a 6,500-square-foot addition to the existing church; and a detached house.
2. The Applicant must comply with the conditions of the Hearing Examiner's approval of Conditional Use CU 17-04, as amended.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated March 31, 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 MCDOT may amend if the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
5. 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 April 26, 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 MCDPS – Water Resources Section may amend if the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. The Planning Board accepts the recommendations of the MCDPS Fire Code Enforcement Section in its letter dated April 3, 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.
7. The limits of disturbance shown on the Sediment Control Plan must be consistent with the limits of disturbance on the Final Forest Conservation Plan.
8. The Applicant must place a Category I Conservation Easement over approximately 1.98 acres of forest retention and planting as shown on the Final Forest Conservation Plan. Prior to any demolition, clearing, or grading, the easement must be approved by the M-NCPPC Office of General Counsel and recorded by deed in the Montgomery County Land Records. The liber and folio of the recorded easement must be referenced on the record plat.
9. The Applicant must plant 19, 3-inch caliper, native canopy trees as mitigation for the tree variance impacts on the Property within one calendar year or two growing seasons after completion of building construction.
10. The record plat must show necessary easements.
11. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

12. Prior to use and occupancy permit for the independent living facility on Lot 1, the Applicant must provide five short-term bicycle parking spaces located in a well-lit area near the main building entrance and 10 long-term bicycle parking spaces.
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 this Planning Board Resolution.
14. 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 issuance of building permit(s). 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.

SITE DESCRIPTION

The Property is an 11.70-acre, unrecorded parcel (P776) located on the south side of Bel Pre Road, approximately 1,300 feet east of the intersection of Bel Pre Road and Connecticut Avenue in Aspen Hill. Multi-family complexes border the Property to the west, east, and south. North of the Property, across Bel Pre Road, there are two Residential Care facilities and a private school. Other institutional uses and detached homes are also located in the vicinity.



Figure 1: Vicinity Map (Property outlined in red)

The Property is zoned RE-2 and improved with the 15,500-square-foot Wheaton Seventh-Day Adventist Church, associated surface parking, and a detached house that serves as the pastor's residence. An existing driveway on the east side of the Property provides access to the church and detached house from Bel Pre Road. The southern portion of the Property is a grassy open space bordered with trees.

The Property drains to the Rock Creek watershed and contains 1.07 acres of stream buffer and 0.49 acres of floodplain. No streams, wetlands or their buffers, steep slopes associated with a stream buffer, or known habitats of rare, threatened or endangered species are present. There is an existing forested area of 0.46 acres. The site also contains several specimen-size trees. The Property will be served by public water and sewer.



Figure 2: Aerial View of Parcel P776 (outlined in red)

History

The Hearing Examiner approved Conditional Use 17-04 on January 17, 2017, for an independent living facility of up to 120 independent living units, subject to certain conditions, on the Property.

Proposal

The Applicant proposes to subdivide the Property into three lots. The Preliminary Plan has been designed to accommodate development under the standard method for the RE-2 Zone, which allows a maximum density of 1 unit per 2 acres.

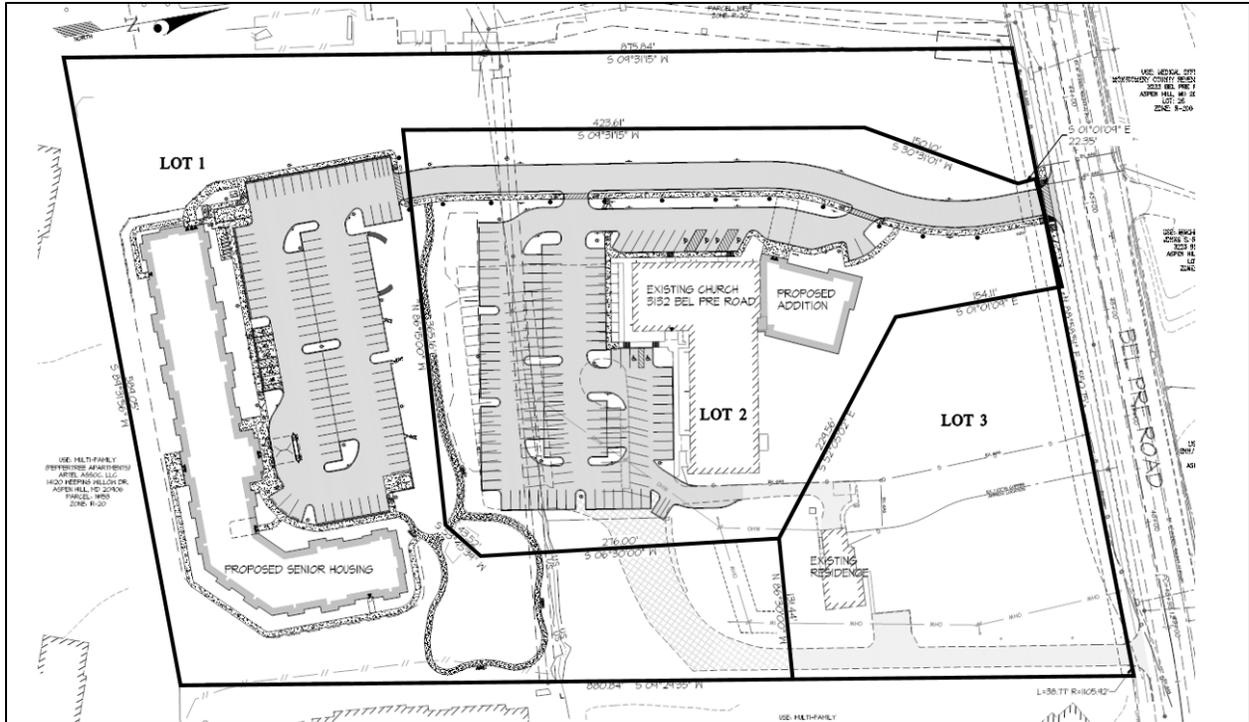


Figure 3: Preliminary Plan

Lot 1- Proposed Senior Housing

Lot 1 will consist of approximately 247,252 square feet (\pm 5.68 acres). In accordance with Conditional Use CU 17-04, the Applicant plans to develop Lot 1 with a four-story, 115,000-square-foot, affordable independent living facility for seniors who are 62 years of age or older. The proposed building will be operated by Pennrose Management company and will include 120 independent living units (61 one-bedroom and 59 two-bedroom units). One-hundred and eight (108) of the units in the building will be affordable to residents at or below 30%, 40%, 50%, and 60% of the Area Median Income (AMI), and 15% of the units will be reserved for households of very low income (at or below 50% AMI). Affordable units will be regulated by the State Department of Housing and Community Development under the Low-Income Housing Tax Credit program. Amenity spaces, support, and special assistance will be provided to the facility's residents.

Outdoor amenity spaces for residents will be located around the periphery of the Property, primarily to the north and south of the proposed building. An outdoor patio area with seating will be located to the south (rear) of the building, and a five-foot walking path with benches will be located in front of the building, extending around a tree save area and the parking lot. A portion of the path will be located on the proposed church property (proposed lot 2) with an easement allowing the path to be used by residents of the independent living facility.

The portion of the existing driveway to the church on Lot 1 will be removed, and a new driveway will be constructed on proposed Lot 2 to provide access to the independent living facility and the church. A proposed five-foot sidewalk along the driveway will provide pedestrian access between the independent

living facility and Bel Pre Road. The proposed driveway and sidewalk will traverse Lot 2 with an access easement for use by the independent living facility residents. The sidewalk to Bel Pre Road will connect with a six-foot wide sidewalk in front of the building and to the walking path located to the north of the proposed building. The building's loading area will be located on the western end of the building and screened with landscaping. The facility will provide a total of 115 parking spaces in a surface lot in front of the building. Five short-term and four long-term bicycle parking spaces are proposed in front of the west side of the proposed building. A landscape and lighting plan was approved by the Hearing Examiner with the conditional use.

Lot 2: Church

Lot 2 will be created for the existing Church and will consist of approximately 173,303 square feet (\pm 3.98 acres). The Church proposes the construction of a 6,500-square-foot addition to the existing 15,500-square-foot building to be used for assembly space. The addition is intended to provide additional space to accommodate the existing level of operations and needs of the Church. The existing parking lot, which currently provides approximately 100 parking spaces, will be reconfigured to provide the required 130 parking spaces. A new driveway will be constructed west of the Church to provide access for the Church and the senior living facility.

Lot 3: Detached house associated with Church

Lot 3 will consist of 89,013 square feet (or \pm 2.04 acres) and will accommodate the existing single-family residence, which will remain unchanged. Lot 3 will be served by the existing driveway.

ANALYSIS AND FINDINGS, 50.4.2.D

- 1) The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The size, width, shape, and orientation of the proposed lots will be appropriate for the location of the proposed subdivision. The Preliminary Plan will accommodate development on the Property at an appropriate and efficient location set back from Bel Pre Road. The Applicant proposes an "L"-shaped lot for the independent living facility. A review of the area surrounding the Property indicates a lack of uniformity with respect to lot configuration. The proposed lot configuration will allow the independent living facility use to meet the open space requirements under the Zoning Ordinance. Further, the lot configuration needs to accommodate the location of the existing Church and detached house. Overall, the three proposed lots are not dissimilar to many of the surrounding lot configurations, in their lack of uniformity.

The lots were reviewed for compliance with the dimensional requirements for the RE-2 Zone as specified in the Zoning Ordinance. The proposed lots will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 1.

Table 1 – Development Standards in the RE-2 Zone

Section 4.4.4.B. RE-2 Zone, Standard Method Development Standards¹

Standard	Required/Permitted	Lot 1	Lot 2	Lot 3
Maximum Density	1 unit/2 acres	1 independent living facility/ 5.99 acres	1 Religious Institution/ 3.98 acres	1 dwelling unit/ 2.04 acres
Minimum lot size	2 acres	5.99 acres	3.98 acres	2.04 acres
Minimum Front setback	50 feet	640 feet	175 feet	230 feet
Minimum Side setbacks	17 ft. min. ² (35' sum of sides)	62 ft. (east) 153 ft. (west) 42 ft. (north)	29 ft. (east) 115 ft. (west)	63 ft. (east) 32 ft. (west)
Minimum Rear setbacks	35 feet	36 feet	199 feet	36 feet
Min Lot Width at Front Lot Line	25 ft.	121 feet	101 feet	366 feet
Max Lot Coverage	25%	12%	13%	2.6%
Max Building Height	50 feet ³	50 feet	< 50 feet	< 50 feet
Minimum Green Area ⁴	70%	71.8%	n/a	n/a

¹ For a “Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone.”

² For the independent living facility on Lot 1, Section 59-3.3.2.C.2.b.vii establishes that the minimum side setback is 25 feet or as specified by the relevant zone, whichever is greater.

³ Section 59-3.3.2.C.2.b.iv allows a maximum building height of 60 feet for independent living facilities, if approved by the Hearing Examiner.

⁴ Only required for Lot 1 per conditional use requirements under Section 59-3.3.2.C-2(b) viii.

2) *The preliminary plan substantially conforms to the master plan.*

The Property is within the boundary of the 1993 *Aspen Hill Master Plan*. The Plan does not specifically address the Property, but general recommendations related to housing, the environment, and special exceptions are relevant to this Application.

Housing

The Plan includes the following objectives and recommendations related to housing:

- *To protect and reinforce the integrity of existing residential neighborhoods.* (page 29)

The proposed independent living facility will be consistent in character with the existing three-to four-story residential multi-unit buildings that abut the Property, thus maintaining the character of development in this part of the neighborhood.

- *To preserve and increase the housing resources in support of Montgomery County housing policies. (page 29)*

The 2001 Housing Policy found that there was an unmet demand for independent senior living units and assisted living units in the County, as demand for such units was increasing. Among other objectives, the 2001 Housing Policy sought to provide housing for diverse residential needs (including housing for the elderly) and to ensure an adequate supply of affordable housing throughout the County. These goals are carried forward in the 2012 Draft Housing policy, which was never formally adopted by the County Council, but nevertheless can provide guidance about more recent County housing policy discussions. One of the overarching goals of the 2012 Draft Policy is to increase the number of affordable housing units, and one of the objectives is to “increase diversity in the type and size of units, neighborhoods, facilities, and programs to accommodate current and future residents.”

The 2011 Housing Element of the General Plan contains a similar goal: “Encourage and maintain a wide choice of housing types and neighborhoods for people of all incomes, ages, lifestyles, and physical capabilities at appropriate locations and densities. Implement policies to bridge any housing affordability gaps” (page 10). The Housing Element also encourages faith-based organizations to use their existing property to increase the supply of affordable housing (page 15). The proposed building will be constructed on land currently owned by a faith-based organization (The Potomac Conference Corporation of Seventh-Day Adventists). The proposed assisted living facility, which will provide a significant amount of affordable senior housing units, clearly satisfies goals put forth in the 2001 Housing Policy, the 2012 Draft Housing Policy, and the 2011 Housing Element of the General Plan.

- *Provide affordable housing for the elderly. (page 177)*

The proposed facility clearly fulfills this recommendation by providing the area with a significant number of affordable senior housing units.

Environment

The Plan includes several environmental recommendations that are relevant to the Property:

- *Reduce existing and avoid potential future property damage from flooding, erosion and sedimentation through appropriate stormwater management. (page 122)*

The proposed project will result in significant improvements to the Property's stormwater management capabilities, as none is currently provided on-site. A Stormwater Management Concept Plan was approved by MCDPS. Stormwater management facilities for the proposed development will need to comply with the Maryland Department of the Environment's Environmental Site Design criteria to the maximum extent practicable.

- *Respect appropriate stream buffer setbacks from watercourses, 100-year floodplains, wetlands and steep slopes as specified in M-NCPPC environmental guidelines and the Maryland Planning Act. (page 122)*

The western side of the Property contains a floodplain and an associated buffer. The Conditional Use plans show the proposed driveway and building outside of the floodplain buffer and the buffer is almost entirely outside of the limits of disturbance (LOD). There is also an ephemeral drainage channel located in the central portion of the site that was associated with a previous stormwater management facility on an adjacent property that no longer exists. The drainage channel is classified as "Water of the US" but is not a stream and does not have a stream valley buffer associated with it. The channel will not be disturbed.

- *Maintain and add to existing forest cover in accordance with the County's Forest Conservation Law. (page 122)*

The Applicant plans to preserve existing tree stands, manage invasive species, and plant forest on-site.

Special Exceptions

The Plan notes that special exceptions (conditional uses) had been previously approved that were out of character and scale with the low-density nature of their residential zone and the surrounding community. As such, the Plan includes the following guidance for special exceptions (pages 80-81):

- *Avoid excessive concentration of special exception and other nonresidential land uses along major transportation corridors. Sites along these corridors are more vulnerable to over-concentration because they are more visible. Large scale institutional uses near the intersection of Homecrest and Bel Pre Roads are of particular concern; similar additional special exceptions in the area should be discouraged.*

Bel-Pre Road is not considered a major transportation corridor; the Master Plan classifies it as an arterial roadway (page 103). Thus, the proposed use will not create an excessive concentration of special exceptions along a major transportation corridor. Further, the proposed building will be set back 640 feet from Bel Pre Road and will be located behind the existing church, so the new building will not be particularly noticeable from Bel Pre Road.

Although the proposed facility is relatively close to the intersection of Homecrest and Bel Pre Roads, the facility will be residential, rather than institutional, in nature. Other existing large scale, institutional uses located near the intersection are the Winchester School and the Moose Lodge on Bel Pre Road, and the Aspen Hill Club on Homecrest Road. The proposed facility will not add to the concentration of similar institutional uses near the intersection, and the building will be obscured from view from the cars traveling on Bel Pre road.

The Property is surrounded on three sides by multi-unit buildings in the R-20 Zone, and the proposed building will continue the pattern of densely developed three and four story buildings. The design of the proposed building will be similar in scale and character to the neighboring buildings, and it will have a residential appearance that blends well with the existing development.

- *Protect major transportation corridors and residential communities from incompatible design of special exception uses.*

As previously discussed, Bel Pre Road is not a major transportation corridor and the design of the proposed conditional use will be compatible with the surrounding multi-unit buildings.

- *Close scrutiny should be given to replacing or enhancing the screening and buffering as viewed from the abutting residential areas and along the major roadways.*

The proposed building and parking lot will be well screened from the abutting residential areas by existing tree stands and new landscape plantings. As previously described, the surrounding buildings are similar in scale and character to the proposed building, which will further enhance compatibility.

- *Minimize uses that might diminish the safety and reduce the capacity of the roadway by creating too many access points and conflicting turning movements.*

A consolidated access point will serve both the existing Church and the independent living facility. Access to the Property is improved by sharing the driveway between multiple uses and shifting access for these uses to the west, which improves sight lines. The existing driveway will remain, but will be limited to access for the detached house.

3) *Public facilities will be adequate to support and service the area of the subdivision.*

Site Location and Vehicular Site Access Point

The site is located on the south side of Bel Pre Road between Connecticut Avenue (the County segment, not the State route MD 185) and Homecrest Road. The Applicant is proposing a new curb cut from Bel

Pre Road serving the parking lots of the proposed senior multi-family apartment building and the existing church and its proposed addition. The Applicant is retaining the existing curb cut from Bel Pre Road serving the Church's parking lot and the pastor's residence.

The Applicant worked with the MCDOT to confirm the adequacy of the curb cut from Bel Pre Road (such as adequacy of the sight distance).

Master-Planned Roadways and Bikeways

The 1994 *Aspen Hill Master Plan* and the 2005 *Countywide Bikeways Functional Master Plan*, designate Bel Pre Road as a five-lane, divided arterial, A-40, with an 80-foot-wide right-of-way. The existing right-of-way is 80 feet wide with an existing Class I bikeway. The *Countywide Bikeways Functional Master Plan* recommends a shared-use path, SP-30 as "Bel Pre Road – East" along the south side. No dedication is required of this Applicant.

Public Transit Service

Public transit routes operate within the vicinity of the site. The nearest bus stop is located on Bel Pre Road approximately 65 feet west from the site's western property line. A mid-block pedestrian crosswalk exists to cross between the eastbound and westbound bus stops on Bel Pre Road. The following two public transit routes stop at this nearest bus stop:

1. Ride On route 26 operates between the Glenmont Metrorail Station and the Montgomery Mall Transit Center with half-hour headways on weekdays and weekends.
2. Ride On route 49 operates between the Rockville Metrorail Station and the Glenmont Metrorail Station with half-hour headways on weekdays and weekends.

Approximately 1,400 feet, or 0.27 miles to the west of the site, the following three public transit routes serve the bus stop at the intersection of Bel Pre Road and Connecticut Avenue:

- 1) Ride On route 34 operates between the Friendship Heights Metrorail Station and the Bel Pre Road /Grand Pre Road intersection with half-hour headways on weekdays and weekends.
- 2) Ride On route 41 operates between the Glenmont Metrorail Station and the Bel Pre Road/ Grand Pre Road intersection with half-hour headways on weekdays and weekends.
- 3) Metrobus route L8 operates between the Friendship Heights Metrorail Station and the Bel Pre Road /Grand Pre Road intersection with 15-minute headways on weekdays and weekends.

Pedestrian and Bicycle Facilities

An eight-foot-wide shared-use path with a six-foot-wide green panel exists along the south side of Bel Pre Road. A five-foot-wide sidewalk with no green panel exists on the north side of Bel Pre Road.

The Applicant is providing an ADA-compliant pedestrian connection from the Bel Pre Road sidewalk to the main entrance of the senior housing and existing house of worship that includes a 5-foot wide lead-in sidewalk with a 2-foot wide green panel, handicap ramps, and crosswalks. In addition, the Applicant is

providing two internal ADA-compliant walking paths around the tree save area and partially the proposed senior housing building.

Although the County Zoning Ordinance Code requires 29 long-term bicycle parking spaces for an independent living facility, the Transportation Planning staff supports the Applicant's waiver, approved by the Hearing Examiner for the conditional use, because 29 bicycle parking spaces is unrealistically high for the proposed specific land use for senior affordable housing units. Alternatively, the Applicant is providing, and showing on the plans, five short-term bicycle parking spaces and ten long-term bicycle parking spaces for the independent living facility.

In addition, the Applicant plans to provide four short-term bicycle parking spaces in front of the proposed addition to the church.

Transportation Adequate Public Facility Test

This application was filed before January 1, 2017. Therefore, it was reviewed under the "old" 2012-2016 Subdivision Staging Policy (SSP), instead of the "new" 2016-2020 SSP.

Local Area Transportation Review (LATR)

Currently, the site contains the Wheaton Seventh-Day Adventist Church, a single-family detached house that serves as the pastor's residence, and a surface parking area. Two full-time and two part-time employees are proposed to serve the independent living facility. The full-time employees typically work from 8:30 a.m. to 5:30 p.m. or from 8:00 a.m. to 5:00 p.m., both within the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.).

The Applicant indicates that an outside service will provide transportation to residents for shopping, medical appointments, social events, and other excursions. In addition, monthly health and wellness events, such as blood pressure testing, will occur on site so the residents will not need to travel off-site.

Using the Institute of Transportation Engineers' (ITE) trip generation rates, the proposed 120-unit facility will generate 24 peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.), and 30 peak-hour trips within the evening peak period (4:00 to 7:00 p.m.) A traffic study was required to satisfy the LATR test because the increase in site-generated peak-hour trips is 30 or more during the weekday evening peak hour.

The Montgomery County Council's Resolution No. 17-601, "2012-2016 Subdivision Staging Policy", states that, "*if use and occupancy certificates for 75% of the originally approved development were issued more than 12 years before the LATR study scope request, the number of signalized intersections in the [traffic] study must be based on the increased number of peak-hour trips rather than the total number of peak-hour trips.*" The Property is a recorded Parcel P776 with an existing church that was built in 1950. The existing use and occupancy certificate for the current uses have existed for at least 12 years. Therefore, the traffic study was based only on the increased number of peak-hour trips rather than the total number of peak-hour trips.

Based on the traffic study results, the capacity/Critical Lane Volume (CLV) values at the studied intersections are shown in the table below for the following traffic conditions:

1. Existing: The current traffic condition.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the additional site-generated trips based on proposed senior independent-living units.

Studied Intersection	Traffic Condition					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Connecticut Avenue & Bel Pre Road	1,126	916	1,147	959	1,154	967
Bel Pre Road & Winchester School	808	670	824	705	835	726
Bel Pre Road & Existing Site Driveway	774	656	790	691	791	692
Bel Pre Road & Homecrest Road	868	742	886	776	888	779
Bel Pre Road & Beaverwood Lane	644	665	659	700	661	703

As indicated in the table above, all calculated CLV values are below the CLV standard of 1,475 for the Aspen Hill Policy Area, and, therefore, the LATR test is satisfied.

Transportation Policy Area Review and Transportation Impact Tax

Under the 2012-2016 SSP, the Preliminary Plan application is subject to the Transportation Policy Area Review (TPAR) mitigation payment. However, since the building permit will be filed after March 1, 2017, the Applicant will be required to pay the updated General District Transportation Impact Tax. The timing and amount of the payment will be in accordance with that in Chapter 52 of the Montgomery County Code as amended.

School Facility Payment

A school facility payment is not required because the proposed use does not generate any students.

Other Public Facilities and Services

The proposed development will be served by public water and sewer systems. The Montgomery County Fire and Rescue Service reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations,

firehouses and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following the construction of the project. Electric, gas and telecommunications services are available and adequate.

4) *All Forest Conservation Law, Chapter 22A requirements are satisfied.*

Forest Conservation

The site is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) and the Planning Board approved a Preliminary Forest Conservation Plan (PFCP) in conjunction with Conditional Use CU 17-04, on December 1, 2016. The Final Forest Conservation Plan (Attachment 2) is consistent with the approved PFCP. There are 0.46 acres of forest on site and the Applicant is proposing to clear 0.16 acres to build a hard surface walking path. There is a 2.22-acre reforestation and afforestation requirement. The Applicant proposes to meet this requirement through 0.93 acres of supplemental planting and invasive species management within existing tree cover areas, 0.75 acres of forest planting, and 0.06 acres of landscape credit. The remaining 0.48 acres of reforestation and afforestation will be met off-site through purchase of credits in a forest conservation bank.

Forest Conservation Variance

Section 22A-12(b) (3) of Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires a variance to impact trees that: measure 30 inches or greater diameter at breast height (DBH); are part of a historic site or designated with a historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species, or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

A variance was approved with the PFCP. However small changes to the layout and additional construction on the church required a new variance submittal. The Applicant submitted a variance request on April 5, 2017 for the impacts to trees. The proposed layout will remove six trees and impact, but not remove, six trees that are considered high priority for retention under Section 22A-12 (b) (3) of the County Forest Conservation Law.

Variance Tree Tables

Impacts

ID	Size	Species	Condition	% Disturbed	Notes
#2	43"	Southern Red Oak	Good	3%	Church addition construction and utilities
#5	48"	Willow Oak	Good	47%	Driveway removal
#14	32"	Sycamore	Good	2%	Stormdrain construction
#27	33"	Tulip Poplar	Good	2%	Stormwater management and grading
#37	34"	Tulip Poplar	Good	15%	Stormdrain construction and retaining wall
#39	30"	Tulip Poplar	Good	48%	Building, grading, and path construction

Removals

ID	Size	Species	Condition	Notes
#7	33"	White Mulberry	Fair/Poor	Path construction, grading
#8	34"	Red Maple	Good	Stormdrain construction and grading, path construction
#21	33" & 15"	Silver Maple	Good	Stormdrain construction and grading
#24	56"	Red Maple	Good	Parking lot and utilities
#35	31"	Tulip Poplar	Poor	Building and grading
#40	37"	White Mulberry	Good	Path construction, grading, and stormwater management

Unwarranted Hardship for Variance Tree Impacts

Per Section 22A-21 of the Forest Conservation Law, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state will result in unwarranted hardship. The variance is necessary because of the need to locate this facility and all related behind the existing church. Additionally, the location of the floodplain and existing forest also constrain the location of the development.

1. *Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting this variance will not confer a special privilege on the Applicant as disturbance of the specified trees is due to the location of the trees in the developable portions of the site and the need to provide access to the existing church and proposed independent living facility. Disturbance has been minimized using a compact development form that is designed to fit with the shape and topography of the site.

2. *The need for the variance is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances that are the result of actions by the Applicant. It is based on the locations of the trees in the most reasonable place suitable for new development and the minimum disturbance required to develop the Property with safe access and adequate stormwater facilities. Tree #2 will be impacted by the church addition and associated utilities. Tree #5 will be impacted by the removal of the existing church driveway, which will be done using minimally invasive techniques. While trees #7 and #39 will be impacted by the construction of an asphalt path for the residents to walk on, the path will be constructed as close to on grade as possible. This will minimize impacts while still providing recreation. Trees #37, #35, and #39 will be impacted by the building construction and associated grading. Trees #24 and #40 are impacted by the site access and parking. Trees #27, #21, #14, #8, and #40 are impacted by the stormwater management areas and stormdrain connection. The Applicant has minimized disturbance and consolidated impervious wherever possible.

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

The requested variance is a result of the proposed layout of the independent living facility on the Property in the most reasonable location where protected trees are located and not a result of land or building use on a neighboring property.

4. *Granting the variance will not violate State water quality standards or cause measurable degradation in water quality.*

The proposed development does not impact environmental buffers and provides mitigation plantings for trees the size and function of the trees lost. Additionally, the Applicant is providing invasive species management and supplemental plantings within the environmental buffer, which will have water quality benefits. The requested variance will not violate State water quality standards or cause a measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

The Applicant is requesting a variance to remove six variance trees, with a total of 224" DBH. The proposed removal of six trees will be mitigated by plantings calculated at the rate of 1 caliper inch

planted per 4-inch DBH lost. Using this ratio, the Applicant will be required to plant a total of 56 caliper inches of native canopy trees as mitigation for the protected tree impacts on the Site within one calendar year or two growing seasons after completion of road construction. The trees must be a minimum of three-inch caliper each. The Applicant will plant 19, 3-inch caliper, native shade trees as shown on the Final Forest Conservation Plan, mitigating for the form and function of the six variance trees proposed for removal.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The County Arborist has reviewed the variance request and recommended approval (Attachment 3).

Variance Recommendation - Staff recommends that the variance be granted.

5) *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Applicant received a stormwater concept approval from MCDPS water resources division on April 26, 2017. The Application will meet stormwater management goals via 12 micro-bioretenion facilities.

CITIZEN CORRESPONDENCE AND ISSUES

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. Staff has not received any correspondence about this application.

CONCLUSION

The proposed lots meet all the requirements established in the Subdivision Regulations and the Zoning Ordinance, and conform to the recommendations of the *Aspen Hill Master Plan* and other Plans as described. Access to the lots is adequate and all public facilities and utilities have been deemed adequate to serve this Application. The Application was reviewed by other applicable County agencies, all of whom have recommended approval of the plans. Therefore, Staff recommends approval of the Application, with the conditions as specified.

ATTACHMENTS

1. Preliminary Plan
2. Final Forest Conservation Plan
3. Agency Correspondence

ATTACHMENT 3



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

April 26, 2017

Casey Anderson, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Parkview at Aspen Hill, ePlan 120170030, NRI/FSD application accepted on 6/23/2016

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

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www.montgomerycountymd.gov/dep



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdih
Director

March 31, 2017

RECEIVED

APR 04 2017

Ms. Emily Tettelbaum, Senior Planner
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Gutschick, Little & Weber, P.A.

RE: Preliminary Plan Letter
Preliminary Plan No. 120170030
Parkview at Aspen Hill


Dear Ms. Tettelbaum:

We have completed our review of the Preliminary Plan dated February 2017. This plan was reviewed by the Development Review Committee at its meeting on March 21, 2017. We recommend approval for the plan based to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Per the Aspen Hill Master Plan:
 - Bel Pre Road (A-40) is classified as an Arterial Roadway with a proposed right-of-way of 80-ft., five (5) lanes.
2. Per the Bikeway Master Plan:
 - Existing shared use path on Bel Pre Road (SP-30). A shared use path exists along the frontage of the subject property.
3. Show travel lane width, lawn panel width of the existing Bel Pre Road cross section on the certified Preliminary Plan. If the lawn panel is a minimum of four (4)-ft. wide, we recommend that the applicant plant minor species trees on Bel Pre Road along the property frontage.

Office of the Director

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www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

4. Show Homecrest Road on the plan and the distance to the existing driveway.
5. Vicinity map shows Connecticut Avenue as MD-185, however that portion of Connecticut Avenue is maintained by the county. Please revise to delete the reference to MD-185.
6. Label the existing storm drain easement on the preliminary plan.
7. Storm Drain Analysis: The revised storm drain report dated March 22, 2017 has been accepted by Montgomery County Department of Transportation (MCDOT). No improvements to the existing downstream public storm drain system are needed from this applicant.
8. At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to coordinate improvements/relocation to the RideOn bus facilities near this project. Ms. Coletta may be contacted at 240 777-5800.
9. The sight distances studies have been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
10. The owner will be required to submit a recorded covenant for the operation and maintenance of any private storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
11. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
12. The applicants will need to obtain written concurrence from the "Prince George's Gas Corp." (or their successors or assigns) prior to approval of the record plat to grant the proposed Public Utilities Easement across the Bel Pre Road site frontage.
13. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Plant minor species street trees on Bel Pre Road along the property frontage if the existing lawn panel is at least four (4)-ft. wide.
 - b. The proposed storm drainage and appurtenances which shall tie into the existing storm drain system within the existing storm drain easement.
 - c. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

- d. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Deepak Somarajan, our Development Review Team Engineer for this project at deepak.somarajan@montgomerycountymd.gov or (240) 777-7170.

Sincerely,



Gregory M. Leck, Manager
Development Review
Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\Parkview at Aspen Hill\Letter\ 120170030 Parkview at Aspen Hill-3-24-2017

cc: Daryl Hevener Potomac Conf Corp of Seventh Day Adv
Ivy Dench-Carter Parkview at Aspen Hill LLC
Todd Reddan Gutschick Little and Weber PA
Patricia Harris Lerch Early & Brewer, Chtd
Khalid Afzal M-NCPPC Area 2 Planning
Ed Axler M-NCPPC Area 2 Planning
Steve Smith M-NCPPC DARC
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Henry Emery MCDPS RWPR
Brian Jeeves MCDPS RWPR
Marie LaBaw MCDPS Fire Dept. Access
Stacy Coletta MCDOT DTS
Deepak Somarajan MCDOT OTP



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: PARKVIEW AT ASPEN HILL Preliminary Plan Number: 1-20170030

Street Name: BELPRE ROAD Master Plan Road Classification: ARTERIAL

Posted Speed Limit: 35 mph

Street/Driveway #1 (EXISTING DW) Street/Driveway #2 (PRIVATE DW)

Sight Distance (feet) OK?
 Right 355 YES
 Left 426 YES

Sight Distance (feet) OK?
 Right 460 YES
 Left 412 YES

Comments: REQUIRED SIGHT DISTANCE = 325'

Comments: REQUIRED SIGHT DISTANCE = 325'

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

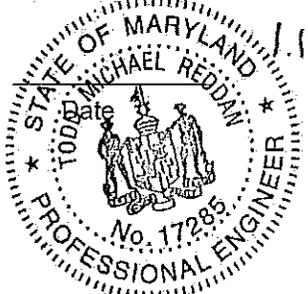
Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.


 Signature TODD REDDAN
17285
 PLS/P.E. MD Reg. No.



Montgomery County Review:	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved:
By:	
Date:	_____



**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 03-Apr-17
TO: Todd Reddan - treddan@glwpa.com
Gutschick Little & Weber, PA
FROM: Marie LaBaw
RE: Parkview Aspen Hill
1201710030

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 03-Apr-17 .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

April 26, 2017

Mr. Todd Reddan
Gutschick, Little & Weber, P.A.
3909 National Dr., Suite 250
Burtonsville, Maryland 20866

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Parkview Aspen Hill
Preliminary Plan #: 120170030
SM File #: 281982
Tract Size/Zone: 11.8 Ac. / RE-2
Total Concept Area: 11.8 Ac.
Lots/Block: 3 Lots Proposed
Parcel(s): 776
Watershed: Lower Rock Creek

Dear Mr. Reddan:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via 12 micro-bioretenion facilities.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

This list may not be all-inclusive and may change based on available information at the time.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to



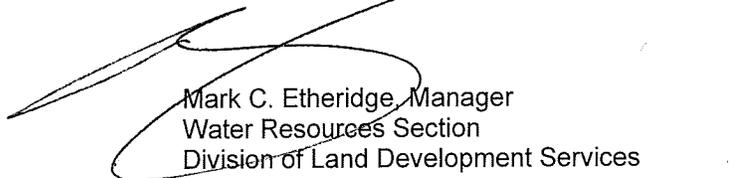
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Mr. Todd Reddan
April 26, 2017
Page 2 of 2

reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mike Geier at 240-777-6342.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: me CN281982 Parkview Aspen Hill.mjg

cc: C. Conlon
SM File # 281982

ESD Acres:	9.7
STRUCTURAL Acres:	0
WAIVED Acres:	0