**MCPB** Item No.: 2 Date: 7-24-17

Willow Manor at Fairland: Preliminary Plan No. 120170080, Site Plan No. 820170050, and Mandatory Referral No. MR2017003

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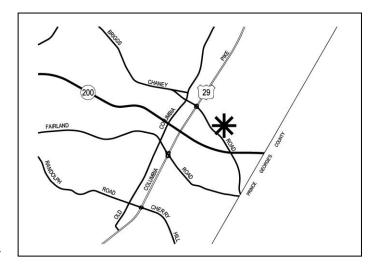
Completed: 7/12/17

#### Description

- A. Willow Manor at Fairland: Preliminary Plan No. 120170080: Application to create one lot for 116 senior adult attached residential dwelling units including a minimum of 13.2% MPDU's, an existing 23,500 sq. foot recreation center, and a 13,975-office building from two unplatted parcels, located at 3300 Briggs Chaney Road, 15.93 acres, R-30 Zone, 1997 Fairland Master Plan
  - Recommendation Approval with conditions
- B. Willow Manor at Fairland: Site Plan No. 820170050: Application to develop a portion of property at 3300 Briggs Chaney Road for 116 senior adult attached residential dwelling units including a minimum of 13.2% MPDU's, 15.93 acres, R-30 zone, 1997 Fairland Master Plan

Recommendation – Approval with conditions

C. Willow Manor at Fairland: Mandatory Referral No. MR2017003: Construction of 116 senior adult attached residential dwelling units, including a minimum of 13.2% MPDU's on Montgomery County owned property, 1997 Fairland Master Plan



Applicant: K&B Companies, Inc Acceptance Date: December 8, 2016

Review Basis: Chapter 22A, Chapter 50, Chapter 59

- Summary
  Staff recommends **Approval with conditions** to both the Preliminary Plan and Site Plan. No additional comments for Mandatory Referral.
- Independent Living Facility for Seniors is a Limited Use in the R-30 zone. The applications meet the limited use standards.
- Application requests a waiver for the amount of long-term bicycle parking under Section 6.2.10.
- A public/private partnership between Applicant and DGS as well as DCHA.
- Maintains enough vehicle parking for all uses including the future BRT station to open in 2020.
- Application has been reviewed under the Subdivision Regulations effective prior to February 13, 2017.
- Reviewed under 2012-2016 Subdivision Staging Policy since the application was accepted prior to January 1, 2017.
- Staff has received multiple letters of correspondence from two individuals.

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#### SECTION 1 – OVERVIEW

The following Staff Report is for a Preliminary Plan, Site Plan, and Mandatory Referral combined application for 116 senior adult attached dwelling units located on the northeast side of Briggs Chaney Road between Robey Road and Gateshead Manor in the 1997 Fairland Master Plan. Staff recommends approval of both the Preliminary and Site Plan, with conditions. Furthermore, Staff recommends transmitting no additional comments to the Department of General Services as part of the Mandatory Referral due to the fact that the Site Plan and Preliminary Plan applications provide the Planning Board with more efficient tools to produce positive results in terms of this project. Staff has received some correspondence from the community early in the review process with concerns about vehicle parking and circulation. The Community Correspondence section of this Staff Report goes into detail on the main issues and includes Staff's explanation for recommending approvals.



Figure 1 – Site Plan Rendering

#### SECTION 2 – RECOMMENDATIONS AND CONDITIONS

**PRELIMINARY PLAN NO. 120170080:** Staff recommends approval of the Preliminary Plan subject to the following conditions:

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

"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

- 6) Prior to recordation of any plat, Site Plan No. 820170050 must be certified by M-NCPPC Staff.
- 7) Prior to Certified Preliminary Plan, the Applicant must make the following modifications to the Preliminary Plan:

- a. The Applicant must correct the total "Provided" parking calculations in the "Vehicular Parking Tabulation" table.
- b. The Applicant must dimension the existing right-of-way between the centerline and the Subject Property on all roads adjacent to the Subject Property.
- c. Submit and receive approval of a revised Stormwater Management Concept for the Montgomery County Department of Permitting Services to relocate stormwater management facilities per the comments from the Montgomery County Department of General Services.
- d. Show the existing pedestrian easement identified by the Montgomery County Department of General Services and provide the Liber Folio of the easement.
- e. The Applicant must revise all references to 121 dwelling units on all sheets, including all data tables, to indicate 116 dwelling units.
- f. Show the existing pedestrian easement identified by the Montgomery County Department of General Services at Liber 6270 Folio 359.
- g. The Applicant must revise the data table to reflect the correct amount of "required" vehicle and bicycle parking based on 116 dwelling units.
- h. The Applicant must revise the Provided Density calculations in the Data Table based on 116 dwelling units.
- 8) Record plat must show necessary easements.
- 9) Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and open spaces will be determined at site plan.
- 10) The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.

**SITE PLAN NO. 820170050:** Staff recommends approval of the Site Plan with all site development elements shown on the latest electronic version as of the date of this Staff Report dated July 12, 2017, submitted via ePlans to the M-NCPPC except as modified by the following conditions.<sup>[1]</sup>

### **Conformance with Previous Approvals & Agreements**

1) <u>Preliminary Plan Conformance</u>

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 following:

<sup>[1]</sup> For the purposes 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.

- 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 Easements 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) <u>Common Open Space Covenant</u>

The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant).

### **Transportation & Circulation**

### 7) <u>Pedestrian & Bicycle Circulation</u>

- 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) <u>Moderately Priced Dwelling Units (MPDUs)</u>

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) <u>Landscaping</u>

- 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) <u>Development Program</u>

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.

- I) 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.

#### **SECTION 3 – SITE LOCATION & DESCRIPTION**

#### **Site Location**

The subject property is located on the northeast side of Briggs Chaney Road approximately 0.25 miles east of MD 29 and consists of Parcel No. P765 shown at Liber 13885 Folio 643 and a 2,193 square foot part of Parcel A along Robey Road recorded in Liber 17137 Folio 630 for a total of 15.93 acres ("Subject Property") (Figure 2). The Subject Property is zoned R-30, and is located in the Green Castle/Briggs Chaney area of the 1997 Fairland Master Plan".

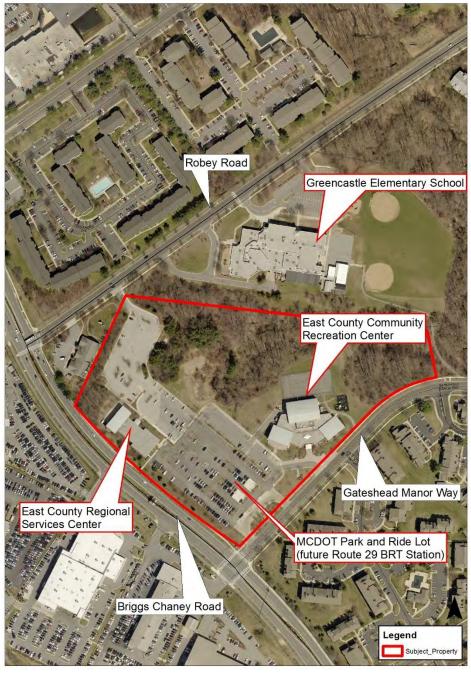


Figure 2 – Aerial View

#### **Site Vicinity**

To the northeast of the Subject Property is the Greencastle Elementary School in the R-30 zone. Southeast of the Subject Property across Gateshead Manor Way is additional multi-family residential housing in the R-30 zone. Across Robey Road to the northwest is a slightly taller multi-family residential development than proposed in this Application in the R-20 zone. Directly to the west and adjacent to the Subject Property is a child care facility in the Residential Townhouse (RT) zone. Across Briggs Chaney Road to the west is a large of General Retail (GR) zoning which primarily is made of car dealerships.

### **Site Analysis**

The Subject Property is currently improved with a parking lot with 464 spaces to service the existing East County Regional Services Center ("ECRSC"), the East County Community Recreation Center ("RCCRC"), and a Park and Ride facility operated by the Montgomery Department of Transportation. There are areas on the Subject Property that were intended to be protected via Category I Conservation Easements as part of the requirements of the previously approved Final Forest Conservation Plan MR19986030 that was approved as part of a Mandatory Referral (No. MR1998603) application for the Subject Property. The conservation easements were never recorded. The 16.42-acre Subject Property is located within the Little Paint Branch watershed, which is classified by the State of Maryland as Use Class I-P waters. There is an existing stream that enters the Subject Property from the north, flowing parallel to the northern property boundary before exiting the site in the northeast corner. There is a stream buffer on the Subject Property that encompasses the on-site stream and wetlands. There are approximately 6.0 acres of forest located in the northern portion of the Subject Property, which includes several large trees.

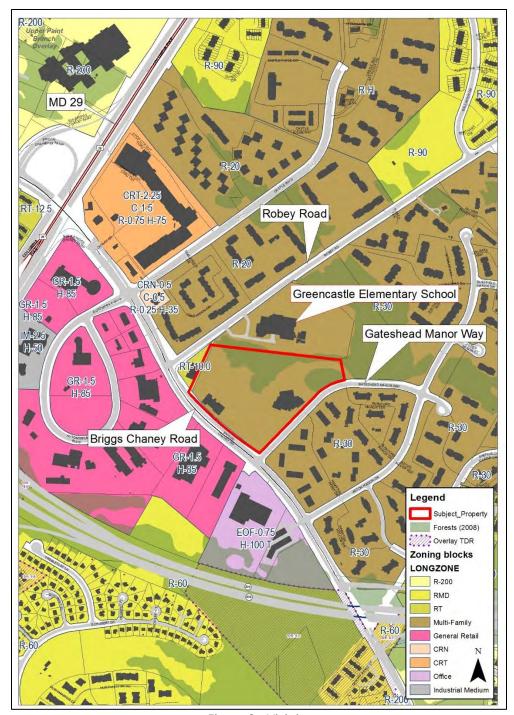


Figure 3 - Vicinity

#### SECTION 4 – APPLICATIONS AND PROPOSAL

### **Previous Regulatory Approvals**

## Mandatory Referral MR1998603

Mandatory Referral for the construction of the 14,000-square foot ECRSC. This Mandatory Referral also approved Forest Conservation Plan No. MR1998603.

#### **Current Applications**

#### Preliminary Plan 120170080

The Preliminary Plan, No. 120170080, proposes to create one lot from two parcels for the construction of a 116 senior adult attached dwelling units and for the existing ECRSC, RCCRC, and a Park and Ride lot ("Preliminary Plan").

### Site Plan 820170050

The Site Plan, No. 820170050, proposes constructing 116 senior adult attached dwelling units, associated parking and open space amenities on the Subject Property ("Site Plan"). This Site Plan area only covers the area modified by the construction of the senior housing with the exception of findings made for common open space, vehicle parking, recreation guidelines, and forest conservation. The Site Plan was reviewed for conformance to Chapter 59, the Zoning Ordinance. Independent Living for Seniors is identified in the Zoning Ordinance as a Limited Use, subject to the use provisions of Section 59.3.3.2.C.2.a. The Limited Use also requires review of a site plan, consistent with Section 7.3.4.A.8. Collectively the Preliminary Plan and the Site Plan are also referred to as the applications ("Applications").

#### Mandatory Referral No. MR2017003

Request Planning Board comments related to the development of a 116-senior housing project on County owned property.

## **Proposal**

The Applications propose creating one lot for the construction of a 116-unit senior adult attached residential building. This lot will also encompass the existing ECRSC, RCCRC, and a Park and Ride facility operated by the Montgomery County Department of Transportation on the Subject Property. In addition to the 116-unit senior adult housing, the Applications provide approximately 259,918 square feet of common open space. Included in the Common Open Space is an approximately 15,000 square foot gathering area in the northeast side of the proposed building, which includes trails, seating, stormwater facilities and interactive musical instruments.



Figure 4 – Rendering of Proposed Building

Vehicle access to the Subject Property is provided directly to Robey Road to the west as well as Gateshead Manor to the southeast via the existing parking area. The front doors of the proposed senior adult attached residential building are internal to the Subject Property and will face the access corridor which is being enhanced with streetscape elements by this Application to create more of a street than a parking lot. The existing parking lot on the Subject Property contains 464 spaces. The Applications include enough parking to address the needs of the senior adult housing while preserving enough parking for the existing uses as well as parking for the early stages of a Bus Rapid Transit (BRT) station on the Subject Property.



Figure 5 – Site Rendering

## SECTION 5 – ANALYSIS AND FINDINGS - Preliminary Plan No. 120170080

1. The Preliminary Plan substantially conforms to the Master Plan

The Preliminary Plan substantially conforms with the recommendations of the 1997 Fairland Master Plan, adopted in May 1997 ("Master Plan").

The 1997 Fairland Master Plan includes the Subject Property proposed for development in the Plan's "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 other than to recommend the R-30 zone, which was applied and is the current zone.

The Fairland Master Plan supports the *community identity* goal of the Act and General Plan by "provid(ing) for attractive land uses that encourage opportunity for social interaction and promote community identity" (p. 19). The Fairland Master Plan proposes using "design improvements to increase the connections... between residential and commercial areas" (p. 19). The streetscaping and sidewalk improvements proposed by the Plan along Briggs Chaney Road have been built, providing access from the site to the shopping center, which is two blocks to the northwest. Another proposal under the community identity goal is to "include the retention of publicly-owned sites for future community facilities" (p. 19).

One objective of the Master Plan's Land Use Plan is to "encourage housing for the elderly in appropriate locations" (p. 30). The Master Plan states:

There are very few existing opportunities for elderly housing in Fairland. Recent studies of senior citizen preferences have indicated that, given a choice, people will choose to live near activity areas where they can participate in local events and use services independently.

The Master Plan's recommendation in this case is to "identify appropriate locations for housing for the elderly." The Master Plan does not appear to offer any advice on identifying appropriate locations for such housing. However, as the applicant's Statement of Justifications states on page 3, "the addition of an Independent Living Facility for Seniors at the Subject Property conforms with these goals and objectives" because the propose housing is on the same property as the ECRSC and RCCRC, bus stops at the Park and Ride with convenient access to Metro Stations. In addition, the retail uses at Briggs Chaney Plaza are nearby.

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 proposed building will be built on an existing surface parking lot, with only a small amount of additional imperviousness added, and therefore the proposed plan follows this Master Plan recommendation.

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

## **Roads and Transportation Facilities**

### Site Location and Vehicular Site Access Point

The Subject Property is located just northeast of the intersection of Briggs Chaney Road and Robey Road, north of the existing Eastern Montgomery Regional Services Center building. Access to the Subject Property, which is shared with the Eastern Montgomery Regional Services Center, the East County Community Center, and the Briggs Chaney Park and Ride lot, is located off both Robey Road and Gateshead Manor Way.

### Master-Planned Roadway and Bikeway

In accordance with the 1997 Fairland Master Plan and the 2005 Countywide Bikeways Functional Master Plan, the following roads adjacent to the Subject Property are planned with the following characteristics:

- Briggs Chaney Road is designated as a four-lane divided arterial, A-86, with a 120-foot wide right-of-way and sidewalks. Briggs Chaney is also designated to have a shared use path, S-19, on the opposite side of the road from the Subject Property (south side). The existing right-of-way is 120 feet, there is a sidewalk on the Subject Property side of the road, and there is a shared use path on the south side of the road.
- Robey Road is designated as a two-lane primary residential road, P-29, with a 70-foot wide right-of-way and sidewalks. Robey Road is also designated to have a shared use path, S-22, on the opposite side of the road from the Subject Property (west side). The existing right-of-way on Robey Road is 70 feet, there is a sidewalk on the Subject Property side of the road, and there is a shared use path on the west side of the road.
- Gateshead Manor Way is designated as a two-lane primary residential road, P-31, with a 70-foot wide right-of-way. There are no bicycle designations along this road. The existing right-of-way on Gateshead Manor Way is 70 feet and there are sidewalks on both sides of the road.

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

### **Public Transit Service**

Several bus routes service the Subject Property via bus stops west of the proposed building on Robey Road (Metrobus Z8 and Z11), at the intersection of Robey Road and Briggs Chaney Road (Ride-On 39 and Metrobus Z6, Z8, and Z11), and at the Briggs Chaney Park and Ride Lot on Gateshead Manor Way (Ride-On 21 and 39 and Metrobus Z6, Z8, Z11). These buses provide transit service available to seniors living in this housing which may or may not have access to a vehicle along the following routes:

- Ride-On Route 21 operates between the Briggs Chaney Park and Ride Lot and Silver Spring Transit Station. Route 21 operates Monday through Friday only in the morning peak period going south (5:30–9 AM) and in the evening peak period going north (3:30–7 PM) with approximately 30 minute headways.
- Ride-On Route 39 operates between Briggs Chaney Park and Ride Lot and Glenmont Metro Station. Route 39 operates Monday through Friday only in the morning and evening peak periods (5:30–9 AM and 3:15–8 PM) with approximately 30 minute headways.

• Metrobus Routes Z6, Z8, and Z11 operate between the Burtonsville Crossing Parking and Ride Lot and the Silver Spring Transit Station. Route Z6 operates Monday through Friday from 5 AM to 10 PM with approximately 30 minute headways, Saturdays from 6 AM to 10 PM with 30 minute headways, and there is no service on Sunday. Route Z8 operates with similar headways over similar time periods as Route Z6, but service is not always provided during weekday peak AM and PM hours, service lasts later into the night Monday through Saturday, and there is also Sunday service. Route Z11 is an express bus that provides southbound service between 5 AM and 9:30 AM and northbound service between 4 PM and 8 PM with approximately 10-15 minute headways.

In 2020, the Subject Property is scheduled to encompass a BRT station for the Route 29 corridor. Residents will also have access to this new transportation service and any other changes to bus services that result.

#### Pedestrian and Bicycle Facilities

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

#### Local Area Transportation Review (LATR)

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

The originally proposed 121-unit senior adult attached dwelling units would generate 24 peak-hour vehicle trips within the weekday morning peak period and 31 peak-hour vehicle trips within the evening peak period. These vehicle trips exceeded the 30 peak-hour vehicle trip threshold under the 2012 SSP and therefore a traffic study would be necessary. Because the Applicant is under extreme time constraints due to federal funding limitations for the project, they must move forward with the project now. Therefore, the Applicant is pursuing 116 units of senior adult attached housing at this time, which generates 29 peak-hour vehicle trips within the evening peak period – under the 30-vehicle trip threshold. In the Fall, the Applicant will revise the application to add back the remaining 5 units after performing a traffic study and determining if any mitigation is required.

Table 1 - Trip Generation

	Size & Unit or	AM Peak	PM Peak Hour
Development or Calculation	Adjustment	Hour Total	Total Trips
	Factor	Trips	
Senior Adult Housing – Attached (ITE Land Use 252)	121 units	24 vehicles	31 vehicles
	(previously		
	proposed)		
Senior Adult Housing – Attached (ITE Land Use 252)	116 units	23 vehicles	29 vehicles

#### Transportation Impact Tax and Transportation Policy Area Review (TPAR)

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

#### Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed dwelling units and existing facilities. The Preliminary Plan proposes that all dwellings units will be served by public water and sewer. Other telecommunications and utility companies reviewed the Preliminary Plan and found that the Subject Property can be adequately served. The Preliminary Plan has also been reviewed by the MCDPS, Fire Department Access and Water Supply Section who have determined that the Application provides adequate access for fire and emergency vehicles (Attachment 10). Other public services such as police and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. The Application is for senior adult housing in the R-30 zone and is, therefore, exempt for the School Facilities Payment Test.

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

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

The lot was reviewed for compliance with the dimensional requirements for the R-30 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 2 within the Site Plan section of this Staff Report on Page 23. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

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

The Preliminary Plan is subject to the Chapter 22A, Montgomery County Forest Conservation Law. The Final Forest Conservation Plan No. 820170050 ("FFCP") is part of the Site Plan Section of this Staff Report. The Subject Property was previously covered by Final Conservation Plan No. MR1998603. The FFCP shows the relocation of 0.46 acres of forested Conservation Easement on the Subject Property. Associated with the FFCP is a tree variance requesting impacts to specimen trees. A detailed analysis of the FFCP and tree variance can be found in the Site Plan section of this Staff Report, starting on page 32.

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

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on May 18, 2017 (Attachment 12). The Application will meet stormwater management goals through the use of micro-biofiltration.

#### SECTION 6 – ANALYSIS AND FINDINGS - Site Plan No. 820170050

#### Findings – Chapter 59

1. When reviewing an application, the approval findings apply only to the site covered by the application.

The Approval of the Site Plan findings for recreation guidelines, common open space, vehicle parking, and forest conservation will only apply to the entire Subject Property being reviewed as part of this Application. All other findings are based on the area being modified as part of this Site Plan.

- 2. To approve a site plan, the Planning Board must find that the proposed development:
  - a. 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.
  - b. satisfies under Section 7.7.1.B.5 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.
  - c. satisfies under Section 7.7.1.B.5 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.
  - d. satisfies applicable use standards, development standards, and general requirements under this Chapter;

#### Division 4.5. Commercial/Residential Zones

Use and Development Standards

The Subject Property is approximately 15.93 acres and zoned R-30. The following table, Table 2, shows the project's conformance to the development standards of the zone including the development standards of Section 4.4 Residential Zones, and Section 6.2 Parking.

TABLE 2 - Section 4.5 Zoning Data Table: R-3	30	
Optional Method Apartment	Required	Provided
1. Site		
Dimensions (min)		
Usable Area <sup>1</sup>	11,700 sq. ft.	693,864 sq. ft.
Density (max)	,	, ,
Density (units/acres of usable area)	17.69	7.28
Open Space (min)		
Common Open Space, Site >10,000 sq. ft.	25%, 173,466 sq. ft.	37.4%, 259,594 sq. ft.
Site Coverage (max)		
Site Coverage	18%	10.9%
2. Lot		
Dimensions (min)		
Lot Area	12,000 sq. ft.	696,057 sq. ft.
	To be Determined at Site	
Lot width at front building line	Plan	789.66 feet
Lot width at front lot line	50 feet	789.66 feet
Frontage on street or open space	Required	Achieved
Coverage (max)		
Lot	N/A	N/A
3. Placement		
Principal Building Setbacks (min)		
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
Side street sideback	Determined at Site Plan	142.25 feet (from Robey Road)
Side or rear setback	Determined at Site Plan	62.11
	Equal to req. setback for detached house building type in the abutting zone	
Side or rear setback, abutting property	under standard method	
not included in application	and Section 4.1.8.A	N/A
Rear setback, alley	N/A	0 feet
Accessory Structure Setbacks (min)		
Front setback	N/A	0 feet
Side street setback	N/A	0 feet
Side or rear setback	N/A	0 feet

 $<sup>^{\</sup>mathrm{1}}$  The area upon which the density of development is calculated in optimal method MPDU projects.

TABLE 2 - Section 4.5 Zoning Data Table: R-3	20	
Optional Method Apartment	Required	Provided
Side or rear setback, abutting property	<u>rrequired</u>	<u>110VIded</u>
not included in application	N/A	0 feet
Rear setback alley	N/A	0 feet
Parking Setbacks for Surface Parking Lots		0.000
(min)		
,		30.73 feet (Briggs
Front setback	30 feet	Chaney Road)
		87.91 feet (Gateshead
Side street setback	10 feet	Manor Way)
		84.11 feet (adjacent
Side or rear setback	0 feet	property)
	Equal to req. setback for	
	detached house building	
	type in the abutting zone	
Side or rear setback, abutting property	under standard method	_
not included in application	and Section 4.1.8.A	N/A
Height		
Principal Building	35 feet	35 feet or less
Accessory structure	25 feet	N/A
Section 6.2 Parking		
Vehicle Spaces (1 per DU plus employee)	117	72**
	<ul> <li>East County</li> </ul>	
	Community Rec.	
	Center = 59	
	<ul> <li>East County Regional</li> </ul>	
	Services Center = 32	
	<ul><li>Future BRT station =</li></ul>	
	200	
	Proposed Application	
	with allowed	
	reduction = 59	Total Vehicle Parking
Required minimum vehicle parking for	• Total Req. Parking =	Provided after build
Subject Property	352	out = 398
Ricycla Parking	29 (28 long-term, 1 short-	8 long-term, 1 short- term*
Bicycle Parking	term)	
Motorcycle Parking	2	2
Car Share Parking	1	1

<sup>\*</sup> Waiver requested for the amount of the long-term bicycle parking

## Use Standards 59.3.3.2

The proposed 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.

<sup>\*\*</sup> Parking adjustment factor of 0.5 applied per section 59.6.2.3.I.2.b

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 onsite.

The proposed 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.

e) 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.

### <u>Division 6 – General Development Standards</u>

#### i. Division 6.1. Site Access

The access to the development as proposed 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 proposed 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 proposed senior adult housing project. A less direct pedestrian access point exists on Gateshead Manor on the southeast side of the Subject Property. This pedestrian provides a direct connection to the RCCRC as well as the proposed Site Plan via both existing and proposed internal pedestrian facilities.

### ii. Division 6.2. Parking, Queuing, and Loading

The Site Plan provides adequate parking to serve the proposed 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 year 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 as a whole, for both the proposed 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, the MCDOT required, via the letter dated April 27, 2017, (Attachment 9) that 200 parking spaces to 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, proposed 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 these Applications.

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 dropoffs, two laybys are provided in front of the main entrance to the proposed building and in front of the existing ECRSC.

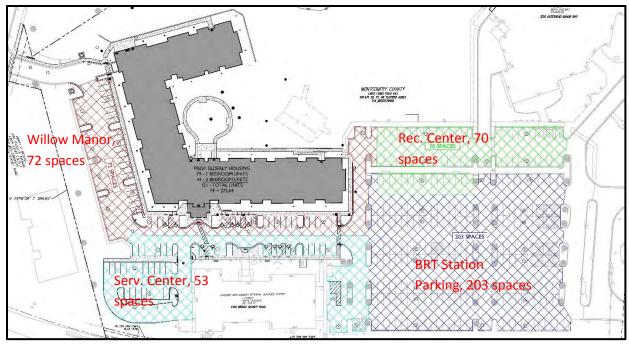


Figure 6 - Parking Distribution

#### 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 Senior 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 (Figure 7).

Staff recommends that the Planning Board grant the waiver to reduce the number of bicycle parking spaces because the nature of the use does not create high demand for bicycle facilities. They are not likely to travel by bicycle. The eight bicycle parking spaces for long-term use that staff recommends are expected to be used by employees of the Independent Living Facility for Senior 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 proposed use.

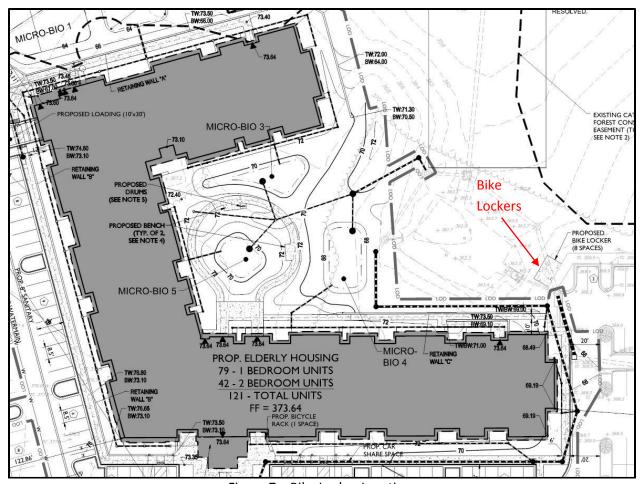


Figure 7 – Bike Locker Location

#### iii. Division 6.3. 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 (Figure 9) 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). (Figure 8).

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.

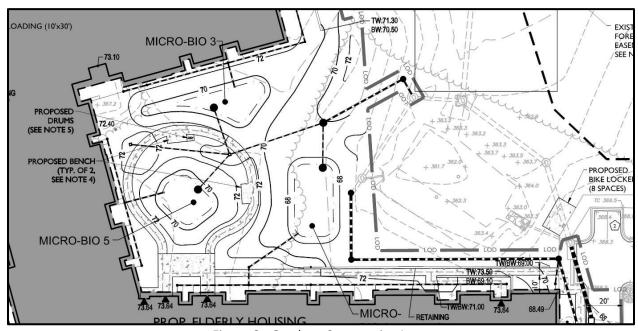


Figure 8 - Outdoor Community Area

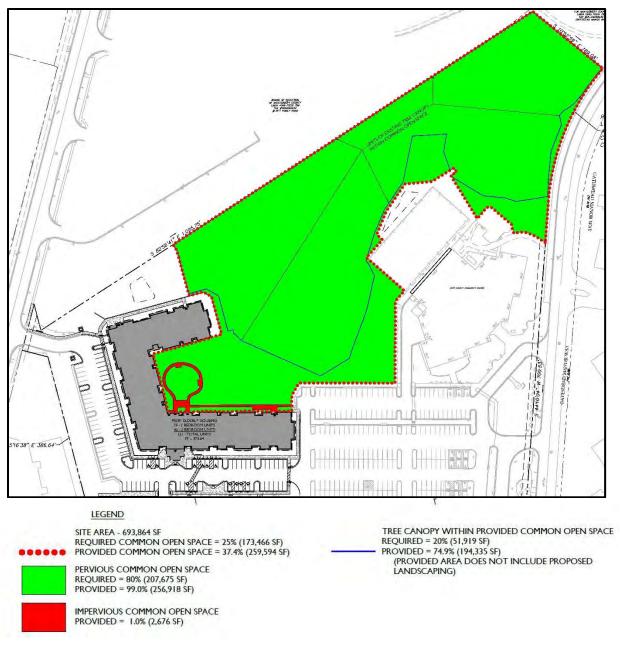


Figure 9 - Common Open Space Area

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.

As shown in Attachment 6, according to Sheet 1 of the Landscape and Lighting Plan the Demand, Supply, and Adequacy Report for recreation is adequate at all six age levels. The Applicant's proposal consists of 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 this housing proposed 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. Division 6.4. 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 proposed senior adult attached housing and the ECRSC and enhancing the Outdoor Community Space at the rear of the proposed 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.

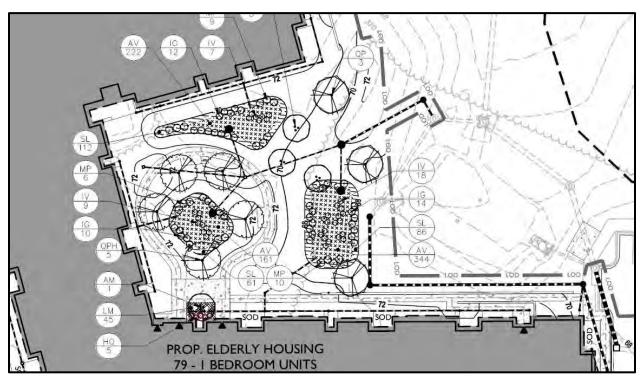


Figure 10 – Landscaping in Outdoor Community Space

The lighting plans 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.

### Division 6.5. Screening Requirements

The Site Plan proposes 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.

#### e. satisfies the applicable requirements of:

### i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on May 18, 2017 (Attachment 12). Applications will meet stormwater management goals through the use of micro-biofiltration facilities.

### ii. Chapter 22A, Forest Conservation.

#### **Forest Conservation Plan Amendment**

#### 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 (Attachment 7). 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 proposes to reconfigure 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 proposed development of the Subject Property for the senior housing will require 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 proposes to protect 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 proposed amended FCP 820170050 will result in the protection of forest and environmental stream valley buffer area in excess of 3.74 acres on the Subject Property.

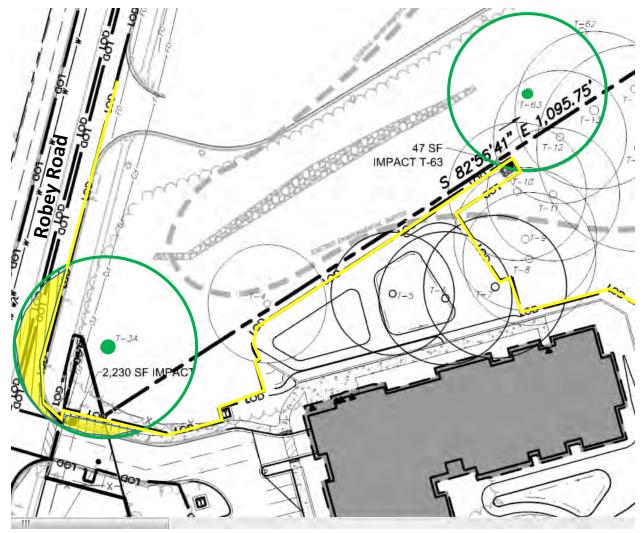
#### Forest Conservation Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an 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. Any impact to high priority vegetation, including disturbance to the 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. Development of the Subject Property requires impact to trees identified as high priority for retention and protection (Protected Trees), therefore, the Applicant has submitted a variance request for these impacts. The original Forest Conservation Plan MR19986030 was approved before the tree variance provision was required. The amended Application includes impacts to trees that are subject to this provision. Staff recommends that a variance be granted.

<u>Variance Request</u> – The Applicant submitted a variance request in a letter dated May 8, 2017, for the impacts/removal of trees (Attachment 14). The Applicant proposes to impact, but not remove two (2) Protected Trees that are 30 inches or greater, DBH, and considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. These trees are noted as T-3A and T-63 on the FCP, listed in Table 3, and shown graphically in Figure 11. Tree T-3A is located on-site within existing forest, near the existing driveway entrance from Robey Road, and its critical root zone will be impacted for the construction of the water and sewer line connections to serve the proposed residential building. T-63 is located off-site, within existing forest, on the adjacent Greencastle Elementary School property, and its critical root zone will be impacted for the construction of a storm drain outfall.

Table 3 - Protected Trees to be affected but retained

Tree No.	Common Name	Botanical Name	Size (DBH)	CRZ Impact	Tree Condition	Location
T-3A	American Beech	Fagus grandifolia	37 inch	20%	Good	On-site,
T-63	Tulip Tree	Liriodendron tulipifera	32 inch	5%	Good	Off-site, swm outfall



NÎ

Figure 11 - Protected Trees to be retained but impacted (green dot)

<u>Unwarranted Hardship Basis</u> – Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of the Subject Property. The Applicant contends that an unwarranted hardship would be created due to the existing conditions, which include existing development to remain and environmentally sensitive areas, and the zoning and development requirements for the Subject Property.

The Application includes a request to impact the critical root zones of two trees subject to the variance provision (one on-site and one off-site). The two trees, T-3A and T-63, are in good condition and will sustain impacts to their critical root zones, but will not be removed.

The  $\pm$  16-acre Subject Property is zoned R-30 and proposes the construction of a senior housing residential building with 116 attached dwelling units, including 16 Moderately Priced Dwelling Units on County owned land. The Subject Property's size and existing development to remain offers limited area for this proposed development to occur. In addition, the onsite stream, wetlands, and stream buffer further limit the remaining developable area. The locations of the Protected Trees and the relatively small size of the developable area on the Subject Property make it difficult to

avoid impacts to these trees. The two Protected Trees that will be impacted, but remain, are located in the northern portion of the site (T-3A) where the entrance driveway and water and sewer line connections are located, and just offsite to the north on the Greencastle Elementary School property (T-63) where a proposed storm drain will outfall. The existing size of the developable area of the Subject Property and development requirements create an unwarranted hardship. 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. Staff has reviewed this Application and finds that there would be an unwarranted hardship if a variance were not considered.

<u>Variance Findings</u> – Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted. Staff has made the following determination based on the required findings in the review of the variance request and the Forest Conservation Plan:

Granting of the requested variance:

1. 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 proposed 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. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. 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.

3. Is not based on a condition relating 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.

4. 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 proposed project to be acceptable as stated in a letter dated May 18, 2017 (Attachment 12). The stormwater management concept incorporates Environmental Site Design (ESD) standards.

<u>Mitigation for Protected Trees</u> – The two Protected Trees subject to the variance provision will be impacted, but not removed. Staff does not recommend mitigation for trees affected, but not removed. The affected root systems will regenerate and the functions provided restored.

<u>County Arborist's Recommendation on the Variance</u> – 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 request was forwarded to the County Arborist. On May 19, 2017, the County Arborist provided a letter recommending that a variance be granted with mitigation (Attachment 15).

<u>Variance Recommendation</u> – Staff recommends that the variance be granted with no additional mitigation requirements as described above.

#### iii. Noise Attenuation

Staff did not find adequate justification to require a noise analysis at this time because the proposed building is a minimum of 250 feet from Briggs Chaney Road, an arterial road with between 17 – 18,000 average daily traffic (ADT). There are existing structures located between Briggs Chaney Road and the proposed building which will reduce noise generation from Briggs Chaney Road. In addition, prior to issuance of any Certified Site Plan, the Applicant will be required to provide a certification by a professional 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. In addition, a written commitment signed by the builder shall be submitted assuring the construction of the units in accord with the engineer's specifications. Alternatively, the Applicant may submit a noise analysis demonstrating compliance with the *Noise Guidelines*.

A noise analysis considering the future planned BRT station in this area was not required because there are no valid noise models available at this time for the BRT for use in an analysis.

f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

### i. Parking and circulation

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 to proposed 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 proposed building along with pedestrian

access to Robey Road. Other pedestrian infrastructure will provide a crossing between the proposed building and the ESRCS. Finally, Application proposes a sidewalk around the southwest side of the proposed 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.

#### Building massing, open space, and site amenities

#### **Building Massing**

The Site Plan proposes safe and integrated building massing, open space locations and site amenities. The 116 units of senior adult attached dwelling units are being developed as a three-story structure with two wings. The structure is located on the northwestern side of the Subject Property and is centralized between the ECRSC and the forested natural area on the northern edge of the Subject Property. The building is a U-shaped structure turned on its side which is separated from the ECRSC by a vehicle corridor servicing both buildings. The location of the proposed building helps to activate the streetscape in conjunction with the ECRSC. The massing of the building is consistent with that of the ECRSC.

The location of the building takes advantage of the natural open space area within the stream valley and its associated buffer. The open space provided by this building, draws on and expands the natural environment experience by creating a contiguous open area with trails, benches and other amenities that look out over the stream valley. The front of the building overlooks a new drive aisle that is designed to mimic a functioning public street. The drive will include perpendicular parking, street trees and sidewalks. It is expected that the new drive will have increased use, with more vehicles and pedestrians using this thoroughfare now that it will have improved lighting, sidewalks and overall safety. The building entrance accesses the drive and includes benches and bicycle storage facilities that helps to engage the building with the drive.

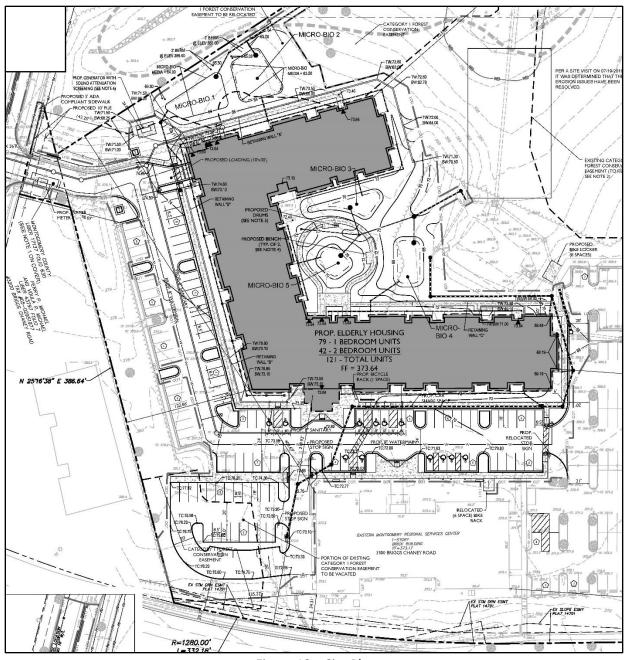


Figure 12 - Site Plan

#### **Open Spaces and Amenities**

The open spaces on the Subject Property are made up of entirely Common Open Space. The Site Plan identifies two areas of Common Open Space; (1) the Outdoor Community Space in the rear courtyard of the proposed building, and (2) an area in the northern portion of the Subject Property which includes a forested natural area and a pedestrian connect to the ECCRC. Both of these spaces are accessible to all the proposed units within the Subject Property, and are accessible to the general public through sidewalk connections. The Outdoor Community Space is framed by the proposed building on three

sides, and decorative benches, walking path, interactive musical instruments, landscaping, and small stormwater management areas.



Figure 13 – Decorative Benches

Figure 14 – Interactive Musical Instrument

The Outdoor Community Space provides places for residents to walk around in grass areas, or sit on one of the two decorative benches, to enjoy the flowering shrubs and trees that will be planted. As conditioned, the rest of the area at the north side of the Subject Property is appropriate for common open space and will be accessible to recreation purposes.

g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

The Site Plan is in substantial conformance with the recommendations of the 1997 Fairland Master Plan. A complete Master Plan conformance section is available in the Preliminary Plan section of this Staff Report.

h. 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. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

As discussed in the accompanying Preliminary Plan No. 1201700080 findings, the proposed development in the Site Plan will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

 i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The neighborhood is a mix of attached residential and commercial uses. To the northwest and southeast are similar apartment building forms. The multi-family dwellings to the northwest are taller, four story structures in the R-20 zone than proposed in this Application. The multi-family residential development to the southeast are a mixture of smaller individual apartment structures, both 2 and 3 stories, in the R-30 zone. The property across Briggs Chaney Road to the west is primarily made up of automobile dealerships in the CR zone. Directly to the north is the Greencastle Elementary School in the R-30 zone.



Figure 15 – B Wing, South and East Elevation



Figure 16 – A Wing, North Elevation

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 the 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 provide adequate setback to ensure compatibility with the neighborhood. This compatibility is heightened due to the relative similarity in building height throughout the neighborhood.

j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.

No applicable, the Subject Property is located in a Residential zone.

3. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.

Not applicable, the Subject Property is not zoned C-1 or C-2.

#### SECTION 7: MANDATORY REFERRAL MR2017003

#### Mandatory Referral MR2017003

The Applicant has requested that the Planning Board consider the Mandatory Referral review that applies to the public agency component of this Project (under Section 20-301 of the Land Use Article of the Md. Ann. Code) as part of the Planning Board's review of the Site and Preliminary Plans. Mandatory Referral review must occur whenever a public body changes land uses on land that it owns. The proposal to add senior adult attached dwelling units meets this definition. The Mandatory Referral review is advisory and mandatory referral comments are not binding on applicants.

The Applicant believes that it would be in the public interest and would further "administrative economy" for the Applications and any mandatory referral review to be considered at the same time as part of the Applications because: (1) the development proposals contained in the Applications are the same as the development proposal that would be considered under a separate mandatory referral review; (2) the submission requirements for preliminary and site plan applications are very comprehensive (more comprehensive than the requirements for mandatory referral review); and (3) the time allowed for the Planning Board to review the Applications is longer than the time allowed for the Planning Board to review a project under mandatory referral review. In addition, as noted above, mandatory referral comments are not binding, while applicants can be held to conditions approved as part of regulatory reviews.

The Applicant agreed to waive the 60-day review period required under Section 20-304 of the Mandatory Referral Review statute, to allow the Applications and the required mandatory referral review to be considered and acted upon at the same time by the Planning Board as part of the review of the Preliminary and Site Plan Applications (Attachment 3). Staff supports the Applicant's request.

#### Mandatory Referral Recommendation

- The Applicant requests that the Planning Board consider the Mandatory Referral review that applies to the public agency component of this Project (under Section 20-301 of the Land Use Article of the Md. Ann. Code) as part of the Planning Board's review of Preliminary Plan 120170080 and Site Plan 820170050.
- Staff recommends transmitting no additional comments pertaining to Mandatory Referral MR2017003.

#### **SECTION 8: CITIZEN COORESPONDENCE AND ISSUES**

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A pre-submission meeting for the Preliminary Plan and Site Plan was held on February 10, 2016 at the ECRSC. According to the meeting sign-in sheets and provided minutes, there were 29 people in attendance. The Applicant and Montgomery County representatives provided an overview of the project. Questions raised at the meeting included concerns over traffic, parking, the high density of senior housing in the East County, building operations, and land ownership/leasing terms. The minutes show the Applicant attempted to address all questions as they were raised at the meeting.

As of the posting of this Staff Report, Staff has received 6 pieces of correspondence from two citizens in the form of letter or e-mail (Attachment 17) which included a letter from the President of the East County Village Seniors. None of the correspondence Staff has received has been specifically against the

Applications but raise concerns about the project in relation to the other uses on the Subject Property. The reoccurring themes are as follows:

<u>Parking</u> – The concern revolves around the amount of parking to be removed and, ultimately, the amount of total parking available to serve the proposed senior adult housing, the ECRSC, the RCCRC, and the Kiss and Ride Lot (future BRT station in 2020). The correspondence is concerned that the adding this housing will create a lack of available parking. Staff has worked with the Applicant to construct additional parking in the southwest corner of the Subject Property next to the ECRSC. In addition, because the proposed senior adult housing limited to individuals 62 years of age and older, it qualifies for a reduction in parking by a factor of 0.50. Finally, the peaks of parking demand for these uses are different. Due to allowances cited in the zone ordinance and discussed in this Staff Report as well as the varying times of peak demand, Staff is of the opinion that is concern has been addressed. Montgomery County is aware of the long-term parking deficit based on the parking projections required for the implementation of BRT on the Subject Property and knows the construction of a structured parking facilities will be necessary in the future.

<u>Access</u> – The received letters appear to mistakenly believe that access from Robey Road to the recreation center will be removed. This is not the case. Currently, access between Robey Road and the recreation center occurs via two parallel parking aisles which enter to parking area near the recreation center. If the senior adult housing is constructed, the access point at Robey will remain in its existing location. The internal access will change from two separate parking aisles to one parking aisle with an improved streetscape. This type of design has been successful implemented in numerous shopping centers with anchor tenants and surround pad sites for restaurants and a variety of other commercial uses. As result, Staff has address this concern.

<u>Architectural Compatibility</u> – The nature of the use is fundamentally different than the existing non-residential uses on the Subject Property. As such, from a practical standpoint this necessitates a different style of architecture. Because the proposed building is a very different use than the other two existing buildings, it is difficult to fully integrate architecture between all three. Thus, trying to emulate them was not a priority.

<u>Crime</u> – Addressing a crime problem through development applications is not a useful approach to crime prevention. However, the Application's place housing in a little used, poorly lit corner of the Subject Property. By providing activation in this desolate corner, it should reduce the probability of unwanted activity occurring on the Subject Property.

#### **SECTION 9: CONCLUSION**

The Applications meet all requirements established in the Subdivision Regulations and the Zoning Ordinance. Access and public facilities will be adequate to serve the proposed lots, and the Applications have been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Staff finds the Applicant has adequately addressed the recommendations of the 1997 Fairland Master Plan, and has made a good faith effort to be responsive to the recommendations of Staff. Staff recommends approval of this Application, with the conditions as enumerated in the Staff Report.

#### **ATTACHMENTS**

Attachment 1 – Preliminary Plan, Statement of Justification

Attachment 2 – Site Plan, Statement of Justification

Attachment 3 – Request for concurrent review of Mandatory Referral

Attachment 4 - Preliminary Plan Composite, Sheet 1

Attachment 5 – Site Plan Composite, Sheet 1

Attachment 6 - Recreation Guidelines

Attachment 7 – Final Forest Conservation Plan

Attachment 8 – Final Forest Conservation Easement Plan

Attachment 9 - MCDOT Approval Letter, April 27, 2017

Attachment 10 – MCDPS, Fire Department Access and Water Supply Section Approval, May 22, 2017

Attachment 11 – MCDPS, Fire Department Access and Water Supply Section, Approved Access Plan

Attachment 12 – MCDPS Stormwater Management Concept Approval, May 18, 2017

Attachment 13 – Department of Housing and Community Affairs Approval Letter, May 31, 2017

Attachment 14 – Tree Variance Request letter, May 8, 2017

Attachment 15 - County Arborist Tree Variance Recommendation Memo, May 19, 2017

Attachment 16 – Extension Requests

Attachment 17 – Citizen Correspondence

### WILLOW MANOR AT FAIRLAND

## PRELIMINARY PLAN NO. 120170080 (THE "APPLICATION") JUSTIFICATION STATEMENT

#### I. INTRODUCTION

The Applicant, KB Companies, Inc. (the "Applicant"), by its attorneys, Linowes and Blocher LLP, hereby submits this Justification Statement in support of its Preliminary Plan of Subdivision Application (the "Application") to demonstrate conformance of this Application with all applicable review requirements and criteria.

The Applicant is the selected developer pursuant to a competitive request for expression of interest process conducted by Montgomery County (the "County") for redevelopment of property identified as Tax Account No. 05-03129480 and located at an unnumbered address on Briggs Chaney Road, Silver Spring, Maryland (the "Property"), currently owned by the County. The Property consists of an unrecorded parcel known as Parcel 765 that totals approximately 15.93 acres<sup>1</sup>. The Property is zoned R-30 (Residential Multi-Unit Low Density) and lies within the Fairland Master Plan as approved and adopted in 1997 (the "Master Plan").

The Property is currently improved with two separate buildings, the East County Regional Service Center is located towards the Property's southern boundary along the Briggs Chaney Road frontage and the East County Community Center is located towards the Property's eastern boundary along the Gateshead Manor Way frontage. The Property also contains ancillary surface parking facilities with approximately 464 parking spaces that are shared across these existing uses, and also serve the Briggs Chaney Park and Ride lot. The purpose of the subject Application is to create one recorded lot to allow for the addition of an Independent Living Facility for Seniors with 121 mixed income dwelling units at the Property (the "Project")<sup>2</sup>. Pursuant to Section 59-7.3.4.A.8 of the Montgomery County Code (the "Zoning Ordinance"),

<sup>&</sup>lt;sup>1</sup> The Property includes Parcel 765 and a small triangular parcel that is approximately 2,193 square feet along Robey Road. The triangular parcel is recorded in the Land Records of Montgomery County at Liber 17317 in Folio 630, title of which is held by Montgomery County, Maryland. There is no Tax Account Identification number associated with the triangular parcel.

<sup>&</sup>lt;sup>2</sup> The County will retain ownership of the underlying record lot with a ground lease around the Project to convey ownership to the Applicant.

site plan approval will also be required to implement the Project. The Applicant intends to submit a site plan application to be reviewed concurrently with this Application.<sup>3</sup> Accordingly, the Applicant is seeking to record a subdivision plat in the Land Records of Montgomery County following the approval of this Application and its site plan application.

In summary, as described more fully in the narrative below and the accompanying plans, the Application will accommodate the addition of 121 mixed income independent living dwelling units for persons 62 years and older. The proposed mixed income independent living dwelling units for senior citizens will be accommodated by the existing parking facilities at the Property, and be located in close proximity to the various amenities and services available at the East County Service and Community Centers. As outlined in greater detail below, the Project satisfies all of the required finds for approval of a Preliminary Plan of Subdivision.

#### II. PROJECT DESCRIPTION

The Project proposes redevelopment of the Property as described above, to be located on a new, single subdivision lot of record. The Project will consist of an approximately 109,558 square foot 3-story building that contains 121 mixed income dwelling units for seniors. Subject to future changes based upon market demands and the Applicant's building program, the Project will include 79 one bedroom units and 42 two bedroom units. The Property currently contains 464 parking spaces. The Project proposes the elimination of 159 parking spaces at the Property in order to accommodate development of the independent senior housing building, and the addition of 93 spaces for a net loss of 66 spaces (total 398 spaces). Pursuant to the Traffic Statement and Parking Study performed by Lenhart Traffic Consulting, Inc. dated April 13, 2017 (the "Traffic Statement," a copy of which is attached as Exhibit "A"), the proposed 398 parking spaces at the Property will adequately serve the existing community uses, Park and Ride lot, and Project. The Project is required to provide 61 parking spaces in accordance with Section 59.6.2.3.I.2.b of the Zoning Ordinance, which allows a 50% reduction from the baseline parking requirements for senior housing. The Traffic Statement demonstrates that during peak usage of the existing community and recreational facilities and Park and Ride lot, a maximum of 223

<sup>&</sup>lt;sup>3</sup> The Project will also be reviewed by the Montgomery County Planning Board under the Mandatory Referral process pursuant to Md. Ann. Code, Land Use § 20-301, et. seq.

vehicles<sup>4</sup> were parked at the Property, which leaves a minimum of 175 parking spaces to serve the Project. The residents of the Project will likely use the 72 spaces that will be provided along the front to the building, leaving the balance of the spaces available to others. Therefore, the existing and proposed surface parking facilities at the Property will adequately serve the proposed senior housing units as well as the existing community buildings and park and ride lot users.

The Project will provide substantial setbacks from adjoining properties. For example, the elderly housing building will be setback approximately 220 feet from Briggs Chaney Road, and 823 feet from the adjoining property to the rear. The Project will include a maximum building height of 35 feet consistent with the development standards in the R-30 Zone. In addition to these proposed development standards, the Project will feature architectural components and scale that is consistent with the adjacent residential development.

The Project will include ADA accessible walkways surrounding the proposed senior housing facility to facilitate easy access to the nearby amenities in the East County community buildings. The Project will have access from the adjacent park and ride lot to Glenmont Metro Station via Ride-On Bus Route 39 as well as access to Silver Spring Metro Station via Metrobus routes Z6-Z8 and Z11-13. The proximity of such an array of existing transit facilities to the Project is anticipated to help take vehicle trips off the road and to encourage residents of, and visitors to, the Project to arrive by transit. Notwithstanding this transit accessibility to and from the Property, the Project will only generate a total of 11 peak hour vehicular trips as illustrated by the Traffic Statement. (Exhibit "A", p. 6).

## III. FINDINGS REQUIRED FOR APPROVAL OF THE PRELIMINARY PLAN APPLICATION

In order to approve a preliminary plan of subdivision, pursuant to Section 50-20 *et seq.* of the Montgomery County Subdivision Regulations, the Planning Board must make certain findings. The Preliminary Plan application satisfies the findings that the Planning Board must make, as follows:

<sup>&</sup>lt;sup>4</sup> The Zoning Ordinance does not identify parking requirements for the existing public uses at the Property. The parking provided is adequate to meet the demonstrated demand as determined by the Traffic Statement.

### 1. The Preliminary Plan substantially conforms to the Sector Plan.

The Master Plan does not contain any direct discussion of the Property other than a recommendation to retain the existing R-30 zoning. However, the Master Plan does state "at the other end of the spectrum, elder care, housing for independent senior citizens, retirement homes, and nursing homes may be needed for the parents of current residents." See Master Plan, p. 11. Additionally, the Master Plan sets out the objective of encouraging housing for the elderly at appropriate locations and specifically provides that "[r]ecent studies of senior citizen preferences have indicated that, given a choice, people will choose to live near activity areas where they can participate in local events and use services independently." See Master Plan, p. 30.

The addition of an Independent Living Facility for Seniors at the Property conforms with these goals and objectives of the Master Plan because it will create an opportunity for senior citizens to live within walking distance of the East County Regional Service Center and Community Center. In addition to the Property's close proximity to these existing community activity centers, the proposed senior housing units will have convenient access to both Glenmont and Sliver Spring Metro Stations via various bus routes that stop at the adjacent Briggs Chaney Park and Ride lot. The Property is also served by a range of retail uses at the nearby Briggs Chaney Plaza. Accordingly, the Application substantially conforms the Master Plan by providing housing for independent senior citizens near existing community facilities and activity areas where residents can participate in local events and use services independently.

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

#### A. Roads and Transportation Facilities

As provided in the Traffic Statement, the Project is located in the Fairland / White Oak Policy Area. The Traffic Statement demonstrates that the Project will generate 6 AM and 5 PM peak hour trips. Since the Project will generate fewer than 30 vehicular peak hour trips, this Application is exempt from Local Area Transportation Review ("LATR"). Since the Fairland /

<sup>&</sup>lt;sup>5</sup> The Master Plan does reference that the "East County Recreation Center adjacent to the park-and-ride lot is under construction and when completed, it will provide indoor and outdoor recreation facilities within walking distance of the Greencastle/Briggs Chaney community." See Master Plan, p. 42.

White Oak Policy Area is identified as inadequate under the TPAR roadway test, a mitigation fee equal to 50% of the transportation impact tax will be assessed to the Project. The Project will be reviewed under the 2012 - 2016 Subdivision Staging Policy since the Application was filed prior to January 1, 2017.

#### B. Other Public Facilities

Other public facilities and services are available and will be adequate to serve the Project. Since the Project is for senior housing, a review of the adequacy of public schools serving the Property is not applicable. Additionally, health clinics, police and fire rescue services are currently operating within the standards set by the Growth Policy Resolution currently in effect.

The Property is served by public water and sewer and is assigned WSSC categories W-1 and S-1. Public water and sewer line mains currently serve the Property, which will be adequate to serve the additional development proposed by the Project. Dry utilities including electricity, gas, and telephone are also available to the Property.

On August 9, 2016, the Montgomery County Department of Permitting Services ("MCDPS") approved a combined stormwater management / site development stormwater management plan for the Project. The stormwater management system will treat on-site drainage through micro bioretention facilities and other structural measures that satisfy the County and State of Maryland water quality treatment criteria. Sediment control devices will be provided as required. The existing storm drain system will collect surface runoff from on-site areas.

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

This Application proposes no changes to the size, width, shape, or orientation of the existing unrecorded parcels. Therefore, the consolidation of these unrecorded parcels into a single recorded subdivision lot is consistent and compatible with the adjacent subdivision lots.

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

All applicable requirements for forest conservation under Chapter 22A will be satisfied. The Forest Conservation Plan provides additional Forest Conservation Easements on-site to meet the current requirements of Chapter 22A.

5. The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site, based on the determination by MCDPS that the stormwater management concept plan meets MCDPS' standards.

The Applicant will provide sediment and erosion control and water quality treatment for stormwater as required by County laws, rules, and regulations. The Applicant has an approved Stormwater Management Concept Plan, demonstrating environmental site design to the maximum extent practicable as required by State and local regulations, and will continue to coordinate with MCDPS on all required sediment and erosion control and stormwater management approvals as the entitlement process progresses.

#### IV. CONCLUSION

The Applicant respectfully requests that the Planning Board grant approval of the Application, thereby allowing the construction of this mixed income Independent Living Facility for Seniors as permitted in the Zoning Ordinance. As explained above and in the plan submissions noted herein, the Project satisfies all of the findings that the Planning Board must make when approving the Application under the Zoning and Subdivision Regulations.

This Project provides a unique opportunity to create senior housing units, with substantial Moderately Priced Dwelling Units, in proximity to the East County Community and Recreation Centers which will accomplish the objectives of the Master Plan. In addition to generating very few vehicle trips, the Project will be served by various bus routes that connect to Glenmont and Silver Spring Metro Stations which will encourage the use of transit. Given the Master Plan's recognition that senior citizens prefer to live near activity areas where they can participate in local events and access services independently, the Property is ideally suited for an Independent Living Facility for Seniors.

Respectfully submitted,

LINOWES AND BLOCHER LLP

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### **WILLOW MANOR AT FAIRLAND**

## SITE PLAN NO. 820170050 (THE "APPLICATION") JUSTIFICATION STATEMENT (REV. APRIL 2017)

#### I. INTRODUCTION

The Applicant, KB Companies, Inc. (the "Applicant"), by its attorneys, Linowes and Blocher LLP, hereby submits this Justification Statement in support of its Site Plan Application (the "Application") to demonstrate conformance of this Application with all applicable review requirements and criteria.

The Applicant is the selected developer pursuant to a competitive request for expression of interest process conducted by Montgomery County (the "County") for redevelopment of the property identified as Tax Account No. 05-03129480 and located at an unnumbered address on Briggs Chaney Road, Silver Spring, Maryland (the "Property"), currently owned by the County. The Property consists of two unrecorded parcels known as Parcel 765 and a small triangular parcel totaling approximately 15.93 acres. The Property is zoned R-30 (Residential Multi-Unit Low Density) and lies within the Fairland Master Plan as approved and adopted in 1997 (the "Master Plan").

The Property is currently improved with two separate buildings, the East County Regional Service Center is located towards the Property's southern boundary along the Briggs Chaney Road frontage and the East County Community Center is located towards the Property's eastern boundary along the Gateshead Manor Way frontage. The Property also contains ancillary surface parking facilities with 464 parking spaces that are shared across these existing uses, and also serve the Briggs Chaney Park and Ride lot. The purpose of the subject Application is to allow for the addition of an Independent Living Facility for Seniors with 121 mixed income dwelling units at the Property (the "Project"). Pursuant to Preliminary Plan of Subdivision Application No. 120170080 (the "Preliminary Plan"), the Applicant is concurrently seeking

<sup>&</sup>lt;sup>1</sup> The Property includes Parcel 765 and a small triangular parcel that is approximately 2,193 square feet along Robey Road. The triangular parcel is recorded in the Land Records of Montgomery County at Liber 17317 in Folio 630, title of which is held by Montgomery County, Maryland. There is no Tax Account Identification number associated with the triangular parcel.

consolidation of the unrecorded parcels comprising the Property into a single subdivision lot.<sup>2</sup> Accordingly, the Applicant is seeking to record a subdivision plat in the Land Records of Montgomery County following the approval of this Application and its Preliminary Plan application.

In summary, as described more fully in the narrative below and the accompanying plans, the Application will accommodate the addition of 121 mixed income independent living dwelling units for persons 62 years and older. The proposed mixed income independent living dwelling units for senior citizens will be accommodated by the existing parking facilities at the Property, and be located in close proximity to the various amenities and services available at the East County Service and Community Centers. As outlined in greater detail below, the Project satisfies all of the required finds for approval of a Site Plan Application.

#### II. PROJECT DESCRIPTION

The Project proposes redevelopment of the Property as described above, to be located on a new, single subdivision lot of record. The Project will consist of an approximately 109,558 square foot 3-story building that contains 121 mixed income dwelling units for seniors. Subject to future changes based upon market demands and the Applicant's building program, the Project will include 79 one bedroom units and 42 two bedroom units. The interior of the senior housing building will include the following amenities for residents: (a) a 1,080 square-foot community room; (b) a library; (c) two fitness facilities totally approximately 700 SF; (d) a 470 SF leasing office; and (d) a 300 SF business center (these are only approximate dimensions for the identified residential amenities and subject to change).

The Property currently contains 464 parking spaces. The Project proposes the elimination of 159 parking spaces at the Property in order to accommodate development of the independent senior housing building, and the addition of 93 spaces for a net loss of 66 spaces (total 398 spaces). Pursuant to the Traffic Statement and Parking Study performed by Lenhart Traffic Consulting, Inc. dated April 13, 2017 (the "Traffic Statement," a copy of which is attached as

<sup>&</sup>lt;sup>2</sup> The Project will also be reviewed by the Montgomery County Planning Board under the Mandatory Referral process pursuant to Md. Ann. Code, Land Use § 20-301, et. seq.

Exhibit "A"), the proposed 398 parking spaces at the Property will adequately serve the existing community uses, Park and Ride lot, and Project. The Project is required to provide 61 parking spaces in accordance with Section 59.6.2.3.I.2.b of the Zoning Ordinance, which allows a 50% reduction from the baseline parking requirements for senior housing. The Traffic Statement demonstrates that during peak usage of the existing community and recreational facilities and Park and Ride lot, a maximum of 223 vehicles were parked at the Property, which leaves a minimum of 175 parking spaces to serve the Project. The residents of the Project will likely use the 72 spaces that will be provided along the front to the building, leaving the balance of the spaces available to others. Therefore, the existing and proposed surface parking facilities at the Property will adequately serve the proposed senior housing units as well as the existing community buildings and park and ride lot users.

The Project will provide substantial setbacks from adjoining properties. For example, the elderly housing building will be setback approximately 220 feet from Briggs Chaney Road, and 823 feet from the adjoining property to the rear. The Project will include a maximum building height of 35 feet consistent with the development standards in the R-30 Zone. In addition to these proposed development standards, the Project will feature architectural components and scale that is consistent with the adjacent residential development.

The Project will include ADA accessible walkways surrounding the proposed senior housing facility to facilitate easy access to the nearby amenities in the East County community buildings. The Project will have access from the adjacent park and ride lot to Glenmont Metro Station via Ride-On Bus Route 39 as well as access to Silver Spring Metro Station via Metrobus routes Z6-Z8 and Z11-13. The proximity of such an array of existing transit facilities to the Project is anticipated to help take vehicle trips off the road and to encourage residents of, and visitors to, the Project to arrive by transit. Notwithstanding this transit accessibility to and from the Property, the Project will only generate a total of 11 peak hour vehicular trips as illustrated by the Traffic Statement. (Exhibit "A", p. 6).

<sup>&</sup>lt;sup>3</sup> The Zoning Ordinance does not identify parking requirements for the existing public uses at the Property. The parking provided is adequate to meet the demonstrated demand as determined by the Traffic Statement.

#### III. FINDINGS REQUIRED FOR APPROVAL OF THE SITE PLAN APPLICATION

Section 59.7.3.4.E.2 of the Zoning Ordinance states the findings that the Planning Board must make in approving a site plan application. The following statements analyze how the proposed Project fulfills these findings:

- 1. The proposed development satisfies any previous approval that applies to the site.

  There are no previous approvals that apply to the Property. However, this Application is consistent with the pending Preliminary Plan application, and will comply with any conditions of approval thereto.
  - 2. The proposed development satisfies under Section 59-7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014.

There is no approved development plan or schematic development plan for the Property, and therefore this requirement is inapplicable.

3. The proposed development satisfies under Section 59-7.7.1.B.5 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.

The zoning of the Property on October 29, 2014 was the result of the comprehensive rezoning undertaken subsequent to the approval of the Master Plan in 1997, and was not the result of a Local Map Amendment; therefore this requirement is inapplicable.

4. The proposed development satisfies applicable use standards, development standards, and general requirements under this Chapter.

The Project satisfies the applicable use standards, development standards, and general requirements of Chapter 59 of the Zoning Ordinance.

#### A. Use Standards

Section 59.3.1.6 of the Zoning Ordinance lists the uses that are permitted in the R-30 Zone. The Project proposes an independent living facility for seniors, which is permitted in the R-30 Zone, in addition to the existing East County Service and Community Center uses.

B. Development Standards for Optional Method Development in the R-30 Zone

Section 59.4.4.14.C of the Zoning Ordinance lists the development standards for development under the standard method in the R-30 Zone. The Application meets all of these development standards, as described below and delineated in the development standards chart:

ZONING ANAI	YSIS (R-30 ZONE, OPTIC	NAL METHOD DEV.	STANDARDS)
	REQUIRED/ALLOWED	PROVIDED	COMMENTS
DIMENSION (MIN)	11,700 SF	693,864 SF	ENTIRE LOT
DENSITY (MAX)	17.69	7.60	ENTIRE LOT, 121 UNITS
COMMON OPEN SPACE	25% (173,466 SF)	37.4 % (259,594 SF)	ENTIRE SITE = 693,864 SF
PERVIOUS AREA WITHIN PROVIDED COMMON OPEN SPACE	80% (207,675 SF)	99.0% (256,918 SF)	
TREE CANOPY WITHIN PROVIDED COMMON OPEN SPACE	25% (64,899 SF)	75% (194,335 SF)	EXISTING TREE LINE AREA ONLY, ADDITIONAL PROVIDED WILL BE CALCULATED WITH THE LANDSCAPE PLAN
SITE COVERAGE (MAX)	18%	10.9%	3 BLDG'S., ENTIRE 15.93 ACRE SITE
SPECIFICATIONS FOR SITE COVERAGE	N/A	N/A	
	LOT DIME	PIONS	
	REQUIRED/ALLOWED	PROVIDED	COMMENTS
LOT AREA	12,000 SF	696,057 SF	COMMUNICATO
LOTANEA	12,000 SI	1 030,037 31	

		I	
LOT WIDTH AT FRONT BLDG. LINE	TO BE DETERMINED AT SITE PLAN	789.66 FEET	
LOT WIDTH AT FRONT LOT LINE	50 FEET	789.66 FEET	
FRONTAGE AT STREET	YES	YES	
LOT COVERAGE	N/A	N/A	
	PRINCIPAL BUILD	ING SETBACK	
FRONT FROM PUBLIC STREET	TO BE DETERMINED AT SITE PLAN	34.31 FEET (POLICE AND HHS)	BRIGGS CHANEY ROAD
FRONT FROM PRIVATE STREET OR OPEN SPACE	TO BE DETERMINED AT SITE PLAN	N/A	
SIDE STREET SETBACK	TO BE DETERMINED AT SITE PLAN	142.25 FEET (WILLOW MANOR AT FAIRLANDS)	ROBEY ROAD
SIDE STREET SETBACK	TO BE DETERMINED AT SITE PLAN	31.22 FEET (EAST COUNTY COMM. CENTER)	GATESHEAD MANOR WAY
REAR SETBACK	TO BE DETERMINED AT SITE PLAN	62.11 FEET (WILLOW MANOR AT FAIRLANDS)	
ACCESSORY STRUCTURE SETBACKS	N/A	N/A	
PARKING SETBACK FOR SURFACE PARKING LOTS			
FRONT SETBACK	30 FEET	30.73 FEET	BRIGGS CHANEY ROAD

SIDE STREET SETBACK	10 FEET	98.07 FEET	ROBEY ROAD
SIDE STREET	10 FEET	87.91 FEET	GATESHEAD
SETBACK			MANOR WAY
REAR SETBACK	0 FEET	84.11 FEET	ADJACENT
			PROPERTY
BUILDING HEIGHT			
PRINCIPAL	35 FEET	35 FEET	WILLOW MANOR
STRUCTURE			AT FAIRLANDS
ACCESSORY	25 FEET	N/A	
STRUCTURE			

### C. General Development Requirements

Article 59.6 of the Zoning Ordinance lists general development requirements. The Site Plan meets all of these requirements, as follows:

### (i) Site Access (Division 6.1)

Access (vehicular, loading, pedestrian, and bicyclist) is proposed from an existing entrance along Robey Road. The entrance along Robey Road is oriented to keep vehicular and loading access to the Project along the northwest edge of the Property, so that the existing community uses and Briggs Chaney Park and Ride lot can be accessed from a separate entrance on Gateshead Manor Way. In order to ensure that there is safe access and circulation through the Property, access to the Project from Briggs Chaney Road is not proposed.

#### (ii) Parking, Queuing, and Loading (Division 6.2)

As discussed above, access to the Project will be from Robey Road. All of the proposed surface parking spaces for the Project will be located adjacent to the independent living facility for seniors, with one loading space on the northwest portion of the Property adjacent to entrance on Robey Road. The loading space complies with all of the dimension, location and maneuvering requirements identified in Section 59.6.2. of the Zoning Ordinance. All of the parking for the Project is proposed to be located above-grade.

With regard to bicycle parking, pursuant to Section 59.6.2.4.c of the Zoning Ordinance, the Project is required to provide 31 bicycle parking spaces, of which 30 (95%) must be longterm bicycle storage spaces. Based on its experience managing multiple senior housing communities in Montgomery County, the Applicant does not believe there will be any demand among residents for long term bicycle storage in the senior housing building. Further, the Project is efficiently designed to provide a maximum amount of interior space for tenant amenities. Accordingly, pursuant to Section 59.6.2.10, as an alternative to providing required bicycle storage in the building the Applicant is proposing to provide one bicycle rack in front of the building and 8 bicycle lockers on an area of the County property located approximately 30 feet from the east side of the Project, and approximately 230 feet from the County Recreational Center. The storage lockers are adjacent to a sidewalk and can be conveniently accessed from the parking area in front of the Recreation Center. This location will provide a convenient location for users of the Center to safely and securely store bicycles and also storage for employees of the Project who commute to work by bicycle. The proposed alternative method of compliance with the requirements of Section 59.6.2.4.c will allow adequate bicycle parking to meet anticipated demand and allow for the efficient building design to be maintained.

#### (iii) Open Space and Recreation (Division 6.3)

The Site Plan proposes that approximately 5.95 acres (37.4% of the site) of common open space, which exceeds the minimum of 25% required by the Zoning Ordinance. The Project will include ADA accessible walkways surrounding the proposed senior housing facility to facilitate easy access to the nearby amenities in the East County community buildings. Bicycle racks will be provided along the exterior of the senior housing facility. In addition, the Project satisfies the Recreation Guidelines, as reflected in the Recreational Demand Calculations chart on the Site Plan.

#### (iv) General Landscaping and Outdoor Lighting (Division 6.4)

Landscaping and lighting, as well as other site amenities, will be provided to ensure that the independent living facility for seniors will be safe, adequate, and efficient for residents and visitors to the Project. The Project also includes landscaping and lighting in the courtyard and adjacent to the sidewalk surrounding the independent living facility for seniors.

(v) Screening Requirements (Division 6.5)

Since the Project proposes an apartment building type and abuts properties in a Residential Multi-Unit Zone, this Division is not applicable to the Project.

(vi) Outdoor Display and Storage (Division 6.6)

This Division is inapplicable because the Project does not propose any outside display or storage.

(vii) Signs (Division 6.7)

The Applicant will obtain all necessary approvals for signage at the Project from MCDPS.

5. The proposed development satisfies the applicable requirements of: (i) Chapter 19, Erosion, Sediment Control, and Stormwater Management; and (ii) Chapter 22A, Forest Conservation.

The Applicant will provide sediment and erosion control and water quality treatment for stormwater as required by County laws, rules, and regulations. The Applicant has an approved Stormwater Management Concept Plan, demonstrating environmental site design to the maximum extent practicable as required by State and local regulations, and will continue to coordinate with MCDPS on all required sediment and erosion control and stormwater management approvals as the entitlement process progresses. All applicable requirements for forest conservation under Chapter 22A will be satisfied. The Forest Conservation Plan provides additional Forest Conservation Easements ("FCP") on-site to meet the current requirements of Chapter 22A. Two impacted trees are the subject of a Tree Variance request that will be reviewed as part of the FCP.

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

The relationships of building massing, common open spaces, and landscaping improvements will create an opportunity for important interactions between future residents of the Project and the existing community uses at the Property. Specifically, the Project will include ADA accessible walkways surrounding the proposed senior housing facility to encourage safe and easy access to the nearby amenities in the East County Community buildings. The Project will also include recreational amenities for its residents, including a community room, library, two fitness

facilities, and a business center. As noted, all access (vehicular, loading, pedestrian, and bicyclist) will be provided from Robey Road ensuring that there is sufficient access for the independent living facility for seniors. There is also an existing entrance along Gateshead Manor Way serving the East County Regional Service Center and Community Center, which can be used to access the Project. However, in light of the minimal traffic generated by the Project, it is not anticipated that the Gateshead Manor Way entrance will be used to access the Project. In order to ensure that there is safe access and circulation through the Property, access to the Property from Briggs Chaney Road is not proposed.

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

The Master Plan recommends retaining the existing R-30 zoning for the Property. The Master Plan references that the "East County Recreation Center adjacent to the park-and-ride lot is under construction and when completed, it will provide indoor and outdoor recreation facilities within walking distance of the Greencastle/Briggs Chaney community." See Master Plan, p. 42. Additionally, the Master Plan states "at the other end of the spectrum, elder care, housing for independent senior citizens, retirement homes, and nursing homes may be needed for the parents of current residents." See Master Plan, p. 11. Last, the Master Plan sets out the objective of encouraging housing for the elderly at appropriate locations and specifically provides that "[r]ecent studies of senior citizen preferences have indicated that, given a choice, people will choose to live near activity areas where they can participate in local events and use services independently." See Master Plan, p. 30.

The addition of an independent living facility for seniors at the Property conforms with these goals and objectives of the Master Plan because it will create an opportunity for senior citizens to live within walking distance of the East County Regional Service Center and Community Center. In addition to the Property's close proximity to these existing community activity centers, the proposed senior housing units will have convenient access to both Glenmont and Sliver Spring Metro Stations via various bus routes that stop at the adjacent Briggs Chaney Park and Ride lot. The Property is also served by a range of retail uses at the nearby Briggs Chaney Plaza.

Accordingly, the Application substantially conforms the Master Plan by providing housing for independent senior citizens near existing community facilities and activity areas where residents can participate in local events and use services independently.

8. The proposed 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. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage.

As provided in the Traffic Statement, the Project is located in the Fairland / White Oak Policy Area. The Traffic Statement demonstrates that the Project will generate 6 AM and 5 PM peak hour trips. Since the Project will generate fewer than 30 vehicular peak hour trips, this Application is exempt from Local Area Transportation Review ("LATR"). Since the Fairland / White Oak Policy Area is identified as inadequate under the TPAR roadway test, a mitigation fee equal to 50% of the transportation impact tax will be assessed to the Project. The Project will be reviewed under the 2012 – 2016 Subdivision Staging Policy since the Preliminary Plan application was filed prior to January 1, 2017.

Other public facilities and services are available and will be adequate to serve the Project. Since the Project is for senior housing, a review of the adequacy of public schools serving the Property is not applicable. Additionally, health clinics, police and fire rescue services are currently operating within the standards set by the Growth Policy Resolution currently in effect.

The Property is served by public water and sewer and is assigned WSSC categories W-1 and S-1. Public water and sewer line mains currently serve the Property, which will be adequate to serve the additional development proposed by the Project. Dry utilities including electricity, gas, and telephone are also available to the Property.

On August 9, 2016, the Montgomery County Department of Permitting Services ("MCDPS") approved a combined stormwater management / site development stormwater management plan

for the Project. The stormwater management system will treat on-site drainage through micro bioretention facilities and other structural measures that satisfy the County and State of Maryland water quality treatment criteria. Sediment control devices will be provided as required. The existing storm drain system will collect surface runoff from on-site areas.

9. On a property in a Rural Residential or Residential zone, the proposed development is compatible with the character of the residential neighborhood.

The Project is compatible with the character of the adjacent Residential Multi-Unit zoned properties. The independent living facility for seniors will have a building height of 35 feet, and incorporate architectural components and scale that is consistent with the existing day care center immediately to the west, Greencastle elementary school to the north, and the Hampton Point apartments that confront the Property across Gateshead Manor Way to the east. Moreover, the building will incorporate a brick exterior with architectural design that meets the 2015 Enterprise Green Communities Criteria, which will further enhance the Project's compatibility with the character of the adjacent residential neighborhood. Additionally, the Project includes a substantial setback of approximately 220 feet from Briggs Chaney Road as well as landscaping that will sufficiently buffer the Project from the General Retail zoned properties to the south. The Project will also be compatible with the existing public uses in the East County Regional Service Center and Community Center on the Property.

10. On a property in all other zones, the proposed development is compatible with existing and approved or pending adjacent development.

Since the Property is located in a Residential zone, this requirement is not applicable to the Project.

#### IV. <u>CONCLUSION</u>

The Applicant respectfully requests that the Planning Board grant approval of the Application, thereby allowing the construction of this mixed income independent living facility for seniors as permitted in the Zoning Ordinance. As explained above and in the plan submissions noted herein, the Project satisfies all of the findings that the Planning Board must make when approving the Application under the Zoning Ordinance.

This Project provides a unique opportunity to create senior housing units, with substantial Moderately Priced Dwelling Units, in proximity to the East County Community and Recreation Centers which will accomplish the objectives of the Master Plan. In addition to generating very few vehicle trips, the Project will be served by various bus routes that connect to Glenmont and Silver Spring Metro Stations which will encourage the use of transit. Given the Master Plan's recognition that senior citizens prefer to live near activity areas where they can participate in local events and access services independently, the Property is ideally suited for an independent living facility for seniors.

Respectfully submitted,

LINOWES AND BLOCHER LLP

By:

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tra Will

(301) 961-5124

SWallace@linowes-law.com

By:

Matthew Gordon 7200 Wisconsin Avenue, Suite 800

Bethesda, Maryland 20814

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MGordon@linowes-law.com

Attorneys for Applicant

# LINOWES | BLOCHER LLP ATTORNEYS AT LAW

## Attachment 3

May 8, 2017

Scott C. Wallace 301,961.5124 swallace@linowes-law.com

Mr. Casey Anderson, Chair Montgomery County Planning Board Maryland-National Capital Park and Planning Commission 8787 Georgia Avenue Silver Spring, Maryland 20910

Re:

Willow Manor; Preliminary Plan # 120170080

Site Plan # 820170050; Mandatory Referral # 2017003

#### Dear Chairman Anderson:

This letter is written on behalf of KB Companies, Inc., applicant for development of a multifamily senior housing project (the "Project") to be constructed on County-owned property located in the northeast quadrant of the intersection of Briggs Chaney Road and Roby Road that is currently improved with the East County Service Center, East County Recreation Center, and a Park and Ride Lot. The purpose of this letter is to request that the Planning Board consider any mandatory referral review that may apply to the "public" agency component of this Project (under Section 20-301, et seq., of the Land Use Article of the Md. Ann. Code) as part of the Planning Board's review of the above-referenced preliminary plan application and site plan application (together, the "Applications").

The applicant believes it would be in the public interest and would further "administrative economy" for the Applications and any mandatory referral review to be considered at the same time because: (1) the submission requirements for the Applications are very comprehensive (more comprehensive than the requirements for mandatory referral review); (2) the Project as proposed in the Applications is the same Project that would be considered under a separate mandatory referral review; and (3) the time allowed for the Planning Board to review the Applications is longer than the time allowed for the Planning Board to review a project under mandatory referral review. The applicant agrees to waive the 60-day review period required under Section 20-304 of the Mandatory Referral Review statute, in order to allow the Applications and any required mandatory referral review to be considered and acted upon at the same time by the Planning Board as part of the review of the Applications.



Mr. Casey Anderson, Chair Montgomery County Planning Board May 8, 2017 Page 2

Thank you for your consideration of this request.

Very truly yours,

LINOWES AND BLOCHER

Scott C. Wallow @

Scott C. Wallace

cc:

Ryan Sigworth Sandra Pereira Richard Weaver Patrick Byrne Jeff Kirby Scott Wolford



Signature

## **Montgomery County Planning Department**Maryland-National Capital Park and Planning Commission

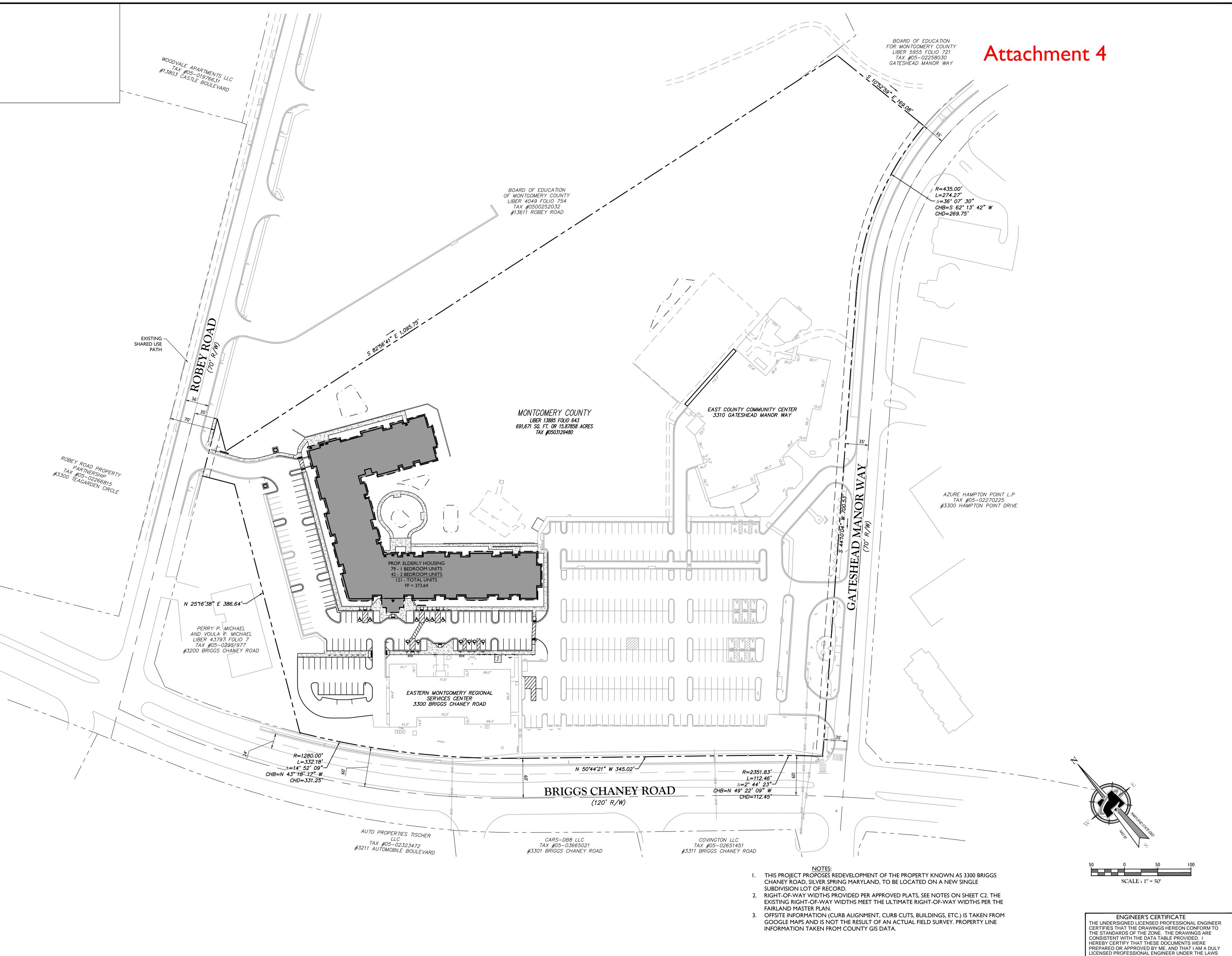
Effective: December 5, 2014

8787 Georgia Avenue

Phone 301.495.4550

Silver Spring, Maryland 20910-3760	9	omeryplanning.org		Fax 301.495.1306
REGULATORY PLAN		☑Request #1	Request	#2
File Number Date Received	VEN TEM	MCPB Hearing Date		
Plan Name: Willow Manor at Fai	rland	F	Plan No.	
This is a request for extension of	Project Plan Preliminary F		ketch Plan ite Plan	
The Plan is tentatively scheduled	for a Planning Board pub	olic hearing on: June	29, 2017	
The Planning Director may postp beyond 30 days require approval			ut Planning Board	approval. Extensions
Person requesting the extension Owner, Owner's Representation		·.)		
Scott C. Wallace, Esq., Linowes	and Blocher LLP			
Name 7200 Wisconsin Avenue, Suite	800	Affiliation/Organizatio	on	
Street Address Bethesda	COLUMN CO	Ma	aryland	20814
City		Sta	te	Zip Code
(301) 961-5124 (301) Telephone Number ext. Fax No.		ce@linowes-law.com		
We are requesting an extension t		ntil July 27, 2017		
Describe the nature of the extens	sion request. Provide a se	eparate sheet if nece	ssary.	
Extension requested to allo resubmission of plans.	ow plan revisions in re	esponse to Agenc	y Staff commei	nts and
Signature of Person Requestin	g the Extension			

#### **Extension Review**



Engineers ■ Planners ■ Surveyors

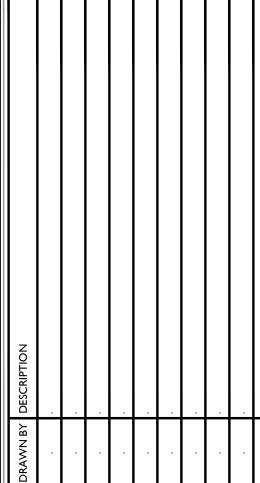
Landscape Architects ■ Environmental Scientists

■ Albany, NY ■ Chestnut Ridge, NY ■ Red Bank, NJ ■ Clinton, NJ ■ Hamilton, NJ Newburgh, NYHawthorne, NY ■ Marmora, NJ ■ Mt. Arlington, NJ ■ Lehigh Valley, PA■ Exton, PA ■ Mt. Laurel, NJ ■ Sterling, VA ■ Norfolk, VA ■ Philadelphia, PA

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■ Albuquerque, NM

FOR STATE SPECIFIC DIRECT PHONE NUMBERS VISIT:





EDUARDO J. INTRIAGO

MARYLAND PROFESSIONAL
ENGINEER - LICENSE NUMBER: 46513

#120170080 PRELIMINARY PLAN

WILLOW MANOR AT FAIRLAND

PARCEL 765 (SEE NOTE 1 ON COVER)

WSSC GRID: 218NE04 APPLICANT:K&B

COMPANIES, INC. SILVER SPRING

MONTGOMERY COUNTY MARYLAND

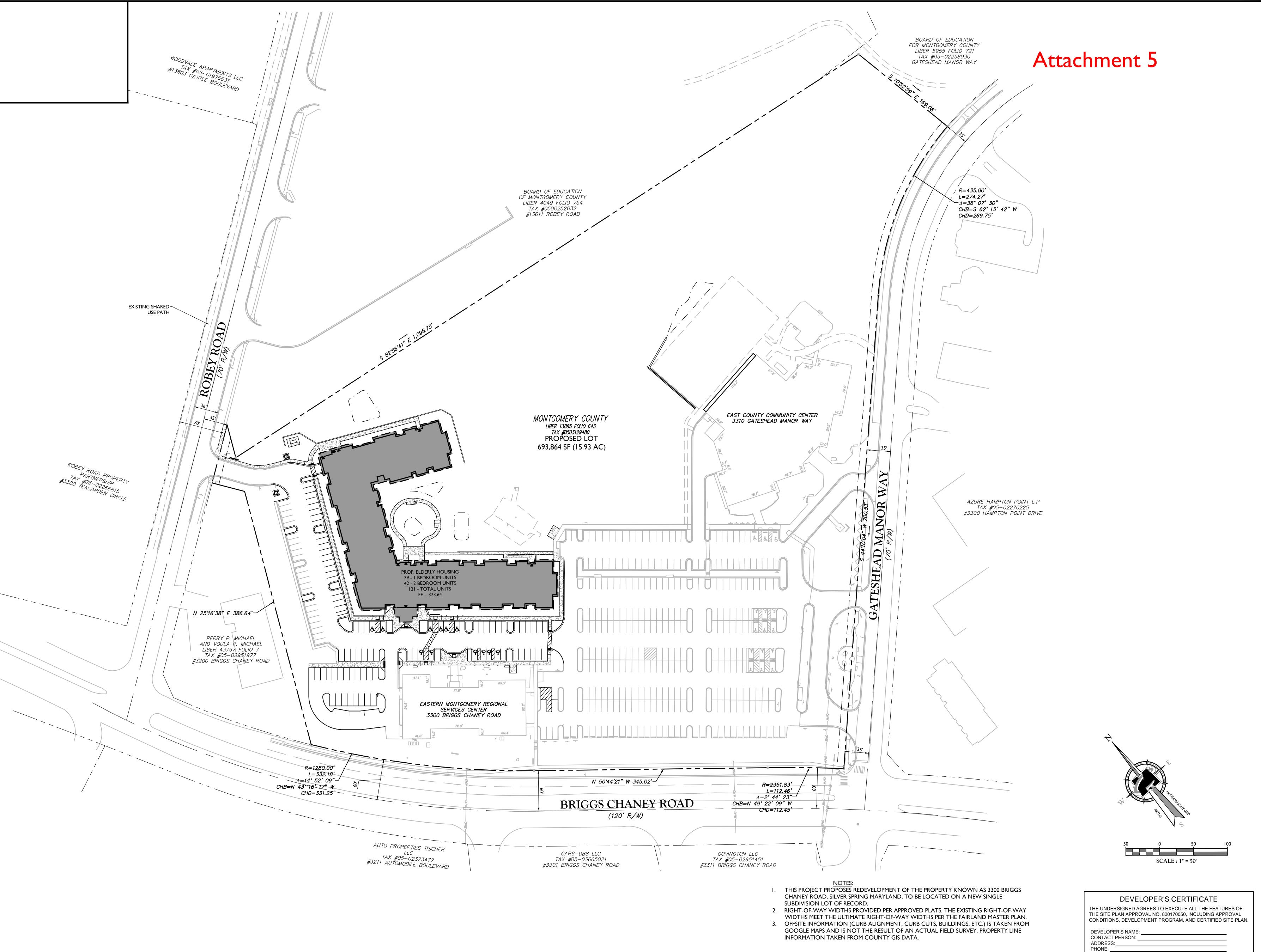


Sterling, VA 20166 Phone: 703.430.4330 Fax: 703.430.4339

2014\1400

OVERALL PRELIMINARY PLAN

OF THE STATE OF MARYLAND.





■ Red Bank, NJ ■ Clinton, NJ ■ Hamilton, NJ ■ Albany, NY■ Chestnut Ridge, NY ■ Newburgh, NY
■ Hawthorne, NY ■ Marmora, NJ ■ Mt. Arlington, NJ ■ Lehigh Valley, PA■ Exton, PA ■ Mt. Laurel, NJ ■ Sterling, VA ■ Norfolk, VA ■ Philadelphia, PA ■ Albuquerque, NM

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FOR STATE SPECIFIC DIRECT PHONE NUMBERS VISIT:



EDUARDO J. INTRIAGO

MARYLAND PROFESSIONAL
ENGINEER - LICENSE NUMBER: 46513

#820170050 SITE PLAN

**FOR** WILLOW MANOR AT**FAIRLAND** 

PARCEL 765 (SEE NOTE 1 ON COVER)

SILVER SPRING MONTGOMERY COUNTY MARYLAND



Suite 110 Sterling, VA 20166 Phone: 703.430.4330 Fax: 703.430.4339

DRAWING NAME: 2014\1400

OVERALL SITE PLAN

SIGNATURE:

#### Demand, Supply & Adequacy Report

#### Project Location Master Plan:

#### FAIRLAND MASTER PLAN

#### Proposed Residential Project - Units by Type and their Demand **Points**

Cocor		Season	Tens	Shittees	Tages	No. 10	Abets	-
Ph.	Townsom and Sage-Fanaly streated	- 1	- 18	.0	1.0	- 0	-1	0
190	Single-Filterry Collectival	- 1	18	3.	- 0	- 10	.2	- 16
H-Ret	Humple-Terrally, Subories or more	- 1	.0	. 8	- 0	- 6	- 4	. 0
Mallian	Multiplic-Family, it alteres by bear	121-	15.96	47.83	21.76	(A.01	9606	0.68

#### Existing Offsite Park Facilities and their Supply Points

Pure Tax Ele	Quantity	144	Olive	Times	Thomas	Adabs	Semmi
BitMys		1.8Mf	2.76	121	\$2.09	8.0	15.97
Spoom Field	-	T	111	30	75	16	7
Walantial Ct	-4	- 8.	- 23	30	-34	-12	5.
Sandari Freit	1		83	40	M	36	- 4
Playgrand	2	0.	18	6		W	4
Tellal Official Assorts Property		33.65	26.05	\$8.25°	119.89	nin	15.07
20% of Total Official Supply Paints:		4.64	38.80	94.79	40.74	3536	5.86
Man Africand Pile (1970s of Total December 1961)		6.78	9.10	2.85	20.07	25.20	236
Armed Ampropriate Driver, Deports The		0.00	6.71	1.60	18.07	100	1.0

#### Proposed Onsite Recreation Facilities and their Supply Points

Secretar facility	Q-etty	Time.	THE	Challen		Teams Page 10		_
Down Gross Area Lawet - Large (10,000 of)	1	30.00%	8.60	2.00	10.50	22	10.30	6/60
Nah, vsi firesa	1	10.00%	1.06	1.10	2.60	9.46	6.29	0,68
Nuts Purpose Lottly Asso.	1	266	2	0.	2	- 2	1	1
Iritament Carle	1	256		- 1	- 9		. 9	- 1
Public Art Seating - Author Multi-law:	- 2	10.00%	11	11	.11	111	-11	- 11
American Contract Warman and Art	1	UL00%	5.80	5.50	836	1.13	4.40	440

#### Results: Demand, Supply & Adequacy

Ağa Grecip	Trical Demand Points	Offsite Depth Fallets	Dearth Supply Points	Total Suppry Feeda	Adequacy
free	70.16	0.94	24,16	76.70	Administra
thirte:	27.69	1624	47.00	9781	Rassan
terms	23.76	TAR	45.00	47.81	500,00
Straig Adults	VEN.	30.67	61.66	84.7%	Administra
NAME	141.08	2045	15.00	166.62	Abicato
Gertes	0.00	139	27.33	30.60	Recode

- THE PROPOSED OPEN GRASS AREA ALLOTMENT NOTED IN THE ABOVE DEMAND, SUPRY, AND ADEQUACY REPORT IS BASED ON THE AREA WITHIN THE COURTYARD BEHIND THE SIDLIDING.

  PUBLIC ART SEATING IS BEIND MET THROUGH PROVISION OF THIS (2) SUPPORTS, NACTOR STANE UP BENCHESHINDEL COMA-8-192, CDLOR TO BIG GREEN).

  THE INTERACTIVE OUTDOOR MUBIC AND ART FACILITY IS MET THROUGH PROVISION OF AN UTRA PLAY STEEM PROCHED FORM.

  THE PROPOSED NATURAL AREA IS BASED ON THE PROVISION OF THE FOREST CONSERVATION FASCINGT.

### VICTOR STANLEY



CBNA-S-102

STANDARD

All fabricated metal components are seen austriaized, excled, ghoughwared, probated and electrostatically provide control with TGC polyector provide or OPTIONS

Internation assume (but on).

Country a toronton war

Attachment 6

Project Location is in Master Plan:



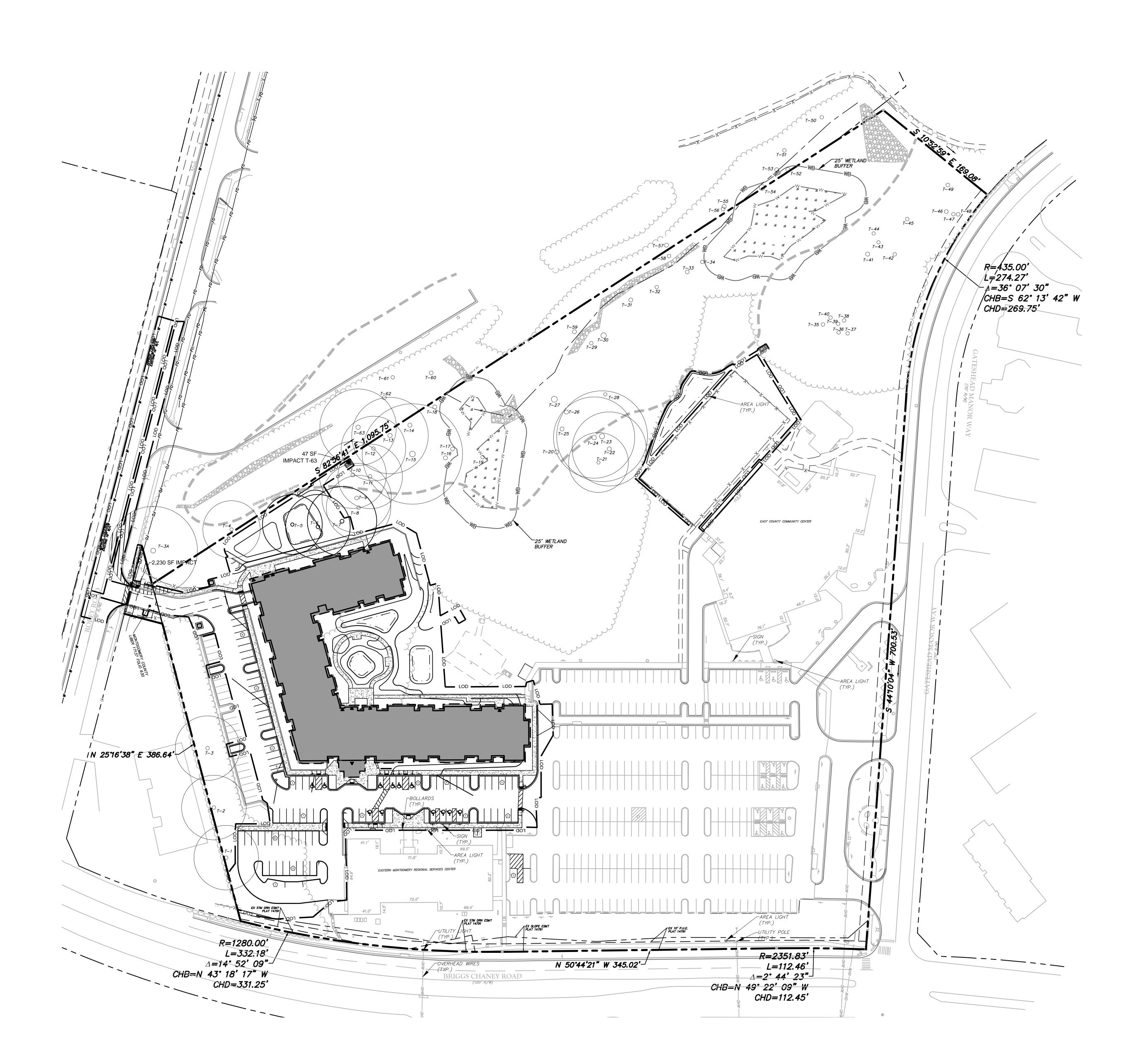






ULTRA PLAY SYSTEM "ROCKIN DRUMS"

# Attachment 7



## PLAN LEGEND

----- WETLAND BUFFER WOOD LINE

**\_\_\_\_x\_\_\_** EXISTING FENCE

EXISTING AREA LIGHT

**ROADWAY SIGNS** 

PROPOSED LOD

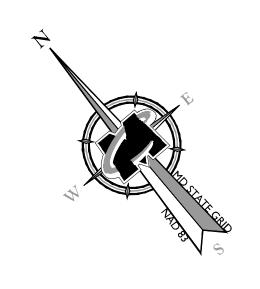
EXISTING POWER POLE AND GUY WIRES PROPERTY LINE

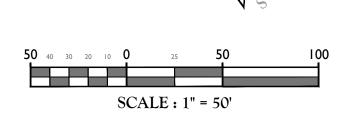
MAJOR CONTOUR MINOR CONTOUR OVERHEAD WIRE

	TREE IMPACT CHART (	>24" and <30" dbh)	
TREE #	CRITICAL ROOT ZONE AREA (SF)	IMPACT AREA (SF)	%
1	5,153	1,849	35.99
2	5,153	42	0.8%
3	5,153	243	4.7%
4	4,072	1,245	30.69
5	4,418	4,418	100%
6	5,153	5,153	100%
7	5,945	5,945	100%
8	5,153	1,233	23.99
9	5,945	897	15.19
10	5,542	548	9.9%
11	5,153	201	3.9%
12	5 153	85	1.6%



	TREE IMPACT CHART (≥30" dbh)					
TREE #	CRITICAL ROOT ZONE AREA (SF)	IMPACT AREA (SF)	%			
3A	9,677	2,230	23.0%			
63	7,238	47	0.6%			





## DEVELOPER'S CERTIFICATE

The undersigned agrees to execute all the features of Approved Final Forest Conservation Plan No. \_\_\_\_\_\_, including financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: KB COMPANIES, INC Printed Company Name Contact Person or Owner: PATRICK BYRNE

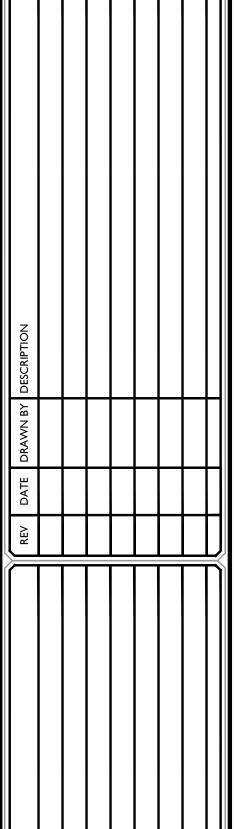
Printed Name 1123 ORMOND COURT, McLEAN, VA 22101 (703)556-9569 PBYRNECHI@AOL.COM Phone and Email:

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Philadelphia, PA
Columbia, MD
Tampa, FL

FOR STATE SPECIFIC DIRECT PHONE NUMBERS VISIT WWW.CALL811.COM





**FOREST** CONSERVATION PLAN **AMENDMENT** 

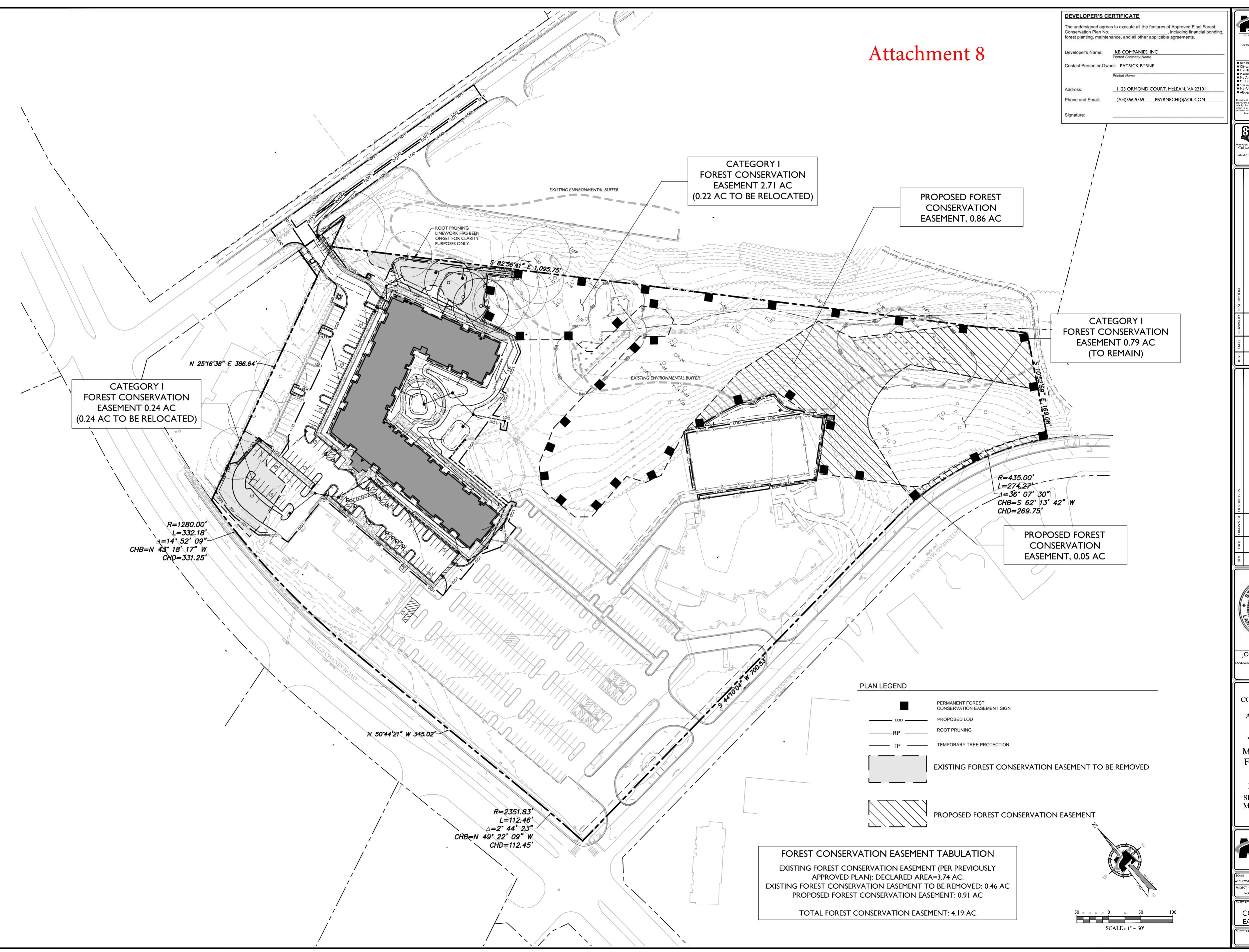
WILLOW MANOR AT **FAIRLAND** 

PARCEL 765 SILVER SPRING MONTGOMERY COUNTY MARYLAND



AS SHOWN 04/12/17 RCS
T NUMBER: DRAWING NAME: SPECIMEN TREE IMPACT AREA EXHIBIT CONSERVATION

PLAN C-2



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PROTECT YOURSELF

ALL STATES REQUIRE NOTIFICATION OF EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN ANY STATE Call before you dig.

FOR STATE SPECIFIC DIRECT PHONE NUMBERS VISIT

REV DATE DRAWN BY DESCRIPTION

OF MARY
NO. 349
NO. 34

JONATHAN JOLLEY

MARYLAND LICENSED

ANDSCAPE ARCHITECT - LICENSE NUMBER: 3497

FOREST CONSERVATION PLAN AMENDMENT

WILLOW MANOR AT FAIRLAND

PARCEL 765
SILVER SPRING
MONTGOMERY
COUNTY
MARYLAND



SCALE: DATE: DRAWN BY: CHECKED B'
AS SHOWN 04/12/17 RCS EI
PROJECT NUMBER: DRAWING NAME:
14001408A C-EFCP

FOREST
CONSERVATION
EASEMENT PLAN

C-3



## Attachment 9

#### DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh Director

April 27, 2017

Mr. Ryan Sigworth, Senior Planner Area 3 Planning Division The Maryland-National Capital Park & Planning Commission 8787 Georgia Avenue Silver Spring, Maryland 20910-3760

> RE: Preliminary Plan Letter Preliminary Plan No. 120170080 Willow Manor at Fairland

Dear Mr. Sigworth:

We have completed our review of the Preliminary Plan – most recently dated April 11, 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. Dimension the existing right-of-way and pavement width for Robey Road on the certified preliminary plan.
- 2. The revised Preliminary Plan shows additional parking proposed on the western portion of the existing Eastern Montgomery Regional Service Center. For the planned Bus Rapid Transit (BRT) and Park & Ride facility the total parking requirements forecasted for 2020 per the study is a minimum of two hundred (200) spaces. The existing Park & Ride parking spaces should not be shared by any other uses regardless of time of day usage.

We recommend that the applicant coordinate with Ms. Joanna Conklin, of Montgomery County DOT regarding the Bus Rapid Transit (BRT) parking on existing Park & Ride facility. Ms. Conklin can be reached at <u>joanna.conklin@montgomerycountymd.gov</u> or at 240-777-7195.

- 3. Storm Drain Analysis: The storm drain report was reviewed by MCDOT. Since the study indicates the subject site does not drain to a nearby downstream storm drain system maintained by Montgomery County DOT, we do not have any comments on the report. We defer to Montgomery County Department of General Services who is responsible for maintaining the downstream drainage facilities.
- 4. MCDOT Transit/Commuter Services Section recommends the following:
  - Provide a permanent information display in the lobby of the project for transportation-related information.
  - Allow Commuter services to promote alternative modes of transportation to on-site employees, residents and visitors to the project.

The applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-5800.

- 5. 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 in the vicinity of this project. Ms. Coletta may be contacted at 240 777-5800.
- 6. The sight distances studies have been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.

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 <a href="mailto:deepak.somarajan@montgomerycountymd.gov">deepak.somarajan@montgomerycountymd.gov</a> or (240) 777-7170.

Sincerely,

Gregory M. Leck, Manager

Development Review

Office of Transportation Policy

Mr. Ryan Sigworth Preliminary Plan No. 120170080 April 27, 2017 Page 3

 $Share Point \ensk{\color{Comments - Willow Manor at Fairland-03-21-2017}} \label{thm:colorwise} Share Point \ensk{\color{Comments - Willow Manor at Fairland-03-21-2017}} Share Point \ensk{\color{Comments - Willow Manor at Fairland-03-21-2017}} \label{thm:colorwise}$ 

cc:

Pat Byrne

KB Companies Inc

Audrey Jaramillo

Maser Consulting

**Greg Ossont** 

MCDGS DO

Preliminary Plan folder

Preliminary Plan letters notebook

cc-e:

Atiq Panjshiri

MCDPS RWPR

Sam Farhadi

MCDPS RWPR

Joanna Conklin

MCDOT RTS

Marie LaBaw

MCDPS Fire Dept. Access

Stacy Coletta

MCDOT DTS

Sandra Brecher

MCDOT CSS

Deepak Somarajan

MCDOT OTP



## MONTGOMERY COUNTY, MARYLAND

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION DEPARTMENT OF PERMITTING SERVICES

## SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Willow Manor @ Fairlan	Preliminary Plan Number: 1- 20170080				
Street Name: Briggs Chaney Road	Master Plan Road Classification: Arterial (A-86)				
Posted Speed Limit: 35 mph					
Street/Driveway #1 (Robey Road (30MPH)) Street/Driveway #2 ()					
Sight Distance (feet)  Right 335  Left 335  VES	Sight Distance (feet) OK? Right Left				
Comments:  This is an existing entrance which is not proposed to be altered in any way during the construction of this project.	omments:				
GUIDELINE	is				
Required   Sight Distance   in Each Direction*	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)				
ENGINEER/ SURVEYOR CERTIFICATE  I hereby certify that this information is accurate ar was collected in accordance with these guidelines  MARIONAL M	nd Approved				

Form Reformatted: March, 2000



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

DATE: 22-May-17

Eduardo Intriago - EIntriago@maserconsulting.co Maser Consulting, PA TO:

FROM: Marie LaBaw

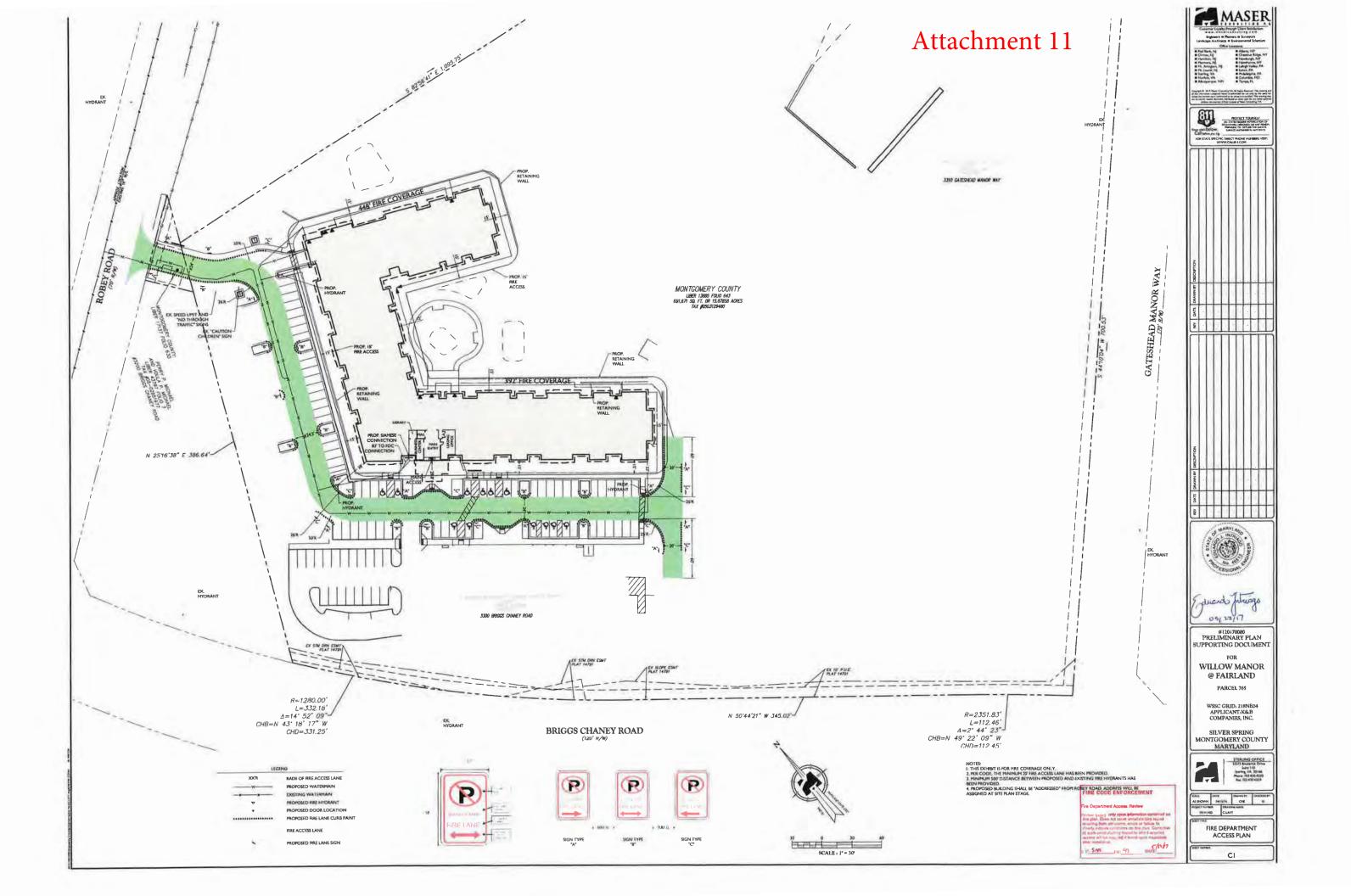
RE: Willow Manor at Fairlands

120170080

#### PLAN APPROVED

1. Review based only upon information contained on the plan submitted 22-May-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.





## Attachment 12

#### DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett County Executive

Diane R. Schwartz Jones

Director

May 18, 2017

Mr. Eduardo Intriago Masser Consulting, P.A. 22375 Broderick Drive, Suite 110 Sterling, VA 20166

Re:

REVISED COMBINED STORMWATER
MANAGEMENT CONCEPT/SITE
DEVELOPMENT STORMWATER
MANAGEMENT PLAN Request for Willow

Manor

Preliminary Plan #: 120170080

SM File #: 282071

Tract Size/Zone: 16.43/R-30 Total Concept Area: 3.36ac

Lots/Block: N/A Parcel(s): 765

Watershed: Paint Branch

Dear Mr. Intriago:

Based on a review by the Department of Permitting Services Review Staff, the **Revised** Combined Stormwater Management Concept/Site Development Stormwater Management Plan for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of micro bioretention.

The following **items** will need to be addressed **during** the final stormwater management design plan stage:

- A detailed review of the stormwater management computations will occur at the time of detailed plan review. The PE value must be based upon the impervious area for the lot and not the proposed limits of disturbance.
- 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.
- Existing infiltration trench # 1 is proposed to be removed with this proposed development. The removal must be clearly addressed in the sequence during the detailed plan submission stage.
- 5. The existing on site erosion issue was repaired by the Department of General Services. The repair will be re-evaluated during construction and if there are additional repairs required, they will be completed by the developer during the storm drain installation in that area.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY

Mr. Eduardo Intriago May 18, 2017 Page 2 of 2

6. It must be demonstrated during the detailed plan submission that safe conveyance of the outfall from micro bioretention # 6 is provided.

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the final stormwater management design 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 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 Thomas Weadon at 240-777-6309.

Sincerely,

Mark C. Etheridge, Manager Water Resources Section

Division of Land Development Services

MCE: TEW

cc: C. Conlon

SM File # 282071

ESD Acres:

3.36ac

STRUCTURAL Acres:

N/A

WAIVED Acres:

N/A



## Attachment 13

#### DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Clarence J. Snuggs
Director

May 31, 2017

Mr. Ryan Sigworth Area 3 Division Montgomery County Planning Department 8787 Georgia Avenue Silver Spring, Maryland 20910

Re:

Willow Manor at Fairland

Preliminary Plan No. 120170080

Site Plan No. 820170050

Dear Mr. Sigworth:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced Preliminary Plan and Site Plan and recommends Approval. The developer will need to execute an agreement with DHCA that meets the requirements of Chapter 25A prior to building permit.

Sincerely,

Lisa S. Schwartz

Lin Sol

Senior Planning Specialist

cc:

Eduardo Intriago, Maser Consulting

Audrey Jaramillo, Maser Consulting

Kenneth R. Vinston, DHCA

S:\Files\FY2014\Housing\MPDU\Lisa Schwartz\Willow Manor at Fairland DHCA Letter 5-31-2017.docx

**Division of Housing** 

Affordable Housing

Common Ownership Communities

Landlord-Tenant Affairs

Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • www.montgomerycountymd.gov/dhca





22375 Broderick Drive, Suite 110
Sterling, VA 20166
T: 703.430.4330
F: 703.430.4339
www.maserconsulting.com

## Attachment 14

May 8, 2017

#### **VIA ePlans**

Ms. Mary Jo Kishter Maryland National Capital Park and Planning Commission (M-NCPPC) 8787 Georgia Avenue Silver Spring, MD 20910

**Re:** Request for Tree Variance

Willow Manor at Fairland

MNCPPC NRI-FSD # 4-19961160

Preliminary Plan of Subdivision – Plan No.: 120170080

Site Plan – Plan No.: 820170050

Dear Ms. Kishter:

On behalf of KB Companies, Inc. and pursuant to Section 22A-21 Variance provisions of the Montgomery County Forest Conservation Ordinance, and recent revisions to the State Forest Conservation Law enacted by S.B. 666. Maser Consulting, P.A. (Maser) is requesting a variance(s) to allow impacts to or the removal of the following trees identified on the approved Natural Resource Inventory/Forest Stand Delineation and proposed Preliminary Forest Conservation Plan for the above-named County construction project:

## **Project Description**

The proposed Willow Manor at Fairland, an independent living facility for seniors is located at Parcel 765, and the triangular parcel located at Robey Road (approximately 2,193 square feet), in Silver Spring, in Montgomery County, Maryland. The subject property is approximately 15.93 acres, and is two (2) parcels presently owned by Montgomery County. The subject property is comprised of secondary growth woodlands, jurisdictional features, storm-water management facilities, and adjacent parking areas. There is approximately 6.34 acres of forest onsite, three (3) jurisdictional wetlands totaling 0.25-acres, and a perennial stream corridor approximately 604 linear feet in length with a buffer that extends in a northeasterly direction through the subject property. The subject property is surrounded by additional woodlands to the north, the East Montgomery County Service Center to the east, the Briggs Chaney Park & Ride and other parking lots to the south, and the Greencastle Elementary School to the north and northeast.



Ms. Mary Jo Kishter Maryland National Capital Park and Planning Commission MC Project No.: 14001408A

> May 8, 2017 Page 2 of 4

Proposed construction consists of a 109, 558 square feet of tax credit financed affordable elderly housing structure with 121 residential units, improved pedestrian circulation and parking, and proposed storm-water management facilities.

### Requirements for Justification of Variance

Section 22A-21(b) Application requirements states that the applicant must:

- Describe the special conditions peculiar to the property, which would cause the unwarranted hardship.
- Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas.
- Verify that State water quality standards will not be violated, or that a measurable degradation in water quality will not occur resulting from the granting of the variance.
- Provide any other information appropriate to support the request.

## Justification of Variance

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

**Response:** As part of this proposed project, the task of the developer was to provide the community with an affordable residential housing facility for adults over 62 years of age that can accommodate the growing elderly population of Montgomery County, as well as to create a modern, safe and healthy living environment for the future residents. Efforts have been made to minimize forested stream buffer impacts and work with the existing slopes. This buildable site area is restricted by slopes and a stream buffer that lead to a constrained fit for the proposed housing facility. As part of the proposed development, the proposed residential building is to be placed over existing unused surface parking that is to be removed to minimize increases in impervious cover on the site.

This work will require that the Critical Root Zone (CRZ) of two (2) specimen trees (i.e. #3a, #63) will be impacted, but not removed. This proposed impact to these two (2) CRZ's is due to construction activity within the existing parking lot, as well as proposed on-site required stormwater management facilities. Several designs were studied as part of the early design and feasibility period with specimen and significant trees, and stream buffer mapped, to work at minimizing the impacts. At the end of the study period, it was determined the present layout is sufficient for meeting the needs of the proposed affordable housing development, and the necessary support infrastructure.



Ms. Mary Jo Kishter Maryland National Capital Park and Planning Commission MC Project No.: 14001408A

May 8, 2017 Page 3 of 4

If KB Companies, Inc. is not allowed to impact the CRZ's of #3a and #63 as requested, the onsite storm-water management facility supporting the affordable housing project will not be able to be constructed. This is due to the proposed facility's relative proximity to tree #3a and #63. As such, this would cause an unwarranted hardship to the community that it serves.

2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas.

**Response:** If the project developer were required to keep all improvements outside the critical root zone (CRZ) of trees #3a and #63, the storm-water management facility would fail to be built due to its relative proximity to these trees.

3. Verify that State water quality standards will not be violated, or that a measurable degradation in water quality will not occur, resulting from the granting of the variance.

Response: The forested stream buffer has been protected. The impact to the existing non-recorded forest conservation easement has been minimized. An additional 0.91 acres of forest conservation area has been proposed with this application to mitigate such impacts which will provide an ultimate forest conservation easement totaling 4.19 acres. In addition, the proposed affordable elderly housing project will be constructed in accordance with the latest Maryland Department of the Environment criteria for storm-water management. This includes Environmental Site Design (ESD) to provide for the protection of natural resources to the Maximum Extent Practicable. this also includes limiting the impervious areas and providing on-site storm-water management systems. In addition, this also includes limiting the impervious areas and providing on-site storm-water management Systems. A Storm-water Management Concept is currently under review by the Montgomery County Department of Permitting Services (DPS) to ensure that this criterion is enforced. Therefore, the proposed activity will not degrade the water quality of the downstream areas and will not result in measurable degradation in water quality.

4. Provide any other information appropriate to support the request.

**Response:** The proposed project was designed to avoid impact to the significant trees for which a variance is requested with the application. After multiple iterations to meet the stormwater management requirements, two (2) additional bio-retention facilities were required. The only plausible location for such facilities was at the northwest corner of the proposed building where the significant trees are to be impacted. The existing forest located on-site will be preserved to the greatest extent possible. Additional forest planting, and a substantial native landscape planting plan will serve to create greater ecological quality while establishing further buffering of adjacent land uses (school and residential).



Ms. Mary Jo Kishter Maryland National Capital Park and Planning Commission MC Project No.: 14001408A

May 8, 2017 Page 4 of 4

#### Additional Criteria Considered

As further basis for its variance request, the applicant can demonstrate that it meets the Section 22A-21(d) Minimum criteria, which states that a variance must not be granted if granting the request:

• Will confer on the applicant a special privilege that would be denied to other applicants.

**Response:** The proposed Willow Manor at Fairland is in conformance with the County's General plan. As such, this is not a special privilege to be conferred on the applicant.

• Is based on conditions or circumstances which are the result of the actions by the applicant.

Response: KB Companies, Inc. has taken no actions leading to the conditions or circumstances that are the subject of this variance request.

• Arises from a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

**Response:** The surrounding land uses do not have any inherent characteristics or conditions that have created, or contributed to the need for a variance.

• Will violate State water quality standards or cause measurable degradation in water quality.

**Response:** Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality.

Should you have any questions or require any additional information please do not hesitate to contact our office.

Very truly yours,

MASER CONSULTING P.A.

Jonathan M. Jolley, PLA

Principal Associate

## M-NCPPC

Property Name: PP No.

Tree #3a Willow Manor #120170090 Fagus grandifolia-American beech DBH-37" Preparer's Name: Mark S. Romulus

Date:

5/3/2017

## **Specimen/Champion/Historic Tree Condition Analysis**

Scoring System

No apparent problems = 4
Minor problems = 3
Major problems = 2
Extreme problems = 1

#### Factor 1: Roots

Root anchorage; Collar/flare soundness; Mechanical injury; Girdling/kinked roots; Compaction/waterlogged roots; Toxic gases/ chemical symptons; Presence of insects or disease;

Mushrooms

#### Comments:

$$\frac{3}{\text{Structure}} + \frac{3}{\text{Health}} = \frac{6}{\text{Subtotal}}$$

#### Factor 2: Trunk

Sound bark and wood; Cavities; Mechanical or fire injury; Cracks (front or other); Swollen or sunken areas; Presence of insects or disease; Conks

#### Comments:

$$3 + 4 = 7$$
Structure + Health = Subtotal (1-4) (2-8)

#### **Factor 3: Scaffold Branches**

Strong attachments; Smaller diameter than trunk where attached; Vertical branch distribution; Free of included bark; Free of decay and cavities; Well pruned; Well-proportioned/proper taper; Wound closure; Deadwood or fire injury; Insects or Disease

#### Comments:

#### **Factor 4: Small Branches and Twigs**

Vigor of current shoots; Well distributed through canopy; Appearance of buds (color, shape, size for the species); Presence of insects or disease; Presence of weak or dead twigs

#### Comments:

$$\frac{4}{\text{Health}} = \frac{4}{\text{Subtotal}}$$

$$\frac{(1-4)}{(2-8)}$$

#### Factor 5: Foliage and/or Buds

Size of foliage/buds; Coloration of foliage; Nutrient status; Herbicide, chemical, pollution injury; Dry buds; Presence of insects or disease

#### Comments:

#### **Total points assessed for five Factors:**

(8-32)

Final condition score\*:

**84.375** (25-100)

(\*=Divide subtotal points by 32 (total possible pts) and multiply by 100)

### Manually enter overall condition rating<sup>1</sup>:

<sup>&</sup>lt;sup>1</sup> Per Tech Manual: 90-100= Excellent; 80-90=Good; 70-80=Fair; 70-80=Poor

M-NCPPC

Property Name:

Tree #63 Willow Manor Liriodendron tulipifera Yellow Poplar Preparer's Name: Mark S. Romulus

5/3/2017

DBH-32"

PP No.

#120170090 Date:

## Specimen/Champion/Historic Tree Condition Analysis

Scoring System

No apparent problems = 4
Minor problems = 3
Major problems = 2
Extreme problems = 1

Factor 1: Roots

Root anchorage; Collar/flare soundness; Mechanical injury; Girdling/kinked roots; Compaction/waterlogged roots; Toxic gases/ chemical symptons; Presence of insects or disease;

Mushrooms

Comments:

$$\frac{3}{\text{Structure}} + \frac{3}{\text{Health}} = \frac{6}{\text{Subtotal}}$$

Factor 2: Trunk

Sound bark and wood; Cavities; Mechanical or fire injury; Cracks (front or other); Swollen or sunken areas; Presence of insects or disease; Conks

Comments:

$$\frac{3}{\text{Structure}} + \frac{3}{1} = \frac{6}{\text{Subtotal}}$$

**Factor 3: Scaffold Branches** 

Strong attachments; Smaller diameter than trunk where attached; Vertical branch distribution; Free of included bark; Free of decay and cavities; Well pruned; Well-proportioned/proper taper; Wound closure; Deadwood or fire injury; Insects or Disease

Comments:

**Factor 4: Small Branches and Twigs** 

Vigor of current shoots; Well distributed through canopy; Appearance of buds (color, shape, size for the species); Presence of insects or disease; Presence of weak or dead twigs Comments:

Factor 5: Foliage and/or Buds

Size of foliage/buds; Coloration of foliage; Nutrient status; Herbicide, chemical, pollution injury; Dry buds; Presence of insects or disease Comments:

**Total points assessed for five Factors:** 

Final condition score\*:

**81.25** (25-100)

(\*=Divide subtotal points by 32 (total possible pts) and multiply by 100)

## Manually enter overall condition rating<sup>1</sup>:

<sup>&</sup>lt;sup>1</sup> Per Tech Manual: 90-100= Excellent; 80-90=Good; 70-80=Fair; 70-80=Poor

## Attachment 15



#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett County Executive

Lisa Feldt Director

May 19, 2017

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

RE: Willow Manor at Fairland, ePlan 120170080, NRI/FSD application accepted on 4/4/2016 and application to amend FCP accepted on 12/8/2016

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.

255 Rockville Pike, Suite 120 • Rockville, Maryland 20850 • 240-777-0311 • 240-777-7715 FAX www.montgomerycountymd.gov/dep



- 3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
- 4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon meeting 'conditions of approval' pertaining to variance trees recommended by Planning staff, as well as the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,

Laura Miller County Arborist

- Wilh

cc:

## Attachment 16



# **Montgomery County Planning Department**Maryland-National Capital Park and Planning Commission

Page 1 of 2

8787 Georgia Avenue Silver Spring, Maryland 20910-3760

Signature of Person Requesting the Extension

Signature

Phone 301.495.4550

Effective: December 5, 2014

Silver Spring, Maryland 20910-3760	<u>_</u>	glo.phanning.org		Fax 301,495,1300
REGULATORY PLAN	EXTENSION REC			
	The state of the s	☑Request #1	i □Reques	it #2
File Number		edically and up a fight		
Date Received		MCPB Hearing Date		
Plan Name: Willow Manor at Fai	rland		Plan No.	
This is a request for extension of			Sketch Plan Site Plan	
The Plan is tentatively scheduled	for a Planning Board pub	lic hearing on: Jun	e 29, 2017	
The Planning Director may postp beyond 30 days require approval	one the public hearing for from the Planning Board	up to 30 days with	out Planning Board	l approval. Extensions
Person requesting the extension of the e		.)		
Scott C. Wallace, Esq., Linowes	and Blocher LLP	Affiliation/Organiza	No.	·····
7200 Wisconsin Avenue, Sulte	800	Amiliation/Organiza	tion	
Street Address Bethesda		N	Maryland	20814
City (301) 961-5124 (301)	) 654-2801 swallad	s ce@linowes-law.co	itale m	Zip Code
	umber E-mail			
We are requesting an extension	for 1 months u	ntil July 27, 2017		
Describe the nature of the extens	sion request. Provide a se	eparate sheet if nec	essary.	
Extension requested to alk resubmission of plans.	ow plan revisions in re	esponse to Ager	ncy Staff comme	ents and
				<del></del>

#### **Extension Review**

From: Dan Wilhelm

To: Sigworth, Ryan

Cc: Conklin, Joana; Jewru Bandeh; andrew.bossi; Axler, Ed; Hodgson, Laura; Peter Myo Khin

Subject: RE: Willow Manor Development

Date: Thursday, February 09, 2017 4:50:59 PM

Typo in email address. resending

From: Dan Wilhelm [mailto:djwilhelm@verizon.net] Sent: Thursday, February 09, 2017 4:05 PM

To: Ryan Sigworth

Cc: Conklin, Joana; Jewru Bandeh; Andrew.Bossi; Axler, Ed; Hodgson, Laura; Peter Myo Khin

Subject: Willow Manor Development

#### Ryan:

This is to follow up with you concerning the Willow Manor Preliminary Plan for 121 senior housing units. These units would be located in a new building on County land that is presently used for parking for the East County Regional Service Center (ECRSC). The development is proposing to eliminate 98 existing parking spaces so that the new building could be built there. There has been at least three community meetings with the developer on this project and there has been wide-spread concern about the number of parking spaces being removed. Most community members agrees that not all the existing parking spaces are needed but that number is much less than 98. Thus the concern is that there will not be enough remaining spaces to support the other public uses at this site. The developer keeps pointing to what is used today and the community indicates that today's situation is not what needs to be considered. Rather parking needs for planned and committed uses needs to be considered, since it will be higher.

There are three uses for this county site and each has its own set of parking spaces. The three lots are interconnected so people can travel between them and use available spaces in the other lots if needed, assuming empty spaces exist. The number of spaces in the three lots are:

ECRSC: 181 spaces

Community Center: 62 spaces Park and Ride Lot: 244 spaces

If 98 spaces are eliminated from the ECRSC, that leaves only 83 spaces. A number of these spaces are used for police cars and county staff working in the building. The number and intensity of the uses within the ECRSC is increasing. I have copied Jewru Bandeh, the ECRSC Director, on this email so he can list the uses both now and planned. Last night he indicated that there are more day-time uses coming to the center.

The Park and Ride Lot is currently used for people riding Ride-On and Metrobus. While these transit uses typically don't use all 244 spaces today, that will surely change when a Bus Rapid Transit (BRT) Station is installed there and BRT vehicles start providing frequent service in 2020. BRT is a high priority of the County Executive. There is a CIP project before Council that asks for the last of the funds to implement BRT on US29, which includes this stop. DOT is targeting to have the BRT service

operational in the late 2019 or early 2020 timeframe. When that happens, the expectation is that the lot will be fully used. Therefore, it is not reasonable to assume that people going to the ECRSC can park in the park and ride lot during the workday. There would be some unused parking spaces after the evening rush period that could be used by those people. I have copied Joana Conklin, RTS Service Manager, on this email so she can confirm what I am saying.

I have limited knowledge about the use of the Community Center but based upon my discussions with the staff at that site, it gets heavy use after school is out, which would be before the park and ride starts empting out.

You indicated in our discussion that this topic needs more discussion. I hope this information will add to that discussion.

If you have any questions, please call me at 301-384-2698.

From: Sylvia Saunders
To: Sigworth, Ryan

**Subject:** Willow Manor Senior Housing Project #120170080

**Date:** Tuesday, February 14, 2017 1:31:23 PM

Hello Mr. Sigworth,

My name is Sylvia Saunders and am director of the East County Village Seniors located in the Briggs Chaney, Silver Spring area in which the subject housing project is planned.

While I have been communicating with other offices of the county (just found out about your office at a meeting 2/8/17), the Regional Services Center (ECCAB) and Housing and Planning as well as the developer and consulting firm, it is crucial that my organization inform you of the parking issue associated with this development.

East County Village Seniors is an "aging in place" organization consisting of over 40 senior members in eastern Montgomery County who utilize the facilities at the East County Community Center which is accessible from two directions - Robey Road and Gateshead Manor Rd which is accessible only from Briggs Chaney Rd. We exercise at the community center thrice weekly, meet the first Monday of each month and another senior group meets twice weekly at the center. We also have wellness and safety classes conducted at the center through Holy Cross and county resources.

Our concern is that if this new building is constructed in the RSC parking lot as planned, it will cut off access from Robey Rd to the community center (CC) and make it impossible to get to the CC from Briggs Chaney (BC) Rd, as turning LEFT onto BC is asking for an accident. It is a very dangerous crossing.

I would like to submit more detailed concerns and comments based on research and meetings with those involved with the planning of this development and a suggestion to enable the construction with a slight modification - if Planning is open to discussion, benefiting all involved.

Look forward to your response. You may continue to ignore my phone messages and respond via email.

thanx,

Sylvía Saunders

East County Village Seniors scsaunders33@outlook.com

From: Sylvia Saunders
To: Sigworth, Ryan
Cc: Anderson, Casey

**Subject:** Parking Spaces in East County

**Date:** Tuesday, February 21, 2017 2:45:08 PM

#### Ryan,

Hope you received my email from last week regarding Willow Manor at the Regional Services Center parking lot.

During our phone conversation you mentioned that none of the parking spaces are designated for any particular building/facility; that they are considered as one parking lot.

The problem with that concept is that each of the facilities have designated parking that is separated by curbs with grass and some have scrawny trees; driveways/roadways; and only the RSC parking area with 181 spaces and Park and Ride parking area with 244 parking spaces can be navigated from one row to the next as only they have multiple rows of spaces within those parking areas. The Community Center has one lane of parking with parking on both sides of the lane separated by a driveway at the end of the building with curbs to accommodate about 22 cars in the first section and 40 cars in the second half for a total of 62 spaces, of which those at the end are too far for some seniors to walk. In addition, the Community Center's parking is separated from P&R by a small incline on the side opposite the building that includes a grassy area with a few of those scraggly trees and at the end by a driveway with curbs and trees that enables passage to the Park and Ride or the RSC and exit to Robey Rd. At Gateshead Manor, there are two (2) entrances - one to the Park and Ride and the second to the Community Center. Only one lane in the P&R allows a commuter to drive directly from that lot to the RSC and it has two big speed bumps - one at the driveway that separates the parking lots and the second in the RSC lot just before turning to exit to Robey Rd. In other words, if you enter the RSC from Robey and take the back lane thru to the P&R, you will hit two speed bumps, which is good as it causes drivers to slow down. If you drive in front of the RSC, you will only have one speed bump. Anyway you enter any of the parking lots, it is a circuitous drive that forces you to drive to the end of the parking area to change to another parking area. It is not just one big happy parking area.

I know this may sound strange, but you have to have driven thru these parking areas to know that they are very specific and how to navigate them. What I saw of the developer's plans was confusing and obfuscating. They didn't do the Parking Study, but that was even more obscure and inaccurate.

If you have questions or concerns, please contact me.

thanx,

Sylvía Saunders

East County Village Seniors scsaunders33@outlook.com (301) 890-8933

From: Sylvia Saunders
To: Sigworth, Ryan
Cc: Anderson, Casey

Subject: CORRECTIONS TO PREV EMAIL

Date: Wednesday, February 22, 2017 4:08:40 PM

#### Ryan and Casey,

Would like to make a couple of corrections/clarifications to my letter last week and email yesterday:

- (1) On page 2 of my letter regarding the Safeway no longer present in the BC Shopping Center and "no other chain or large supermarket showing interest" that has changed. A Global Foods market is forthcoming in March. I am not familiar with it, however, it is a grocery store.
- (2) In my email I said there is "only <u>one</u> lane in the P&R" enabling access to the RSC. I stand corrected: it is **two** thru lanes. Both of these lanes have STOP signs with one speed bump at the sign as you enter the driveway that separates the RSC parking from the P&R parking. Visitors going to the Community Center must make a left turn into the driveway, cross over the two thru P&R lanes and then turn right to enter into the CC parking area.

Apologize if this has been an inconvenience, but felt compelled to make my corrections and set the record straight whether it makes a difference or not.

Appreciate your consideration. Once again, contact me if needed.

thanx,

Sylvia Saunders
East County Village Seniors
scsaunders33@outlook.com

ATTN: Casey Anderson, Chair, MC Planning Board Ryan Sigworth, Lead Project Reviewer, MC Park and Planning

RE: Willow Manor Preliminary Plan for Senior Housing Project #120170080
TB Located in the EC Regional Services Center Parking Lot at Briggs Chaney Road

I am the president of the East County Village Seniors, a nonprofit organization established in the Briggs Chaney area whose primary goal is to enable seniors to age in place. We have been warily watching and attending meetings regarding the referenced housing development over the past year and a half and had hoped that the idea of constructing this apartment building in the middle of the parking lot at the East County Regional Services Center had been scraped.

However, a preliminary plan meeting was scheduled for February 8, 2017, which I attended and was more prepared than in the past (I was calm). With the realization that the County is determined to build this housing development in the midst of a parking lot unlike all of the other buildings in the general area is indeed an anomaly.

- First there is a stark difference in the architecture of the planned structure compared to the four (4) current structures (the RSC, Greencastle Elementary School, Community Center and the Day Care) on that plat of land. They are all brick, one-story (school, maybe two) buildings and the new housing is going to be siding with a few bricks thrown in at the base according to the developer, for compatibility. However, plans for the new building are for **3-stories**, towering well above all of the other buildings in this area. (On Feb. 15, I spoke with Ryan Sigworth who explained that there is a height limitation in that area of 35 feet.) Ergo, the height of the existing buildings.
- Second is the parking. The developers, contractors, etc. and representatives from the county came to the East County Community Center (ECCC) to speak with us and we had many questions regarding the parking as we do not want to see access to the Community Center compromised. We have the developer's word and Ryan's confirmation that Robey Rd access will be available, just circuitous. We don't know who to trust as things apparently change at the whim of the contractors. The number of spaces the building is to occupy was 90 leaving 91 of the current 181 spaces available in the RSC parking lot for tenants of the housing unit and the RSC. Today, Ryan, informed me that the housing complex would occupy 98 spaces. Scott Wolford, of Maser Consulting, repeated and confirmed 90 spaces at the Feb.8 meeting. I am not certain how big a difference eight parking spaces would make in this particular construction, but ambiguous and incorrect facts can make a difference. Any way you look at this scenario, there are insufficient available spaces for the 121 residents of the housing development. Where will delivery drivers park and employees of the RSC if they intend to remain open and expand services; maintenance personnel servicing the buildings and the Manna Food truck that delivers food to the underprivileged in the area on Fridays? What about emergency vehicles? It is going to be so close in that small area that it will be a nightmare. Nobody

wants to walk a distance, especially seniors with bags of groceries - forget at night, and service providers carrying tools, furniture or any other heavy or cumbersome item and bulky equipment - from the Community Center parking lot or Park and Ride to the apartment building. These are things the MC government needs to consider before embarking upon an apartment building of this size in this particular space. You can bet anyone considering moving there certainly will take all of these tasks into consideration.

• This is already a high crime area - with most of the crime coming from the many apartment buildings on Castle Blvd. The Briggs Chaney Shopping Center is a crime attraction. The Safeway was the anchor store in the shopping center for the small (mostly fast food) retail stores there, but Safeway left about a year ago and so far no other chain or large supermarket has shown interest. Therefore, the new residents of the housing development will have to have cars (the developer said they were not providing transportation) to enable them to travel to Burtonsville or Cherry Hill Rd. for major grocery shopping. The police used to have a substation in the RSC, but relocated to their new facility in White Oak and leaving a few cars in the RSC parking lot does not and has not deterred crime in the area.

I would hope the County would give more thought to this project if indeed more "affordable" senior housing is needed in East County and consider constructing the new building above or around the RSC, or a new building on the current Regional Services Center site. This consideration would alleviate all of the issues stated above and make a lot of current senior residents in the East County-Briggs Chaney area happy as well as the youth and adults who patronize the EC Community Center six days a week. As only a very few employees work at the RSC with a nominal amount of services offered there - and the building only open at certain times a couple of days a week - the displacement of those few employees would be minimal as opposed to the many frequenting the Community Center. Those displaced certainly should be able to find office space at another county facility until the new building is constructed.

Thank you for your consideration and I sincerely hope that the decision the MNCPPC-MC Planning Board makes regarding this project is sound financially and economically and one with which we can all live.

Thanking you sincerely,

Sylvia C. Saunders East County Village Seniors