



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

MCPB No. 18-033  
 Site Plan No. 82017005A  
 Willow Manor at Fairland  
 Date of Hearing: May 3, 2018

MAY 08 2018

**RESOLUTION**

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

WHEREAS, on July 31, 2017, the Planning Board, by Resolution MCPB No. 17-071, approved Site Plan No. 820170050, for the development of a portion of property at 3300 Briggs Chaney Road for 116 senior adult apartment building dwelling units including a minimum of 13.2% MPDU's on 15.93 acres of R-30 zoned-land, located at 3300 Briggs Chaney Road ("Subject Property"), in the Fairland/Colesville Policy Area and *1997 Fairland Master Plan* ("Master Plan") area; and

WHEREAS, on March 7, 2018, KB Companies, Inc. ("Applicant") filed an application for approval of an amendment to the previously approved site plan to increase the dwelling unit count from 116 to 121 senior adult apartment building dwelling units including 16 MPDU's and minor landscape/site modifications on the Subject Property; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82017005A, Willow Manor at Fairland ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated April 20, 2018, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 3, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

Approved as to  
 Legal Sufficiency:

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82017005A for an increase in the dwelling unit count from 116 to 121 senior adult apartment building dwelling units including 16 MPDU's and minor landscape/site modifications by modifying the following conditions:<sup>1</sup>

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

- 1) Preliminary Plan Conformance  
The Applicant must comply with the conditions of approval for Preliminary Plan No. 12017008A.

### **Density & Housing**

- 8) Moderately Priced Dwelling Units (MPDUs)  
The Planning Board accepts the recommendations of the Department of Housing and Community Affairs (DHCA) in its letter dated March 16, 2018, 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.

### **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-82017005A-001, 09-ARCH-82017005A-002, and 09-ARCH-82017005A-003 of the submitted architectural drawings, as determined by M-NCPPC Staff. All remaining architectural sheets in Site Plan No. 820170050 remain unaltered. Specifically, the Applicant must provide at a minimum the following building elements:

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

1. Maximum building height of 35 feet as measured by MCDPS.
- 11) Landscaping
  - a. The Applicant must install the site elements and plantings as shown on the landscape plans submitted to MNCPPC or an equivalent. Any variation in plant species or quantity needs approval of M-NCPPC Staff.
- 15) Certified Site Plan

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

  - a. The Applicant shall remove all “redline” identification bubbles and identifiers from all sheets with the exception of all Amendment Change List tables.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Willow Manor at Fairland, Site Plan No. 82017005A, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

*Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.*

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

The approval of the Site Plan Amendment findings for recreation guidelines, common open space, vehicle parking, and forest conservation apply to the entire Subject Property of 15.93 acres being reviewed as part of this Application. All other findings are based on the 15.93 acre 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 Amendment conforms to all conditions of Preliminary Plan Amendment 12017008A, and adheres to Final Forest Conservation Plan No. 820170050.

- 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 1, shows the Site Plan Amendment's conformance to the development standards of the zone as well as compares the Site Plan Amendment to the approved Site Plan including the development standards of Section 4.4 Residential Zones, and Section 6.2 Parking.

<b>TABLE 1 - Section 4.5 Zoning Data Table: R-30</b>			
<b>Optional Method Apartment</b>	<b>Required</b>	<b>Approved with Site Plan #820170050</b>	<b>Proposed with Site Plan Amendment #82017005A</b>
<b>1. Site</b>			
<b>Dimensions (min)</b>			
Usable Area <sup>2</sup>	11,700 sq. ft.	693,864 sq. ft.	693,864 sq. ft.
<b>Density (max)</b>			
Density (units/acres of usable area)	17.69	7.28	7.60
<b>Open Space (min)</b>			
Common Open Space, Site >10,000 sq. ft.	25%, 173,466 sq. ft.	37.4%, 259,594 sq. ft.	37.4%, 259,594 sq. ft.
<b>Site Coverage (max)</b>			
Site Coverage	18%	10.9%	10.9%
<b>2. Lot</b>			
<b>Dimensions (min)</b>			
Lot Area	12,000 sq. ft.	696,057 sq. ft.	696,057 sq. ft.
Lot width at front building line	To be Determined at Site Plan	789.66 feet	789.66 feet
Lot width at front lot line	50 feet	789.66 feet	789.66 feet
Frontage on street or open space	Required	Achieved	Achieved
<b>Coverage (max)</b>			
Lot	N/A	N/A	N/A
<b>3. Placement</b>			
<b>Principal Building Setbacks (min)</b>			
Front setback from public street	Determined at Site Plan	34.31 feet	34.31 feet
Front seatback from private street or open street	Determined at Site Plan	N/A	N/A
Side street sideback	Determined at Site Plan	142.25 feet (from Robey	142.25 feet (from Robey

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

<b>TABLE 1 - Section 4.5 Zoning Data Table: R-30</b>			
<u>Optional Method Apartment</u>	<u>Required</u>	<u>Approved with Site Plan #820170050</u>	<u>Proposed with Site Plan Amendment #82017005A</u>
		Road)	Road)
Side or rear setback	Determined at Site Plan	62.11	62.11
Side or rear setback, abutting property not included in application	Equal to req. setback for detached house building type in the abutting zone under standard method and Section 4.1.8.A	N/A	N/A
Rear setback, alley	N/A	0 feet	0 feet
<b>Accessory Structure Setbacks (min)</b>			
Front setback	N/A	0 feet	0 feet
Side street setback	N/A	0 feet	0 feet
Side or rear setback	N/A	0 feet	0 feet
Side or rear setback, abutting property not included in application	N/A	0 feet	0 feet
Rear setback alley	N/A	0 feet	0 feet
<b>Parking Setbacks for Surface Parking Lots (min)</b>			
Front setback	30 feet	30.73 feet (Briggs Chaney Road)	30.73 feet (Briggs Chaney Road)
Side street setback	10 feet	87.91 feet (Gateshead Manor Way)	87.91 feet (Gateshead Manor Way)
Side or rear setback	0 feet	84.11 feet (adjacent property)	84.11 feet (adjacent property)
Side or rear setback, abutting property not included in application	Equal to req. setback for detached house	N/A	N/A

<b>TABLE 1 - Section 4.5 Zoning Data Table: R-30</b>			
<u>Optional Method Apartment</u>	<u>Required</u>	<u>Approved with Site Plan #820170050</u>	<u>Proposed with Site Plan Amendment #82017005A</u>
	building type in the abutting zone under standard method and Section 4.1.8.A		
<b>Height</b>			
Principal Building	35 feet	35 feet or less	35 feet or less
Accessory structure	25 feet	N/A	N/A
<b>Section 6.2 Parking</b>			
Vehicle Spaces (1 per DU plus employee)	61**	72**	71**
Required minimum vehicle parking for Subject Property	<ul style="list-style-type: none"> <li>• East County Community Rec. Center = 59</li> <li>• East County Regional Services Center = 32</li> <li>• Future BRT station = 200</li> <li>• Proposed Application with allowed reduction = 61</li> <li>• Total Req. Parking = 353</li> </ul>	Total Vehicle Parking Provided after build out = 398	Total Vehicle Parking Provided after build out = 398
Bicycle Parking	29 (28 long-term, 1 short-term)	8 long-term, 1 short-term*	8 long-term, 1 short-term*
Motorcycle Parking	2	2	2
Car Share Parking	1	1	1

\* Waiver requested for the amount of the long-term bicycle parking  
 \*\* Parking adjustment factor of 0.5 applied per section 59.6.2.3.I.2.b

*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.

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

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

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

The proposed Site Plan Amendment 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 in Site Plan No. 820170050, the primary resident must be at least 62 years of age and this condition remains in full force and effect for the Amendment.

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 Amendment does not limit the ability for additional residents of the units 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 Amendment does not impose any additional age restrictions not consistent with the Zoning Ordinance defined term for a senior adult.

Division 6 – General Development Standards

*i. Division 6.1. Site Access*

The Planning Board previously determined that site access is adequate in Site Plan No. 820170050. The Amendment maintains all of the previously reviewed elements of the Site Plan, but straightens the pedestrian crosswalk between the proposed building and the ECRSC. All other aspects of site access remain unaltered from the findings made in Site Plan No. 820170050.

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

The Site Plan Amendment continues to provide 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 years of age or older. The Site Plan Amendment utilizes 71 vehicle spaces (61 spaces required for Senior Housing use) of the 398 total spaces on the entire Subject Property.

Parking across the site as a whole, for both the proposed and the existing uses on the Subject Property, continues to 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 Montgomery County Department of Transportation (“MCDOT”) required, via the letter dated April 27, 2017, that 200 parking spaces remain based on their parking projections for 2020. The ECCRC requires 61 vehicle parking spaces and the ECRSC requires 32 spaces.

Overall, the entire Subject Property requires a minimum of 353 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, the parking projection 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. The loading dock which does not block any vehicle travel routes is provided on the northwest corner of the building for longer loading and unloading needs. For shorter duration pickup and drop-offs, two laybys are provided in front of the main entrance to the proposed building and in front of the existing ECRSC.

*Waiver of long-term of bicycle parking*

The Planning Board previously granted a waiver to the amount of long-term bicycle parking with Site Plan No. 820170050. This Site Plan Amendment continues to use and meet the terms of the approved waiver.

*iii. Division 6.3. Open Space and Recreation*

Common Open Space

The Site Plan Amendment continues to meet the requirements of Division 6.3, Open Space and Recreation. The percentage or square footage, layout, and design of the Common Open Space is unaltered from Site Plan No. 820170050. In terms of Common Open Space, this finding remains unchanged.

Recreation Guidelines

The Montgomery County Zoning Ordinance requires the development of a 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 Amendment proposing 121 senior adult apartment building dwelling units, the Application is subject to the Guidelines.

Sheet 7 of the Site Plan Amendment, the Demand, Supply, and Adequacy Report, for recreation continues to be 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 Planning Board previously determined that general landscaping and outdoor lighting is adequate in Site Plan No. 820170050. The Site Plan Amendment maintains all of the previously reviewed elements of the Site Plan but changes a narrow area of landscaping between the proposed building and parking area from sod to less maintenance-intensive River Rock. The outdoor lighting plan remains unaltered. All other aspects of site access remain unaltered from the findings made in Site Plan No. 820170050.

*Division 6.5. Screening Requirements*

The Planning Board previously determined that screen requirements were met in Site Plan No. 820170050. The Site Plan Amendment maintains all of the previously reviewed elements of the Site Plan without any modifications.

*e. satisfies the applicable requirements of:*

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

The Applicant received a revised Stormwater Concept Plan approved by the Montgomery County Department of Permitting Services on August 9, 2017. The Applications will meet stormwater management goals through the use of micro-biofiltration facilities.

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

The Planning Board previously determined compliance with Chapter 22A, Forest Conservation Law, with the approval of Final Forest Conservation Plan No. 820170050. This Site Plan Amendment does not alter this finding as the Site Plan Amendment does not propose any changes to the FFCP.

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

*i. Parking and circulation*

The Planning Board previously determined that the locations of the parking, circulation patterns, building massing, open spaces, and recreation facilities that will be developed with the Site Plan are adequate, safe, and efficient. The Amendment maintains all of the previously reviewed elements of the Site Plan, but improves the pedestrian crosswalk between the proposed senior adult housing and the ECRSC. The straightening of this crosswalk provides a direct connection and increases the safety for pedestrians by reducing the travel length within the vehicle travel lanes.

Building massing, open space, and site amenities

The Planning Board previously determined that the building massing, open space, and site amenities were adequate and met all County Code requirements with the approval of Site Plan No. 820170050. This Site Plan Amendment does not alter this finding.

*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 Planning Board previously determined that Site Plan No. 820170050 substantially conformed to the *1997 Fairland Master Plan*. This Site Plan Amendment does not alter this finding.

*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;*

The Planning Board determined public facilities and services were adequate in the accompanying Preliminary Plan Amendment No. 120170008A, the proposed development in the Site Plan Amendment 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 Planning Board previously determined that Site Plan No. 820170050 was compatible with the character of the residential neighborhood. This Site Plan Amendment does not alter this finding.

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

Not 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.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

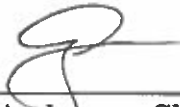
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 08 2018 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Dreyfuss, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, May 3, 2018, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board