



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

MCPB No. 19-023
 Preliminary Plan No. 12016020A
 Silver Spring Retirement Residence
 Date of Hearing: February 28, 2019

MAR 14 2019

RESOLUTION

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

WHEREAS, on June 30, 2016, the Planning Board, by Resolution MCPB No. 16-051, approved Preliminary Plan No. 120160200, creating one lot on 4.46 acres of land in the R-200 zone, located at 13716 New Hampshire Avenue ("Subject Property"), in the White Oak Master Plan ("Master Plan") area; and

WHEREAS, on November 20, 2018, Hawthorn Development, LLC. ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to modify condition no. 9, allowing an additional year to coordinate with the State Highway Administration regarding the shared use path; reflect revised/approved stormwater management easements and utilities; construct an additional retaining wall; and revise the landscape and lighting plan on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12016020A, Silver Spring Retirement Residence ("Preliminary 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 February 11, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 28, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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

Approved as to
 Legal Sufficiency

Christo Scott 2/21/19

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12016020A to modify condition no. 9, allowing an additional year to coordinate with the State Highway Administration regarding the shared use path; reflect revised/approved stormwater management easements and utilities; construct an additional retaining wall; and revise the landscape and lighting plan by modifying the following condition:¹

9. Within three years of approval of the Resolution for Preliminary Plan No. 120160200, the Applicant must:
 - a. Obtain approval from the Maryland Board of Public Works to abandon/vacate the SHA drainage easement located along the frontage of New Hampshire Avenue;
 - b. Record in the Land Records a Public Improvement Easement (PIE), in a form approved by the County and/or Maryland State Highway Administration (SHA), for any portion of the shared use path which lies outside of the right of way for New Hampshire Avenue; and
 - c. Construct the shared use path as shown on the Preliminary Plan.

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

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

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

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~_____~~ MAR 14 2019 (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

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

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González and Cichy voting in favor, and Vice Chair Dreyfuss and Commissioner Patterson absent at its regular meeting held on Thursday, March 7, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board