



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

MCPB No. 20-064
Preliminary Plan No. 11993011A
Mary J. Boland, Lot 95
Date of Hearing: July 30, 2020

AUG 14 2020

RESOLUTION

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

WHEREAS, on August 12, 1993, the Planning Board, by Opinion, approved Preliminary Plan No. 119930110, creating one lot on 27,822 square feet of land in the R-200 zone, located at 20629 Boland Farm Road (formerly Germantown Road), on the south side of Boland Farm Road, west of the intersection with Frederick Road (MD 355) ("Subject Property"), in the Germantown East Policy Area and 2009 *Germantown Employment Area Sector Plan* ("Sector Plan") area; and

WHEREAS, on March 26, 2020, Way Station, Inc. ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to change a condition of approval that currently limits the property to a single-family house and medical practitioner use to allow an approved conditional use (CU 20-01) for a 9-16 person residential care facility on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11993011A, Mary J. Boland, Lot 95, ("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 July 17, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 30, 2020, 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 11993011A to change a condition of approval that currently limits the property to a single-family house and medical practitioner use to allow an approved conditional use (CU 20-01) for a 9-16 person residential care facility by adding the following conditions:¹

General Approval

1. This Preliminary Plan is limited to a residential care facility for 9 -16 persons.

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facilities ("APF") review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.

Outside Agencies

3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Water Resources Section in its stormwater management concept letter dated January 7, 2020 and 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 if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter March 5, 2020 and 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 amendment does not conflict with other conditions of the Preliminary Plan approval.

Other Approvals

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.

5. The Applicant must comply with the conditions of the Hearing Examiners Report dated July 15th, 2020, approving Conditional Use No. CU-20-01.

Frontage Improvements

6. Prior to Use and Occupancy Permit, the Applicant must construct a 5-foot wide sidewalk along the property frontage on Boland Farm Road, as shown on Approved Conditional Use Plan No. CU-20-01 and the Certified Preliminary Plan.

Certified Preliminary Plan

7. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
8. The certified Preliminary Plan must contain the following note:

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

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.

History

Special Exception S-2415

The original Special Exception, S-2415, was approved on March 17, 2000 for a Non-Residence Medical Practitioner Office. The Medical Practitioner Office was in operation until recently.

Conditional Use CU2020-01

The Montgomery County Hearing Examiner granted approval of Way Station: Conditional Use CU2020-01, with conditions, pursuant to Section 59.3.2.E of the Zoning Ordinance, to operate a Residential Care Facility for 9-16 persons ("Conditional Use"). Landscape and Lighting plans were approved as part of the Conditional Use application. A parking setback waiver was also approved as part of the Conditional Use. The Planning Board reviewed the Conditional Use application and recommended approval.

Preliminary Plan Amendment 11993011A

The Application does not alter the original intent and all findings of Preliminary Plan No. 119930110 remain in full force and effect, except as modified by the findings below. The layout of the subdivision, including size, width, shape, orientation and density of lot, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.

This Application is limited to changing the Preliminary Plan condition regarding use. There are no changes to Lot 95 and therefore a new record plat is not required. The lot continues to comply with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance and summarized in Table 1.

Table 1 – Development Standards in the R-200 Zone (Section 59-4.4.7.B)

Development Standards	Zoning Ordinance	Approved CU20-01	Approved
Minimum Lot Area	20,000 SF	24,225 SF (0.56 ac)	24,225 SF (0.56 ac)
Minimum Lot width: <ul style="list-style-type: none"> ▪ At front building line ▪ At front lot line 	100 ft 25 ft	128 ft 128 ft	128 ft 128 ft
Maximum lot Coverage	25 percent	17 percent	17 percent
Minimum Building Setback Principal Building: <ul style="list-style-type: none"> - Front - Side <ul style="list-style-type: none"> - One side - Sum of both sides - Rear yard 	40 ft 12 ft 25 ft 30 ft	66 ft 14 ft 43 ft 36 ft.	66 ft 14 ft 43 ft 36 ft.
Maximum Building Height	35 ft	30 +/- ft	30 +/- ft
Minimum Parking Setbacks <ul style="list-style-type: none"> - Side - Rear 	24 ft 30 ft	3 feet* 2 feet*	3 feet 2 feet
Parking: 59-6.2.4.B			
Min. Vehicle Parking spaces <ul style="list-style-type: none"> - 16 Beds - 16 Employees 	12 spaces total 0.25 per bed = 4 0.50 per empl. = 8	12 spaces (1 ADA)	12 spaces (1 ADA)

* The Hearing Examiner granted a parking waiver as part of CU20-01

The Hearing Examiner approved Conditional Use CU20-01, for a Residential Care Facility for up to 16 individuals and granted a side and rear parking setback waiver under Section 6.2.10. Parking facilities with 10 or more spaces, that abut a residential zone must be setback from the property line by twice the setback for a one-family detached dwelling in the abutting zone (R-200). The approved waiver reduced the

required side parking setback from 24 feet to 3 feet and reduced the rear parking setback from 30 feet to 2 feet. The Applicant is repurposing the existing building on the Subject Property. The only exterior building modification is installing an elevator to meet ADA requirements. The existing lot can reasonably accommodate the approved use as a Residential Care Facility for 9-16 persons, taking into consideration the shape of the lot, building configuration and approved parking setback waiver.

1. The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan

The Preliminary Plan substantially conforms to the recommendations within the 2009 *Germantown Employment Area Sector Plan*. The Subject Property is located in the residentially zoned portion of the Seneca Meadows/ Milestone District within the 2009 *Germantown Employment Area Sector Plan*. The Seneca Meadows/Milestone District is located adjacent to the west side of MD 355 between MD 118 (south) and Ridge Road (MD 27 north). The Sector Plan does not provide specific recommendations for the Subject Property. The Seneca Meadows/Milestone District Land Use recommendation in the Sector Plan (p.66) recommends retaining the existing single-family development in this area, along with its R-200 zoning.

As discussed in the Hearing Examiner's Report, the Conditional Use substantially conforms to the Sector Plan because the existing detached house is being repurposed while maintaining a residential appearance. In addition, the Conditional Use approved tree planting and landscaping to rehabilitate the Property that is currently covered with asphalt in violation of the previously approved Special Exception. By reusing the existing building, providing additional landscaping and eliminating some of the asphalt on-site (typically associated with more commercial uses), the Preliminary Plan with the approved use substantially conforms to the Sector Plan.

Transportation

The Subject Property has frontage on Boland Farm Road, which is classified as an arterial road with an 80-ft ROW. No additional dedication will be required. There are no master planned bicycle facilities required on Boland Farm Road. The Preliminary Plan conforms with the transportation recommendations of the 2009 *Germantown Employment Area Sector Plan*, and the 2018 *Master Plan of Highways and Transitways*, and the 2018 *Bicycle Master Plan*.

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

a. Roads and Other Transportation Facilities

Transportation access is adequate to serve the development by this Preliminary Plan.

The Subject Property is located on the south side of Boland Farm Road approximately 315 feet west of the intersection of Boland Farm Road and Frederick Road (MD 355) in Germantown. Vehicular access is from Boland Farm Road, which will be improved to a twenty-foot wide commercial driveway to accommodate the new use. A drive aisle will connect from the front access to the rear parking facility along the east side of the main structure.

The existing frontage along Boland Farm Road has no existing pedestrian facilities; as part of this Application, the frontage will be improved with a five-foot wide concrete sidewalk to provide continuous connectivity with existing sidewalk on both sides. A new four-foot lead walkway will provide pedestrian access from Boland Farm Road to the Residential Care Facility. The new lead walkway will tie into a new ADA compliant ramp to the Residential Care Facility, in addition to a five-foot sidewalk that provides access to parking. Pedestrian and vehicular circulation as depicted on the Preliminary Plan Amendment are adequate to serve the approved use.

b. Local Area Transportation Review (LATR)

The Applicant submitted a transportation statement that says the Preliminary Plan Amendment for the Residential Care Facility with up to 16 individuals generates fewer than 50 net new peak-hour person trips, therefore, the Application is exempt from review under the LATR guidelines.

c. Other Public Facilities and Services

The Application has been reviewed by the Montgomery County Department of Permitting Services (MCDPS) Fire Department Access and Water Supply Section which determined that the Subject Property has adequate access for fire and rescue vehicles on March 5, 2020.

The Montgomery County Fire and Rescue Station No. 34 is located on the adjoining property to the east of the Subject Property. The Montgomery County Police Department 5D is located at 2000 Aircraft Drive, Germantown, Maryland, 1.6 miles southwest of the Property.

Due to the nature of the use, this Application does not generate any school-aged children; therefore, school facilities review is not necessary.

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

The Property was granted an exemption from submitting a forest conservation plan on January 2, 2020, under Section 22A-5(q)(1) of the County Code. Therefore, a forest conservation plan for the Property is not required.

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

The Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on January 7, 2020. The Application will meet stormwater management goals using a drywell. The Applicant has demonstrated that environmental site design to the maximum extent practical has been met. A waiver was granted for stormwater quantity because no additional environmental site design practices can be implemented due to existing conditions, including the presence of fill soils, lack of space and available outfall locations. The Applicant is required to pay a stormwater management contribution in accordance with the Stormwater Management Regulation 4-90.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 14 2020 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, July 30, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board