



Spring Arbor – Olney: Preliminary Plan Amendment No. 12014012A and Site Plan Amendment No. 82014010B

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Completed: 11/6/20

Description

A. Spring Arbor – Olney: Preliminary Plan Amendment No. 12014012A: Request to amend a condition of approval that currently limits the property to a Domiciliary Care Home with up to 107 units and 135 beds to allow up to 130 units and 135 beds, per amended Special Exception S-2841.

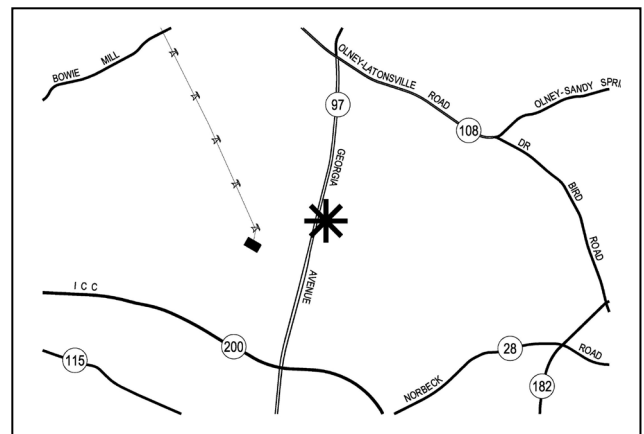
B. Spring Arbor – Olney: Site Plan Amendment No. 82014010B: An amendment to reallocate the number of approved beds within the facility, which will increase the unit count from 107 to 130, change fencing materials at the trash enclosures, change the enclosure around the special care wing courtyards, and change the wall-mounted sconce lighting fixtures.

Location: On the east side of Georgia Avenue (MD97) approximately 1,000 feet south of the intersection with Old Baltimore Road; Lot 1, Spring Arbor Subdivision, Record Plat No. 25000, 37.68 acres, RNC Zone, 2005 *Olney Master Plan*

Applicant: FDG Olney Senior Living, LLC

Submittal Date: 7/29/2020

Review Basis: Chapter 50, Subdivision Regulations, and Chapter 59, Zoning Ordinance in effect on October 29, 2014



Summary

- Staff recommends approval with conditions of the Preliminary Plan Amendment and Site Plan Amendment.
- This application was reviewed under the Zoning Code in effect on October 29, 2014 because the Site Plan Amendment qualifies for an exemption under section 59-7.7.1.B.1, which allows any application or project started before October 30, 2014 to proceed through any other required applications or steps in the process within the time allowed by law or plan approval, under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.
- The Preliminary Plan and Site Plan Amendments conform to approved Special Exception S-2841, and administrative modification.
- This Preliminary Plan Amendment and Site Plan Amendment propose to reallocate the number of approved beds, increasing the unit count, without exceeding the originally approved density of 135 beds.
- Staff has not received community correspondence for the application.

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SECTION 1 – RECOMMENDATIONS AND CONDITIONS

Preliminary Plan Amendment No. 12014012A: Staff recommends approval with conditions of the Preliminary Plan Amendment. All conditions of approval of Preliminary Plan No. 120140120 remain in full force and effect except condition No. 1, which is modified below. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

1. Approval under this Preliminary Plan is limited to one lot for a Domiciliary Care Home, not to exceed ~~107~~ 130 units and 135 beds.

Site Plan Amendment No. 82014010B: Staff recommends approval with conditions of the Site Plan Amendment. All conditions of approval of Site Plan No. 820140100, as amended, remain in full force and effect except the modified and additional conditions below. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

11. Site Design
 - a. The exterior character, proportion, materials and articulation must be substantially similar to the illustrative elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.

Site Plan Amendment No. 82014010B also adds the following new conditions:

16. Density

The Site Plan is limited to a Domiciliary Care Home on the Subject Property, for up to 130 units and 135 beds.

SECTION 2 – SITE LOCATION AND DESCRIPTION

Site Location and Vicinity

The subject property, Spring Arbor – Olney, also known as the Danshes property, is located at 17001 Georgia Avenue, on the east side of Georgia Avenue (MD97) approximately 1,000 feet south of its intersection with Old Baltimore Road, consisting of 37.37 acres of Rural Neighborhood Cluster (RNC) zoned land and identified as Lot 1¹ “Spring Arbor Subdivision” on Record Plat No. 25000 (“Property” or “Subject Property”). The Subject Property is within the Southeast Quadrant of the 2005 *Olney Master Plan* (“Master Plan”) area. The area surrounding the Property is characterized by single-family residential development and low-scale, non-residential and institutional uses fronting on Georgia Avenue.

Construction of the approval domiciliary care facility began in April of 2020 and development is progressing onsite, within the limitations necessary to safeguard workers from COVID-19.

¹ S-2841 identified the Subject Property as Parcel P771. In accordance with the approved Preliminary Plan, Parcel P771 was recorded by record plat.



Figure 1 – Vicinity Map

Site Analysis

The Subject Property is currently being developed with a Domiciliary Care Home (“Facility”). The irregularly shaped Property has gently rolling topography with limited areas of steep and moderate slopes, ranging from a high point of 550 feet in elevation at Georgia Avenue down to an elevation of 462 feet at the southeastern corner of the Property. A row of street trees and a recently installed a five-foot wide sidewalk extends along the frontage of the Property along Georgia Avenue. As shown in Figure 2, 31.81 acres of the Property is incumbered by a rural open space (ROS) easement and 25.79 acres of the ROS is also encumbered by a Category I Conservation Easement. The easements protect the two tributaries of Batchellors Run that extend west to east and north to south on the eastern half of the site and then join to extend to the southeastern corner of the site before flowing south and off the site. There is a 100-year floodplain associated with the two stream channels. The Property is located within the Northwest Branch watershed, Use Class IV waters. In 2011, a sewer and water category change request to W-1/S-3 was conditionally approved for the Property.

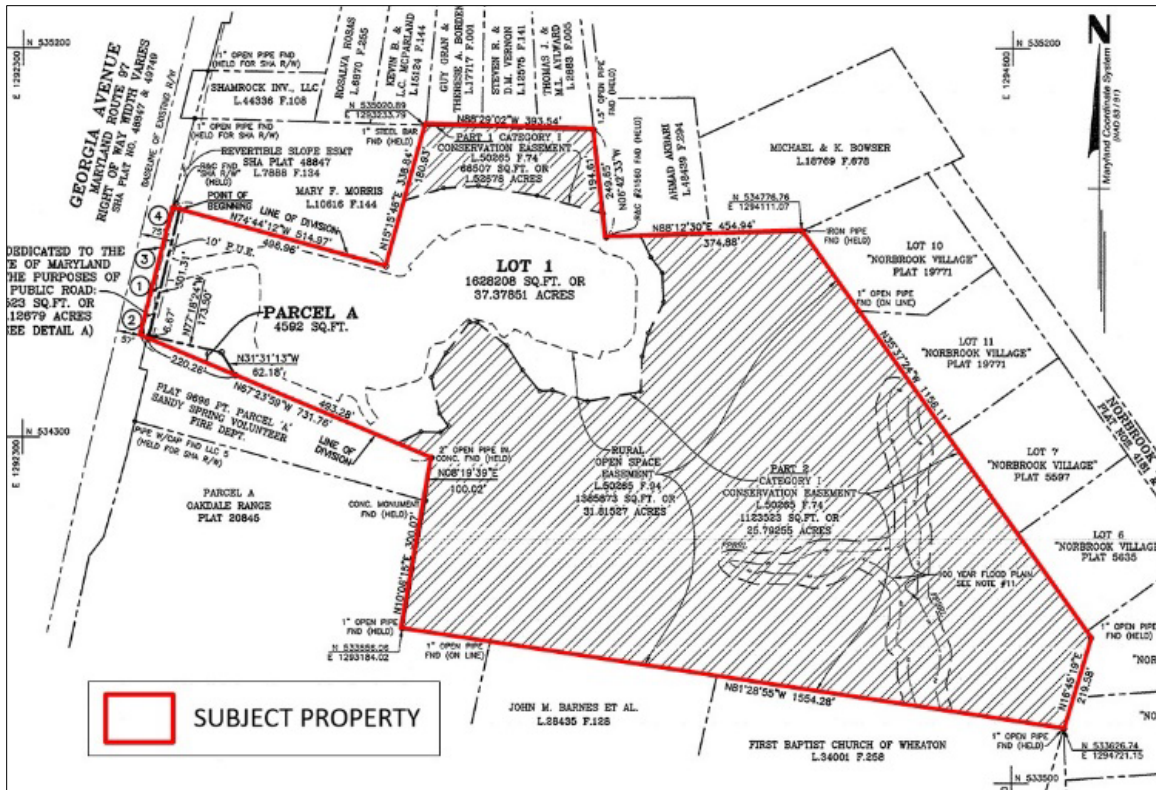


Figure 2 – Record Plat 25000

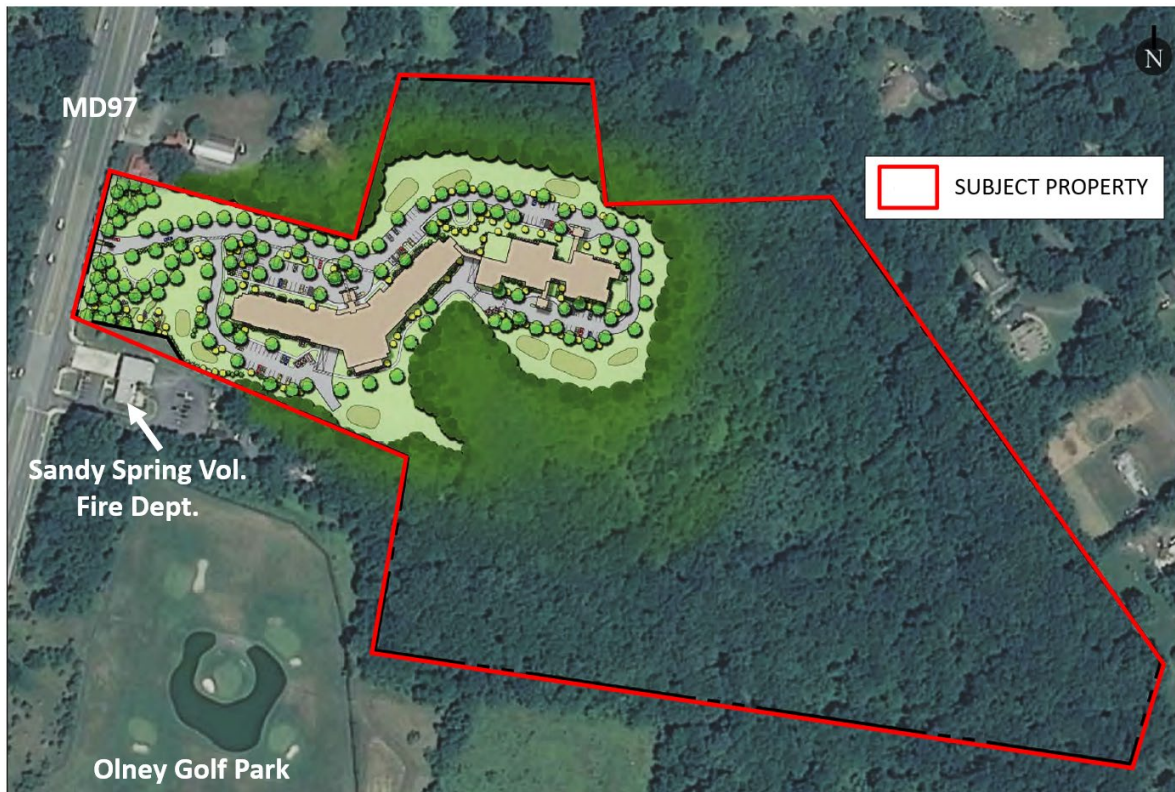


Figure 3 – Illustrative of Approved Site Plan

SECTION 3 – APPLICATIONS AND PROPOSAL

Previous Approvals

Special Exception S-2841

On November 13, 2013 the Montgomery County Board of Appeals granted approval of Special Exception S-2841, with conditions, pursuant to 59-G-2.37 of the Montgomery County Zoning Ordinance in effect on October 29, 2014, to permit a domiciliary care home for up to 135 residents (beds) (“Special Exception”) (Attachment A).

Specials Exception Modification

On May 15, 2020, the applicant, FDG Olney Senior Living, LLC (“Applicant”) requested that the Board of Appeals (“BOA”) grant an administrative modification (Attachment B) of the special exception for the modifications identified in the Proposal section (below). Because the Subject Property is covered by Site Plan No. 820140100, and Preliminary Plan No. 120140120, the Applicant is required to obtain Planning Board approval for the aforementioned applications, to be consistent with the Special Exception S-2842 modification, as approved by BOA.

Preliminary Plan 120140120

Preliminary Plan No. 120140120 was approved on July 17, 2014 by Planning Board Resolution No. 14-55 to create one lot on 37.68 acres of land for a Domiciliary Care Home, not to exceed 107 units and 135 beds (Attachment C).

Site Plan 820140100

Site Plan No. 820140100 was approved on July 17, 2014 by the Planning Board Resolution No. 14-56 for a Domiciliary Care Home with a maximum of 135 beds and 107 units and associated parking facilities (Attachment D).

Site Plan 82014010A

Site Plan No. 82014010A was approved on November 14, 2018 by the Planning Director which reduced the overall building height, revised the residential building footprint, and included minor modifications to site grading, parking, lighting and landscaping (Attachment E).

Proposal

On July 29, 2020, the Applicant filed Preliminary Plan No.12014012A and Site Plan No. 82014010B (“Application”) proposing to reallocate the number of approved beds within the domiciliary care home, increasing the total unit count from 107 to 130, without exceeding the originally approved density of 135 beds, and make the following changes:

- change the fencing materials at the trash enclosures from a 6’-0” tall vinyl screen fence to an 8” split face concrete masonry unit (CMU) wall with galvanized corrugated decking doors for greater overall durability;
- change the enclosure around the special care wing courtyards from an 8’-0” tall aluminum picket fence to an 8’-6” aluminum or vinyl decorative screen wall at Enclosed Patio A and a 7’-8” tall wood and aluminum fence at Enclosed Courtyard B;
- change the wall-mounted sconce lighting fixtures to a mix of three different wall mounted sconce fixtures, which will not alter the approved photometrics.

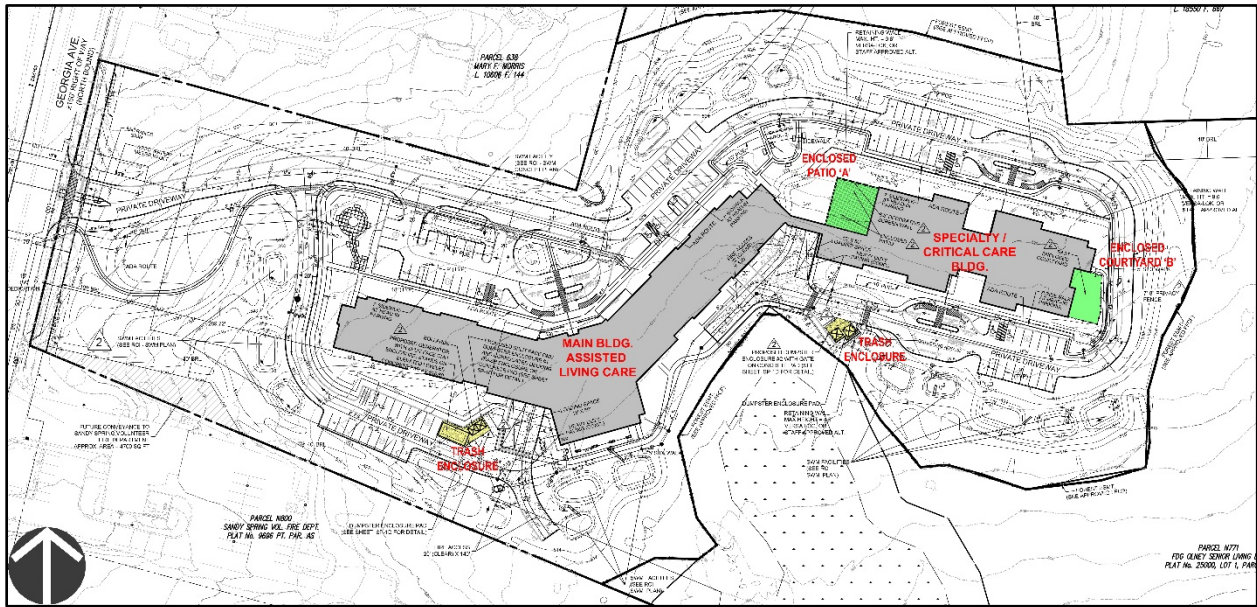


Figure 4 - Site Plan 82014010B

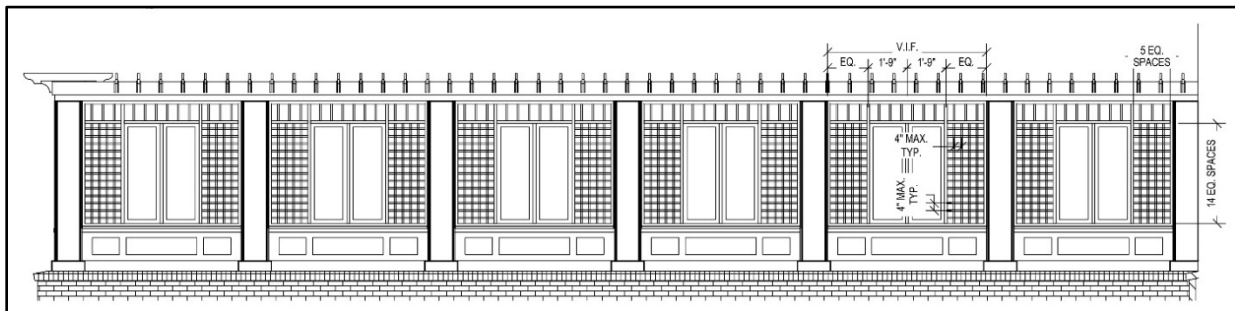


Figure 5 - Proposed Screen Wall at Enclosed Patio 'A'

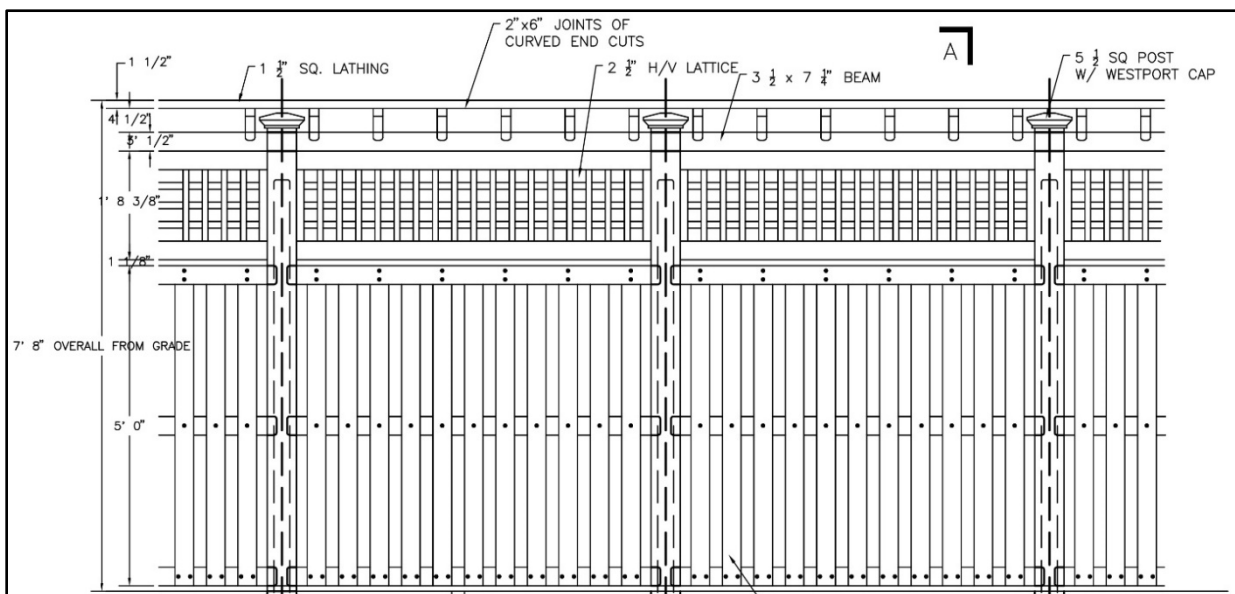


Figure 6 - Proposed Screen Wall at Enclosed Courtyard 'B'

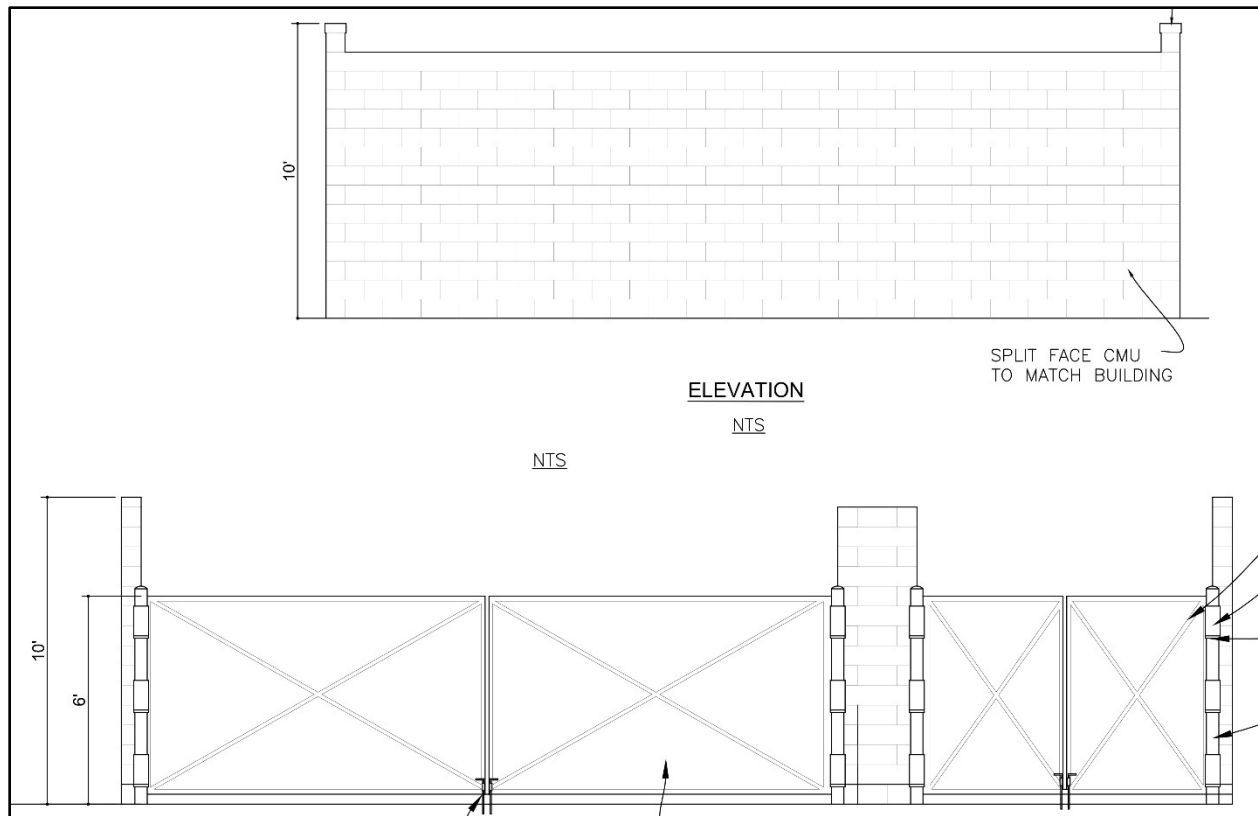


Figure 7 - Proposed Wall at Trash Enclosures

SECTION 4 – ANALYSIS AND FINDINGS – Preliminary Plan No. 12014012A

The Application does not alter the original intent and all findings of Preliminary Plan No. 120140120 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 Condition 1 of the approved Preliminary Plan, which limits the Facility to 107 units and no more than 135 beds. The Application increases the number of units from 107 to 130 and retains the approved limitation of 135 beds. No changes to size, shape, orientation or configuration of Lot 1 are proposed and therefore a new record plat is not required. The lot continues to comply with the dimensional requirements for the RNC as specified in the Zoning Ordinance and conforms to the conditions of the approved Special Exception as modified.

Local Area Transportation Review (LATR)

The Applicant submitted a transportation impact statement (Attachment F) confirming that Preliminary Plan No. 12014012A is limited to an increase in the number of units (130 units with 135 beds) and does not increase the number of employees beyond the 50 that were previously approved. Since the number of employees, not beds, was used as the trip generation rate for the approved facility, the additional units will not increase the number of peak period trips and therefore the Application is exempt from additional Local Area Transportation Policy Review.

SECTION 5 – ANALYSIS AND FINDINGS - Site Plan No. 82014010B

The Site Plan Amendment is being reviewed under the old Zoning Ordinance in effect on and prior to October 29, 2014 because it is subject to grandfathering under Section 7.7.1.B.1. Unless explicitly discussed below, all previous Planning Board findings from the previous Site Plan approvals remain in full force and effect.

Findings – Chapter 59-D-3.4(C)

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan was required for the Subject Property. The Site Plan is in conformance with Special Exception S-2841. The building location, layout, circulation pattern, landscaping, and lighting plan all substantially reflect the Site and Landscape Plans submitted for the Special Exception.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Subject Property is approximately 37.68 acres and is zoned RNC. As discussed below, the Application continues to comply with the development standards of the RNC zone.

Development Standards

The following Project Data Table indicates the proposal's compliance with the Zoning Ordinance. Only the standards that are affected by this Amendment are listed; a comprehensive modified data table will be included on the Certified Site Plan with the following information.

Table 1: Project Data Table for the RNC Zone, Optional Method Cluster Development

Development Standard	Required / Allowed	Approved SE (as modified)	Approved (Orig. SP)	Approved (Amend. A)	Approved (Amend. B)
Number of dwelling units	107	130	107	107	130 ²
Number of beds	Up to 135	Up to 135	Up to 135 ³	Up to 135	Up to 135

² In June of 2020, the Board of Appeals reviewed the Applicant's request to modify the Special Exception, as outlined in this Amendment. Once approved, a copy of the Certified Site Plan will be filed with the Board of Appeals and serves as the Special Exception Site Plan.

³ While Site Plan No. 820140100 approved up to 135 beds, the building floor plans only provided for 125 beds within the 107 units.

The increase in density proposed by this Amendment is consistent with the conditions of approval for S-2841, as modified, and the project continues to meet the development standards of the RNC zone.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

Location of Buildings and Structures

The location of the building and associated structures will remain unchanged and as previously approved. The only proposed changes are minor adjustments to the heights and materials of the screen walls at the enclosed open amenity areas and the use of masonry materials for the trash enclosures. The locations of the buildings and structures will remain safe, adequate, and efficient.

Location of Open Spaces, Landscaping and Recreation Facilities

Lighting

The lighting for the Subject Property will remain safe, adequate, and efficient. The Amendment proposes to change the wall-mounted sconce lighting fixtures to a mix of three different wall mounted sconce fixtures. This change will not alter the previously approved photometrics as the wall mounted sconces are centrally located around the building and will not contribute towards any light trespass at the property lines. The lighting poles remain unchanged as previously approved.

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The proposed changes to the heights and materials for Enclosed Patio A, Enclosed Courtyard B, and the trash enclosures are compatible with the existing structures on-site. The change in height and material for Enclosed Patio A would be from an 8'-0" height aluminum picket fence to an 8'-6" height vinyl or aluminum decorative screen wall. Enclosed Courtyard B would be changed from the same 8'-0" height aluminum picket fence to a 7'-8" height wood and aluminum fence, consisting of 5'-0" height of aluminum fence and 2'-8" of wood lattice on the top of the fencing. These changes in material and height at the enclosed amenity areas continues to assure the safety and security of the special care residents within an open amenity space, while also providing enhanced materiality and detail to better connect with the residential architecture of the building. The change to the materials at the trash enclosures would replace the 6'-0" height vinyl fencing with an 8" split face concrete masonry unit (CMU) wall at the same height. The CMU enclosures would be for a total of four dumpsters and a generator at two different locations, with galvanized corrugated steel decking doors at each location (Figures 4 & 7). The change in materiality for the enclosures would result in substantially more durable and attractive enclosure walls, as well as better compatibility with the building materials and architecture. The enhanced durability of the enclosure walls will also provide better protection for the generator, which is utilized for resident care during power outages.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*

Not applicable, this Site Plan Amendment does not include any areas covered by Chapter 22A or Chapter 19.

SECTION 6 – COMMUNITY CORRESPONDENCE AND ISSUES

The Applicant has met all proper signage and noticing requirements for the Preliminary and Site Plan Amendment. As of the date of this Staff Report, Staff has not received any correspondence from the community regarding this application.

SECTION 7 – CONCLUSION

The Amendments meet all development standards and findings established in the Zoning Ordinance for the RNC zone. The locations of structures and lighting are safe, adequate, and efficient. Access and public facilities will be adequate to serve the proposed lots, the use continues to conform with the Master Plan, and the general requirements of Chapter 59. Staff recommends approval of the Preliminary Plan and Site Plan Amendments, with the conditions as enumerated in the staff report.

Attachments

- Attachment A – Special Exception S-2841
- Attachment B – Special Exception S-2841 Modification
- Attachment C – Preliminary Plan No.120140120 Resolution
- Attachment D – Site Plan No. 820140100 Resolution
- Attachment E – Site Plan No. 82014010A Memo
- Attachment F – Traffic Impact Statement

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
www.montgomerycountymd.gov/content/council/boa/index.asp

(240) 777-6600

Case No. S-2841

PETITION OF HHHUNT CORPORATION
(Opinion Adopted November 13, 2013)
(Effective Date of Opinion: December 11, 2013)

Case No. S-2841 is an application for a special exception to permit a domiciliary care home under Section 59-G-2.37 of the Montgomery County Zoning Ordinance. The Hearing Examiner for Montgomery County held a hearing on the application on October 4, 2013, closed the record in the case on October 15, 2013, and on November 1, 2013, issued a Report and Recommendation for approval of the special exception. On November 7, 2013, the Hearing Examiner issued an Errata Statement including a correction to proposed Condition 12, which is incorporated into this opinion.

The subject property is 37.68 acres of land known as Parcel P771, located in the 17000 Block of Georgia Avenue, Olney, Maryland, 20832 in the RNC Zone.

Decision of the Board: Special Exception **Granted** Subject to
The Conditions Enumerated Below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at a Worksession on November 13, 2013. After careful consideration and review of the record, the Board adopts the Report and Recommendation and grants the special exception subject to the following conditions:

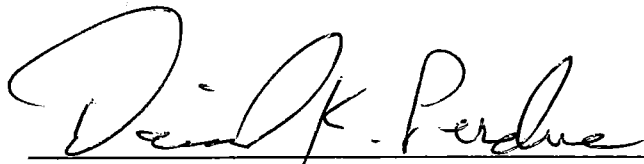
1. The Petitioner shall be bound by all of its testimony and exhibits of record, and by the testimony of its witnesses and the representations of its counsel to the extent that such evidence and testimony are identified in the Hearing Examiner's Report and Recommendation and in this opinion.

2. The maximum allowable number of residents (beds) must not exceed 135 beds.
3. The maximum number of employees on-site at any one time must not exceed 50 employees.
4. Garbage/dumpster pick-up must be limited to the times and days set forth in Chapter 48 (Solid Wastes) of the Montgomery County Code.
5. The Petitioner must comply with all requirements of Chapter 31B of the Montgomery County Code (Noise Control).
6. The Petitioner must obtain approval of a Preliminary Plan of Subdivision per Chapter 50 of the Montgomery County Code; if changes to the special exception site plan (Exhibit 37) or other plans filed in this case are required at subdivision, Petitioner must file a copy of the revised site and related plans with the Board of Appeals.
7. All development of the site must comply with Petitioner's Site Plan (Exhibit 37), Lighting Plan (Exhibit 25(d)) and Landscape Plan (Exhibit 25(c)).
8. Deliveries by semi-trailer trucks shall not exceed six times a week.
9. Petitioner must obtain a permit for the proposed monument sign, and a copy of the permit for the approved sign must be submitted to the Board of Appeals before the sign is posted. If the design is amended, a diagram showing the amended design must be filed with the Board.
10. The proposed development must comply with the Preliminary Forest Conservation Plan and all conditions of the approval (Exhibit 26), and Petitioner must obtain approval of the Final Forest Conservation Plan by the Planning Board, after which time Petitioner must comply with the terms of the Final Forest Conservation Plan.
11. The Petitioner must possess, not later than the issuance date of the use and occupancy certificate, valid State of Maryland and County licenses, certificates, and/or registrations that may be required for a domiciliary care home which provides assisted living to the elderly.

12. Petitioner must maintain 100 parking spaces called for in its Site Plan (Exhibit 37), and may not expand or reduce the parking facility without express permission from the Board through modification of this special exception.
13. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

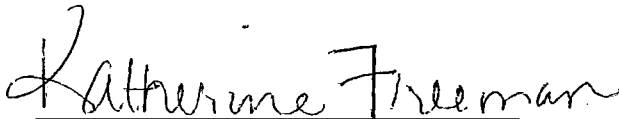
On a motion by Carolyn J. Shawaker, seconded by Stanley B. Boyd, with John H. Pentecost and David K. Perdue, Vice-Chair, in agreement and Catherine G. Titus, Chair, necessarily absent, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.



David K. Perdue
Vice-Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 11th day of December, 2013.



Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section

59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four months' period within which the special exception granted by the Board must be exercised.

RECEIVED JUN 15 2020

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
<http://www.montgomerycountymd.gov/boa/>
(240) 777-6600

Case No. S-2841

PETITION OF FLOURNOY DEVELOPMENT GROUP, LLC

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Worksession Date: June 3, 2020)

(Effective Date of Resolution: June 11, 2020)

Case No. S-2841 is a special exception that the Board of Appeals granted to HHHunt Corporation, effective December 11, 2013, under Section 59-G-2.37 of the 2004 Montgomery County Zoning Ordinance, to permit a domiciliary care home. In Resolutions dated December 18, 2015, December 12, 2016, December 14, 2017, and October 12, 2018, the Board extended the time to implement this special exception until December 11, 2016, December 11, 2017, December 11, 2018, and December 11, 2019, respectively. In a Resolution dated December 11, 2019, the Board transferred the special exception to Flournoy Development Group, LLC, and extended the time to implement the special exception to December 11, 2020.

The subject property is 37.68 acres of land known as Parcel P771, located in the 17000 block of Georgia Avenue, Olney, Maryland, 20832, in the RNC Zone.

The Board of Appeals has received a letter with attachments, dated May 15, 2020, from Casey L. Cirner, Esquire, on behalf of Flournoy Development Group, LLC ("Flournoy"), requesting an administrative modification of this special exception to:

- (1) reallocate the number of approved beds within the facility, which will increase the unit count from 107 to 130, without exceeding the approved density of 135 beds; (2) make certain improvements to the building floor plans; (3) change the fence material for the dumpster enclosures; (4) change the enclosures around the special care wing courtyards; (5) change the wall mounted sconce lighting fixtures; and (6) incorporate certain changes approved via Site Plan 820140100, as amended by 82014010A ("Site Plan"), and the associated Final Forest Conservation Plan amendment,

Ms. Cimer's letter describes the proposed modifications in greater detail, as follows:

The Special Exception is for a 135-bed domiciliary care home located at 17001 Georgia Avenue in Olney (the "Subject Property"). The proposed facility consists of one building with a main wing for assisted living ("AL Wing") and a special care wing ("SC Wing"), connected by a two-story enclosed walkway. Special Exception S-2841 was transferred to FDG in December 2019, and in April 2020, FDG commenced construction at the Subject Property pursuant to Building Permit 713959 ("Building Permit"). FDG, however, desires to incorporate certain improvements into the construction schedule as depicted on the following enclosed plans and further described below:

1. Revised Site Plan¹
2. Revised Lighting Plan
3. Wall Mounted Fixture Location Exhibit
4. Wall Mounted Fixture Details
5. Revised Landscape Plan
6. Revised Final Forest Conservation Plan
7. Revised Architectural Floor Plans
 - a. A2.0.1 Overall Terrace & 1st Floor Plan – Assisted Living
 - b. A2.0.2 Overall Second Floor – Assisted Living
 - c. A2.0.3 Overall Terrace & 1st Floor Plan – Special Care
 - d. A2.0.01 Overall Floor Plan Exhibit
 - e. A2.0.02 Terrace Floor Plan Exhibit - Quad C – Assisted Living
 - f. A2.0.03 Partial First Floor Plan Exhibit – Quad B – Assisted Living
 - g. A2.0.04 Partial Terrace Floor Plan Exhibit – Special Care
 - h. A2.0.05 Partial First Floor Plan Exhibit – Special Care

Authority

The Board of Appeals may grant a minor modification (amendment without a public hearing) to a special exception if the "proposed modification is such that the terms and conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood..." §59-A-4.53, Pre-November 2014 Montgomery County Zoning Ordinance.²

¹ For consistency and because these plans include all the relevant information (and more) for the special exception, FDG requests that this Board adopt the Maryland-National Capital Plan and Planning Commission ("M-NCPPC") Site Plan, Landscape Plan and Lighting Plan for the proposed Site Plan amendment (to be captioned 82014010B) as the Special Exception Site Plan, Landscape Plan and Lighting Plan. FDG will submit into this record a copy of the certified M-NCPPC Site Plan, Landscape Plan and Lighting Plan for 82014010B once they are approved by the Planning Board of the M-NCPPC.

² Section 59-A-4.53 of the Pre-November 2014 Montgomery County Zoning Ordinance, applies to this Special Exception pursuant to the grandfathering provisions set forth in § 7.7.1.B.1 of the new Zoning Ordinance, effective October 30, 2014, which provides as follows: "Application Approved or Filed for Approval before October 30, 2014: 1. Application in Progress before October 30, 2014. Any...special exception...filed or approved before October 30, 2014 must be reviewed under the standards and

Explanation of the Minor Modification Request

A. Density

Special Exception S-2841 was approved for 135 beds. (See, Special Exception S-2841, 11/13/13 Opinion, Condition No. 2). According to the approved building floor plans, only 125 beds were proposed within 107 units. (See, Board Ex. 25(g)). FDG proposes to use the approved density (135 beds) by adding and reallocating beds within the facility, which will increase the unit count from 107 to 130 units, but not exceed the approved density of 135 beds. (See, A2.0.01 – A2.0.05). The modification to the unit count is summarized below, and because 5 units in the SC Wing will be companion units with 2 beds, the 130 units will provide 135 beds:

Building Wing	Floor	Approved ³ Units	Proposed Units	Net Increase
AL	1st	33	35	2
	2nd	42	42	0
	Terrace	0	11	11
subtotal		75	88	13
SC	1st	16	19	3
	Terrace	16	23	7
subtotal		32	42	10
Total		107	130	23

B. Interior Floor Plan Modifications

The proposed interior floor plan modifications (A2.0.1 – A2.0.3)⁴ will increase the building and operational efficiency, consolidate and reallocate duplicative internal elements and add units to the AL Wing terrace, as further summarized below:

procedures of the Zoning Ordinance in effect on October 29, 2014...The approval of any of these applications...allow the applicant to proceed through any other required application or step in the process within the time allowed by law or plan approval, under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014...

³ This column includes a change from the S-2841 floor plans by the Building Permit, which is the relocation of 1 unit on the 1st floor of the SC wing to the 2nd floor of the AL wing. The S-2841 floor plans had the following: 33 units on the AL wing 1st floor; 41 units on the AL wing 2nd floor; 17 units on the SC wing 1st floor and 16 units on the SC wing Terrace.

⁴ Floor Plans A2.0.1 and A2.0.2 show 23 two-bedroom units (types E1 and F1) in the AL wing, for a total unit count of 107, and have been submitted to the Department of Permitting Services ("DPS") as a Building Permit revision. This was done to keep the construction schedule intact while the Board adjudicates this modification request to add additional units. Thus, if approved, the additional units will be effectuated by adding an additional entrance door to the E1 and F1 two-bedroom units, making each a 1 bedroom unit and a studio unit.

AL First Floor Plan

- Consolidate the sunroom and activity room, consolidate the private dining into a dining alcove within the dining room, and combine the server and dishes areas of the kitchen
- Reconfigure the wellness room and add a discovery and laundry room
- Reduce the size and relocate the marketing and other administrative offices
- All main entry features are retained, such as the lobby concierge/reception, parlor/living, café, dining entry and the main dining room

AL Second Floor Plan

- Open up the second floor to overlook the 1st floor main lobby
- Consolidate the country store and spa into a salon and massage area
- Convert the billiards/puzzles room and mechanical storage into a lounge/pub and bar
- Provide a large sunroom and add a laundry room

AL Terrace Floor Plan

- Eliminate unnecessary areas, excessive storage, doctor's office and exam rooms
- Add a waiting area for the theater/entertainment room, 2 staff restrooms and staff lockers
- Reconfigure the laundry, staff lounge and various back of house areas, such as storage and mechanical rooms and consolidate the physical therapy area to the 1st floor

MC First Floor Plan⁵

- Relocate and expand the activity room, hair care, general therapy room, kitchen
- Expand the café/dining area and relocate the kitchen adjacent thereto
- Add a spa and parlor

MC Terrace Floor Plan

- Relocate the activity room and add a staff break room
- Expand the living room and relocate the spa and salon to the 1st floor
- Consolidate the staff and medical administration and offices, laundry, linen, mechanical and storage rooms

C. Fencing

The approved dumpster area adjacent to the south side of the AL Wing, which also contains the building generator, and the approved dumpster area across the drive

⁵ In response to a Board question, Ms. Cimer explained at the Worksession that the "MC" used here and in the subsequent heading should have been "SC," and refers to the SC wing of the facility.

aisle from the south side of the SC Wing are to be enclosed by a 6' vinyl screen fence. (See, Board Ex. 25(b) and 25(c)). This modification proposes a more durable 6' high fence enclosure consisting of 4" split face solid course CMU with galvanized corrugated decking doors.

Two courtyards were approved on either end of the SC Wing. The courtyard on the west of the SC Wing (Courtyard A) was proposed to be enclosed by an 8' brick lattice wall and the courtyard to the east of the SC Wing (Courtyard B) was proposed to be enclosed by an 8' aluminum picket fence. This modification proposes to enclose Courtyard A with a vinyl or aluminum 8'-6" decorative screen wall and Courtyard B with a wood and aluminum 7' 8" fence consisting of 5' of fence with 2' 8" of lattice on top.

D. Site Plan Updates

Pursuant to Conditions 6 and 10 of Special Exception S-2841, this request includes project updates approved by the Planning Board of M-NCPPC as part of the required Site Plan and the Final Forest Conservation Plan amendment. The updates to the Special Exception Site Plan are: (1) elimination of gathering area #1 near Georgia Avenue and updating the gathering space to the west of the AL Wing (new gathering area #1); (2) relocating 8 parking spaces to the south parking area to address setback requirements from the Sandy Spring Volunteer Fire Department above-ground storage tank imposed by the prior lender; (3) elimination of part of the retaining wall along the sidewalk entering the SC Wing; (4) the addition of a doorway and sidewalks to connect the east side of the AL Wing to gathering space #2; (5) elimination of doorways to the right and left of the main entrance to the AL Wing; (6) a 52 square foot reduction to the building footprint (from 136,750 SF to 136,698 SF) at the SC Wing; and (7) a reduction in the parking requirement by 1 space (84 to 83 spaces) and number of parking spaces provided on site (100 spaces to 99 spaces).

The updates to the Landscape Plan are: (1) shifting the landscaping to accommodate the addition and elimination of doorways, the relocation of parking spaces, the reduction to the SC Wing footprint and the addition of stormwater management facilities throughout the site; and (2) enhancing the landscape screening throughout the site, as follows:

Landscaping Type	Approved	Site Plan Approved	Net Increase
Trees	122	113	(9)
Evergreen Trees	48	69	21
Ornamental Trees	84	132	48
Shrubs	572	990	418
Ground Cover	5,363 sf	8,747 sf	3,384 sf

The Lighting Plan was improved by: (1) adding more wall mounted light fixtures at the building entrances; (2) reducing the total number of pole lights, including eliminating the 10 pole lights along the north side of the private drive to Georgia Avenue to

accommodate a public utility easement, and adjusting pole light locations. The overall site lighting now includes 45 pole lights (not to exceed 15' in height); 36 wall mounted lights, including: 13 Light Wall Lanterns, 7 WST Architectural Wall Sconces, and 16 Visa Lighting CB5500, rather than, 72 pole lights and 5 wall mounted fixtures. By this modification, FDG also proposes to change the building wall mounted sconce lighting fixtures to W-2 Feiss Light Wall Lantern OL7602, W6- Lithonia Lighting WST LED, and Visa Lighting CB5500 – Blush L30K. (See, Wall Mounted Fixture Details; and Wall Mounted Fixture Location Exhibit).⁶

Finally, the project has an approved Final Forest Conservation Plan updated with Site Plan Amendment, 82014010A. The site was walked with the forest conservation and sediment control field inspectors during a preconstruction meeting held on April 1, 2020. Construction has commenced based on the outcome of that meeting.

Ms. Cirner's letter explains why the proposed changes satisfy the standard for granting administrative modifications set forth in Section 59-G-1.3(c) of the Zoning Ordinance (2004), concluding that:

The requested modifications (and project updates resulting from the Site Plan) do not substantially change the nature, character or intensity of the use or substantially change the effect of the use on traffic or the immediate neighborhood and can therefore, be approved without a public hearing. Specifically, the addition of 23 units to the facility does not substantially change the intensity of the use because the density will be 135 beds, which is the density that was originally approved. The additional units will not require additional employees because the 50 employees approved to be on the site at any one time was based on a maximum of 135 beds. Since the number of employees, not beds, was used as the trip generation rate for the approved facility, the additional units will not increase the number of peak period trips and thus, make no substantial change to traffic. This change is an internal modification to the facility that is not externally apparent, and will be consistent with the project approvals, and the nature and character of the domiciliary care home. It will not, therefore, substantially change the effect of the use on the immediate neighborhood.

The proposed modifications to the floor plans are also all internal to the facility and will therefore, not substantially change the effect of the use on the immediate neighborhood. The purpose of the floor plan modifications are to improve operational efficiency by downsizing and consolidating administrative areas, adding laundry

⁶ The Lighting Plan shows the pole locations and the Wall Mounted Fixture Location Exhibit shows the location of the wall mounted lighting fixture. It is noteworthy, that DPS may approve wall mounted fixtures at building permit, without a site plan amendment, because they are full cut off fixtures and less impactful than pole lighting. §59-D-3.0.1.1, Pre-November 2014, Zoning Ordinance. Accordingly, the wall mounted lighting fixtures are only shown on the Wall Mounted Fixture Location Exhibit and will also be reflected on the Building Permit plans.

facilities to each floor, eliminating duplicative administrative features, or features that will not be utilized, such as internal doctor's office and exam rooms on the AL Wing terrace level; and consolidating features, such as the private dining area and kitchen facilities. The floor plan design also updates the residential amenities, consistent with other FDG facilities, and the current market trends, such as by adding a pub and bar, and discovery room in the SC Wing. These improvements will also benefit the staff by providing more direct access to resources and additional staff amenities, such as lounges and lockers. Accordingly, these modifications are consistent with similar residential care facilities and will not change the nature, character or intensity of the use.

The new dumpster and courtyard enclosures are facility upgrades that will not be visible to the immediate neighborhood because of the sloping topography of the site away from Georgia Avenue, 300' building setback from Georgia Avenue, the fact that the dumpster is located in the rear of the building, the extensive site landscape screening and the 37+ acre property size, which is, densely forested. The enhanced dumpster enclosures will use materials that match the building, thereby blending more harmoniously with the overall exterior design. The new courtyard enclosures, which are safety and security features for the SC residents, will use materials that complement the residential style of the building. These changes will not substantially change the effect of the use on the immediate neighborhood.

The various Site Plan generated project updates are visually indiscernible to the immediate neighborhood. The reduction of 1 parking space and relocation of others, and reduction of the building by 52 square feet are visually unapparent. The removal of the retaining wall at the SC Wing entrance will only impact the SC Wing by providing for more natural sunlight to enter the lower level. The enhanced landscaping, however, will minimize the effect of the use on the immediate neighborhood by further buffering the facility, parking and lighting, and blending the project more seamlessly into the heavily wooded site. The additional wall mounted lights are proposed at building entrances and shielded from the immediate neighborhood by the building design, significant building setbacks and site landscaping. The new wall mounted light fixtures will not change the approved photometrics because if the pole lights located closer to the Subject Property boundaries do not generate any light trespass at the boundaries, wall mounted fixtures (many of which are downward pointing), will not generate any light trespass from a more interior location on the Subject Property.

The Forest Conservation Plan changes modified the limits of disturbance to reflect the changes required for construction, but did not impact the amount of forest protected on site in the forest conservation easement. Accordingly, these modifications will not change the change the nature, character or intensity of the use or change the effect of the use on traffic or the immediate neighborhood.

Due to COVID-19, the Board of Appeals considered the modification request at a remote Worksession, held on June 3, 2020, using Microsoft Teams. Casey L. Cirner,

Esquire, participated in the Worksession on behalf of her client. Charlie Sabin with Flournoy Development Group, LLC, also participated, as did Randall Renfro and Courtney Cason with Rodgers Consulting. Ms. Cirner explained that Flournoy had assumed control of this project in late 2019, and that construction was underway. She stated that Flournoy is seeking to clean up the special exception record so that construction and the record are consistent, noting that at present there is not only the special exception approval, but also a preliminary plan, site plan, and final forest conservation plan associated with this property, the latter two having been amended. She asked that the Board accept the site, landscape and lighting plans ultimately approved by the Planning Board as the official plans of record. Ms. Cirner described the proposed modifications, grouping them into interior changes and exterior changes. She stated that the interior changes would provide for 130 units with 135 beds, and floor plan improvements to enhance operational efficiencies and the residential experience. Ms. Cirner stated that the external changes included the fencing material around the dumpsters, wall-mounted lighting fixtures, and changes to the special care courtyards. Ms. Cirner and Mr. Sabin explained that the increase in the number of units would be achieved through the construction of additional doors to the hallway, so that residents could each have their own entrance. Ms. Cirner noted that there will be five "companion" units with beds for residents and their caregivers. She stated that her client will adhere to the existing 135-bed limit. Finally, Ms. Cirner stated that while her letter said that Flournoy was proposing to provide 99 parking spaces on site instead of the originally approved 100 spaces, they may need to reduce that to 98 spaces in order to accommodate a generator. She stated that this would still exceed the 83 or 84 spaces required for the use.

Because Case No. S-2841 was approved prior to October 30, 2014, under Section 59-7.7.1.B of the current Zoning Ordinance, this modification request must be reviewed under the standards and procedures in effect on October 29, 2014, unless the applicant requests otherwise. In the instant case, counsel has requested that review be under Section 59-G-1.3(c) of the Zoning Ordinance (2004), which provides:

If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the board, without convening a public hearing to consider the proposed change, may modify the term or condition.

The Board finds that the proposed modifications, as summarized herein and at the Worksession by Ms. Cirner and Mr. Sabin, and as described in Ms. Cirner's letter and shown on the Exhibits to that letter, are internal to the building and property. Accordingly, the Board finds that the proposed modifications are minor with respect to their outward impact on the surrounding area. The Board further finds, for the reasons cited by Ms. Cirner in her letter and recounted above, that the proposed modifications will not change the nature, character, or intensity of this special exception use, and will not substantially change its impact on the immediate neighborhood or on traffic. The Board notes in particular that the proposed changes would allow the special exception

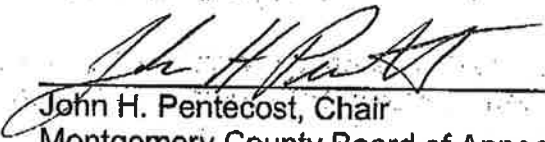
to operate at the level for which it was originally approved (135 beds), will not necessitate an increase in the number of employees on site, and will provide parking in excess of the parking required for the use. Therefore, on a motion by John H. Pentecost, Chair, seconded by Bruce Goldensohn, Vice Chair, with Katherine Freeman, Mary Gonzales, and Rich Melnick in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the record in Case No. S-2841 is re-opened to receive Ms. Cirner's letter of May 21, 2020, with attachments; and

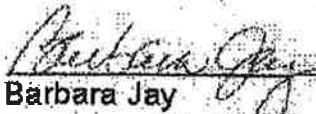
BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the request to modify this special exception as indicated herein and in Ms. Cirner's letter, and as shown on the Exhibits thereto, is granted; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Site Plan, Landscape Plan and Lighting Plan for the proposed Site Plan amendment (to be captioned 82014010B) shall be adopted as the approved Special Exception Site Plan, Landscape Plan and Lighting Plan once they are approved by the Maryland-National Capital Plan and Planning Commission, and shall be submitted to the Board by the Petitioner for inclusion in the record for this case; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, together with any modifications granted by the Board of Appeals, remain in effect.


John H. Pentecost, Chair
Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 11th day of June, 2020.


Barbara Jay
Executive Director

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision and conduct a public hearing to consider the action taken.

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book. Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.



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

JUL 29 2014

MCPB No. 14-55
Preliminary Plan No. 120140120
Spring Arbor – Olney (Danshes)
Date of Hearing: July 17, 2014

RESOLUTION

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

WHEREAS, on April 4, 2014, HHHunt Corporation, ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property to create one (1) lot on 37.68 acres of land in the Rural Neighborhood Cluster zone, located on the east side of Georgia Avenue (MD97) approximately 1,000 feet south of the intersection with Old Baltimore Road ("Subject Property") in the Olney Policy Area and Olney master plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120140120, Spring Arbor - Olney ("Preliminary Plan" 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 3, 2014, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 17, 2014, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board 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; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Preliminary Plan No. 120140120 to create one lot on the Subject Property, subject to

Approved as to
Legal Sufficiency:

David Ziet/Cs
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

the following conditions:¹

1. Approval under this Preliminary Plan is limited to one lot for a Domiciliary Care Home, not to exceed 107 units and 135 beds.
2. The Applicant must comply with the conditions of the Montgomery County Board of Appeals approval for Special Exception S-2841.
3. The Applicant must show on the record plat a 75-foot right-of-way dedication from the centerline of Georgia Avenue along the property frontage.
4. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 20, 2014, 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.
5. The Planning Board has accepted the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated April 24, 2014, 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 MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. Before issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
7. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated March 19, 2014, 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 Preliminary Plan approval.
8. The Applicant must construct all road improvements within the rights-of-way shown on the Certified Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes.
9. The Applicant must make a Transportation Policy Area Review Mitigation Payment, equal to 25 percent of the General District Transportation Impact Tax, pursuant to the 2012-2016 Subdivision Staging Policy. The timing and amount of the payment must be in accordance with Chapter 52 of the Montgomery County Code.
10. The Certified Preliminary Plan must contain the following note:

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.

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 site plan approval.

11. The record plat must contain the following note:
The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed.
12. Prior to recordation of the record plat, the Applicant must grant to M-NCPPC a rural open space easement over approximately 84 percent of the Subject Property as shown on the Preliminary Plan and record the easement, in a form approved by the Office of General Counsel, in the Montgomery County Land Records. Reference to the recorded easement must be noted on the record plat.
13. The Adequate Public Facilities ("APF") review for the Preliminary Plan will remain valid for 85 months from the date of mailing of this Planning Board Resolution.
14. No clearing, grading, or recording of plats prior to Certified Site Plan approval.
15. Final approval of the number and locations of buildings, on-site parking, site circulation, sidewalks and gathering areas to be determined at Site Plan.

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:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

One of the overarching goals of the 2005 Olney Master Plan is to "provide a wide choice of housing types and neighborhoods for people of all income levels and ages at appropriate locations and densities." The Housing Plan section of the Master Plan makes recommendations for the ongoing provision of housing for the elderly and supports elderly housing projects of appropriate densities at appropriate locations.

The Master Plan also provides general recommendations for properties in the Southeast Quadrant of Olney as well as specific recommendations for the Subject Property, identified as the *Danshes Property*, in a discussion of the Southeast Quadrant. The Master Plan recommended reclassifying the Subject Property from the RE-2 Zone to the Rural Neighborhood Cluster (RNC) Zone. The Master Plan states that the Property could not be served by gravity sewer service and should, therefore, be limited to the standard method development

using community water service and septic systems with a maximum lot yield of 0.2 units per acre.

In June of 2011, the Planning Board reviewed a sewer and water category change request for the Subject Property, and recommended approval based on the understanding that if sewer and water were provided to the Domiciliary Care Home ("Facility") on the Property, the Facility would be located near Georgia Avenue and would preserve the environmentally sensitive stream valleys on the Property. The Board found that the proposal to use an onsite pressure sewer system and a short offsite gravity sewer main extension to reach an existing sewer under Georgia Avenue adequately addresses the sewer extension issue raised by the Master Plan. The proposed pressure sewer avoids any disruption to the stream valley buffers both on and off-site, which an on-site gravity sewer would necessarily have impacted. As part of the review of the sewer and water category change, the Planning Board found that the Facility could satisfy the RNC Zone requirement to use the optional cluster development method in order to allow the provision of public water and sewer services without serious environmental impacts. The Director of the Department of Environmental Protection conditionally approved the sewer and water category change. The Planning Board, by approving the Preliminary Plan under the cluster development option, satisfies the condition of that approval.

The Planning Board considered the other general recommendations in the Master Plan, as well as the design guidelines for the Southeast Quadrant, which are largely premised on residential development. The Master Plan generally discourages special exception uses along the portion of Georgia Avenue between Norbeck Road and the Town Center in order to preserve the area's generally low-density residential character. Although the Applicant proposes a non-residential use, the proposed development is designed in a manner that is compatible with the predominantly residential character of this area. Moreover, many of the surrounding uses are by-right, and include a fire station, church, and a retail center. Hence, the Subject Property is not within an exclusively residential area.

The Master Plan addresses the impact that special exceptions uses may have in this area and recommends, "a minimum of 100-foot setback for any dwelling or other structure along this stretch should be provided from the road right-of-way." The Master Plan further recommends that, "the negative impacts of Special Exception uses such as non-residential character, visibility of parking lots, excessive size, height and scale of buildings, and intrusive lighting" be minimized, and that uses with "excessive imperviousness" be discouraged.

The Applicant made a significant effort to reduce the impacts of a non-residential use at this location. A substantial number of trees will be planted in the area between Georgia Avenue and the proposed building. The building is set back from the road a minimum of 300 feet, three times the distance recommended by the Master Plan. The Facility's height was increased as part of the Special Exception review to reduce the footprint, maximize forest save, and to reduce imperviousness, but does not exceed the 35-foot maximum height in the RNC zone. The parking and building are well screened by protected forest and new landscaping. The lighting plan submitted with the Special Exception indicates there will be no light spillage onto adjacent properties. Thus, the Application follows all Master Plan guidance to minimize the visual and neighborhood impacts of non-residential uses in the area and substantially conforms to the Master Plan recommendations.

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

The Facility is expected to generate 12 morning peak-hour trips (6:30 a.m. to 9:30 a.m.) and six evening peak-hour trips (4:00 p.m. to 7 p.m.) which is below the 30-trip threshold that triggers a traffic study under the Local Area Transportation Review (LATR) guidelines. Therefore, no LATR is required.

The Subject Property is located in the Olney Policy Area, which is defined as "inadequate" under the transit test and "adequate" under the roadway test for Transportation Policy Area Review (TPAR). To mitigate the inadequate transit test level, the Applicant must make a TPAR Mitigation Payment, equal to 25 percent of the General District Transportation Impact Tax, pursuant to the 2012-2016 Subdivision Staging Policy.

Georgia Avenue (MD 97) is classified as a Major Highway per the 2005 Olney Master Plan with a minimum of 150-feet of right-of-way width to accommodate six-lanes divided. A Master Plan shared use path is located on the western side of Georgia Avenue. The Applicant is required to dedicate 75-feet from the centerline of Georgia Avenue.

Vehicular and pedestrian access to the site are adequate. Vehicular access to the Property is from a new right-in and right-out access drive on to Georgia Avenue. A five-foot lead-in sidewalk will connect the Facility's internal sidewalk system to an existing five-foot wide sidewalk along the Property's frontage with Georgia Avenue.

Public facilities and services are available and will be adequate to serve the proposed development. The Facility will be served by public water and sewer

systems as allowed under the conditional sewer and water category change approved by the County. WSSC has accepted the conceptual design of the sewer and water supply systems. The Preliminary Plan has been reviewed by the Montgomery County Department of Fire and Rescue Service, which has determined that there is appropriate access for fire and rescue vehicles. Electrical and telecommunications services are also available to serve the Facility. Local health clinics and police stations are operating within acceptable levels established by the current Subdivision Staging Policy and the Sandy Spring Fire Station No. 40 is located adjacent to the Property.

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 lot is of the appropriate size, shape, width, and orientation for the location of the subdivision taking into account the recommendations of the Olney Master Plan, and for the use contemplated for the Property. The lot is appropriately dimensioned to accommodate the Facility and all support infrastructure including, the 100 space parking lot, sidewalks, stormwater management structures and forest conservation requirements. The lot provides a suitable buildable area that will allow the proposed building and parking to meet all minimum setbacks established in the RNC Zone and required by Special Exception S-2841.

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

A. Forest Conservation

The Preliminary Plan satisfies all requirements of Chapter 22A, the Forest Conservation Law. A Preliminary Forest Conservation Plan was approved by the Planning Board concurrent with its review of Special Exception S-2841 for the Subject Property and remains valid. The development and limits of disturbance shown on the Preliminary Plan are substantially unchanged from the Special Exception Site Plan and conform to the approved Preliminary Forest Conservation Plan. A Final Forest Conservation Plan will be reviewed by the Planning Board with the Site Plan application for the Spring Arbor – Olney project.

B. Forest Conservation Variance

With the conditions, this project is in compliance with the Montgomery County Environmental Guidelines and the Montgomery County Forest Conservation Law.

Stormwater Management

In accordance with Chapter 19, a letter (dated March 19, 2014) from the Montgomery County Department of Permitting Services found the stormwater management concept for the development to be acceptable. The stormwater management concept proposes to meet required stormwater management goals via 14 micro-bioretenention facilities and rooftop disconnect.

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-D-3.8; and

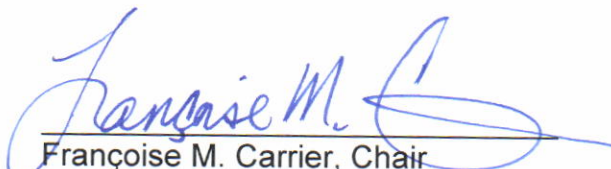
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 29 2014 (which is the date that this resolution is mailed to all parties of record); and

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 Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, July 17, 2014, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board



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

MCPB No. 14-56
Site Plan No. 820140100
Spring Arbor - Olney
Date of Hearing: July 17, 2014

JUL 29 2014

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on April 4, 2014, HHHunt Corporation ("Applicant") filed an application for approval of a Site Plan for the construction of a Domiciliary Care Home with a maximum of 107 units and 135 beds, and associated parking facilities on 37.68 acres of land in the Rural Neighborhood Zone, located on the east side of Georgia Avenue (MD97) approximately 1,000 feet south of the intersection with Old Baltimore Road ("Subject Property"), in the Southeast Quadrant of the Olney Master Plan ("Master Plan") area; and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820140100, Spring Arbor – Olney ("Site Plan" 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 3, 2014, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 17, 2014, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board 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 as certified below;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820140100 for the construction of a Domiciliary Care Home not to exceed 107

Approved as to
Legal Sufficiency:

David Lieb
MNCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

units and 135 beds and associated parking facilities , subject to the following conditions:¹

Conformance with Previous Approvals

1. Special Exception Conformance

The development must comply with the conditions of approval for Special Exception S- 2841; Board of Appeals Opinion dated November 13, 2013.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120140120, unless amended.

Environment

3. Forest Conservation

The Final Forest Conservation Plan must be revised prior to recordation of plats to include the following:

- a. Adjust the location of the Category I Conservation Easement boundary to include the entire environmental buffer.
- b. Adjust the locations of permanent signs to identify the perimeter of the Category I conservation easement as directed by M-NCPPC Staff.
- c. Adjust the locations of temporary tree protection fencing to protect trees along the limits of disturbance as directed by M-NCPPC Staff.
- d. Indicate the locations of additional tree protection measures such as root pruning on the plan and in the legend.
- e. Identify the limits of the proposed forest bank on the plan.

4. The Final Sediment Control Plan must be consistent with final limits of disturbance as approved by M-NCPPC Staff.

5. Prior to the start of any clearing, grading or demolition on the Property, the Applicant must place a Category I conservation easement over all areas of forest retention and environmental buffers as specified on the approved Final Forest Conservation Plan. Conservation easements must be shown on the record plats, but may be recorded in advance with a metes and bounds description as long as the location and liber folio are subsequently reflected on the plat.

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.

6. The Applicant must install permanent Category I conservation easement signage along the perimeter of all Category I conservation easements.
7. 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 Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
8. Prior to initiating any transactions for the forest bank, the Applicant must meet with Staff to determine administrative procedures for implementing the bank.
9. If any changes occur to the Site Plan that affect the validity of the noise analysis dated July 10, 2013, a new noise analysis will be required to reflect the revised plans and new noise attenuation features may be required.
10. Stormwater Management
The development is subject to the Stormwater Management (SWM) Concept conditions dated March 19, 2014, unless amended and approved by the Montgomery County Department of Permitting Services (MCDPS).

Site Plan

11. Site Design
 - a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the illustrative elevations shown on the submitted architectural plans.
 - b. Provide details for the three outdoor gathering spaces.
 - c. Provide details for the retaining wall at the rear of the Facility.
12. Lighting
 - d. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
 - e. All on-site down light fixtures must be full cut-off fixtures.
 - f. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
 - g. Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
 - h. The height of the light poles must not exceed 15-feet including the mounting base.
13. Surety

Prior to issuance of first building permit, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

 - a. Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.

- b. The amount of the bond or surety must include: pavement; curb and gutter; sidewalks; trash receptacles and enclosures; plant material; bike racks; on-site lighting and site furniture.
- c. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Bond/surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

14. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by M-NCPPC prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Sidewalks must be installed within six months after the parking lot construction is completed.
- b. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. The development program must provide phasing for installation of on-site landscaping and lighting.
- e. Landscaping associated with the parking lot and building(s) must be completed as construction of each facility is completed.
- f. Pedestrian pathways and seating areas associated with each facility must be completed as construction of each facility is completed.
- g. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, and other features.

15. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the coversheet.
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices prior to clearing and grading".

- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED, that all site development elements shown on Spring Arbor - Olney site and landscape plans submitted on ePlans, as updated through May 29, 2014, 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 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:

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan was required for the subject site.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

This site is covered by Special Exception S-2841 for a Domiciliary Care Home, as required in the RNC Zone. The Site Plan is in conformance with the approved special exception. The building location, layout, circulation pattern, landscaping and lighting plan all substantially reflect the Site and Landscape Plans submitted for the Special Exception. The Site Plan meets all of the requirements of the RNC Zone and fulfills the purposes of the zone by preserving large areas of contiguous rural open space. Property developed under the optional cluster method of development in the RNC Zone must have between 65% and 85% rural open space of the tract area. The Spring Arbor development will have approximately 84% in rural open space (31.8 acres).

As the data table below indicates, the Site Plan also meets all of the development standards of the zone with respect to the minimum lot area, building setbacks, rural open space, building height, and parking.

Project Data Table for the RNC Zone-Optional Method

Development Standard	Permitted/Required	Proposed for Approval
Minimum net Lot Area of Development	10 ac	37.68 ac (37.55 ac net)
Minimum Building Setbacks		
Front	*15 ft	307 feet
Rear	30 ft	430 feet
One side	17 ft	106 feet
Sum of both sides	35 ft	223 feet
Rural Open Space	65% - 85%	84%
Building Height	35 ft	35 ft
Building Area (square feet)	n/a	136,736 sf
Parking		
Parking as required by Sec.59-G-2.37(d)		
1 space per 4 beds (135 beds)	135 divided by 4 = 33.75	34 spaces
1 space per 2 staff – largest shift	100 staff divided by 2 =	50 spaces
Total spaces required	34 + 50 = 83 spaces	84 spaces
Parking Spaces	84	100 spaces (Including 8 HC spaces)
Motorcycle spaces	2	3
Bicycle spaces	5	5

*The Olney Master Plan requires a 100-foot setback from Georgia Avenue

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

Access to the site will be provided from Georgia Avenue by a 48-foot wide divided entry that narrows to a 24-foot wide private driveway. The main driveway curves around the front of the assisted living wing and the special care wing and extends around to the rear of the latter wing. Another driveway extends

southward from the main driveway around to the rear of the assisted living wing. Five parking areas totaling 100 parking spaces are provided on the site. Three parking areas are located along the front of the Facility near the two main entrances, with a parking and loading area located at the rear of each wing.

The building is located approximately 300 feet from Georgia Avenue and has 107 units in two components – an assisted living wing and a special care (memory) wing, connected by an enclosed walkway. A porte cochere covers the main entrances to both wings and the parking locations provide convenient access to the buildings from adjoining sidewalks and parking. No recreation facilities are required for this Site Plan. There are three “gathering areas” located in close proximity to the building to provide attractive seating areas for residents, visitors and staff. A walking trail also traverses through a landscaped area from the assisted living wing to link with the sidewalk on the east side of Georgia Avenue. In addition to the approximately 27 acres of retained forest, the Property will be extensively landscaped with a mix of shade, ornamental, and evergreen trees, and a variety of shrubs and groundcovers.

The rear of the assisted living wing has a third or terrace level that takes advantage of the existing slope of the Property. An enclosed walkway provides a connection to a two-story, 40,832 square-foot special care wing to provide beds for 50 patients. The open spaces, landscaping, lighting and site details adequately and efficiently address the needs of the use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The Domiciliary Care Home use in this Site Plan is compatible with other uses and site plans, and with existing adjacent development. The Facility has been designed to be visually compatible with the suburban character of the surrounding area. The two-story building elevation that faces Georgia Avenue is just 75 feet wide, similar to single-family homes in the area. The proposed development also preserves a large area of continuous open space on the site, which is consistent with one of the recommendations of the Master Plan. Approximately 84% of the site will remain as rural open space and retain the forest within this area. This Facility diversifies the housing choices in this area of Olney, providing an opportunity to “age in place” in the community, allowing residents to remain near family and friends.

The lighting is consistent with the area’s character in terms of style, scale and intensity. The light poles (maximum 15 feet tall) are centrally located around the

perimeter of the parking facility, and will have full cut-off reflectors that minimize light pollution onto the neighboring properties.

The scale of the two-story Facility is visually minimized by its angular layout and the articulation of the building facades. Brick is shown on the building's first story with siding on the second story. The building features architectural elements and details which are commonly associated with residential construction. The view of the Facility from Georgia Avenue will also be visually minimized by substantial landscaping. Approximately 99 trees of different varieties will be planted in the 300-foot setback area between Georgia Avenue and the assisted living wing of the building.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The irregularly shaped Property has gently rolling topography with limited areas of steep and moderate slopes, ranging from a high point of 550 feet in elevation at Georgia Avenue down to an elevation of 462 feet at the southeastern corner of the Property. Two unnamed tributaries to Batchellors Run extend west to east and north to south on the eastern half of the site and then join to extend to the southeastern corner of the site before flowing south and off the site. There is a 100-year floodplain associated with the two stream channels. The Property is located within the Northwest Branch watershed, Use Class IV waters. In 2011, a sewer and water category change request to W-1/S-3 was conditionally approved for the Property.

The Property contains approximately 35.15 acres of existing forest. The forest is dominated by tulip tree (*Liriodendron tulipifera*), red maple (*Acer rubrum*), and black walnut (*Juglans nigra*). There are three hundred and twelve (312) large or specimen trees located on or adjacent to the Property. There is no forest planting requirement associated with this project and additional mitigation for the trees removed under the variance provision is not required. The Application proposes to create a forest bank on the Property as part of the approval of the FCP.

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD)

This development is subject to the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for this 37.68-acre site on December 22, 2011. The NRI/FSD identified all of the required environmental features on, and adjacent to the property, as

further described in the *Environmental Guidelines for Environmental Management of Development in Montgomery County*.

Final Forest Conservation Plan and Environmental Guidelines

The Preliminary Forest Conservation Plan (PFCP) was approved by the Planning Board as part of Special Exception S-2841 at a hearing on September 19, 2013, under a Resolution dated October 3, 2013. The FCP is consistent with the approval of the PFCP, which included a proposal to clear 7.92 acres of forest, retain 27.23 acres of forest, and a variance to remove two specimen trees, and impact the critical root zones of 19 trees. There is no forest planting requirement associated with this project and additional mitigation for the trees removed under the variance provision is not required. The Application proposes to create a forest bank on the Property as part of the approval of the FCP.

The project proposes to clear 7.92 and retain 27.23 acres of forest. Approximately 13.75 acres of the retained forest is located within the environmental buffer and the majority of the remaining 13.48 acres of forest is contiguous upland forest located adjacent to the environmental buffer. There is no forest planting requirement for this project and all of the retained forest and areas within the environmental buffer will be protected in a Category I conservation easement.

Forest Conservation Bank

The Application includes a request to establish a forest conservation bank for 13.48 acres of high priority upland forest on the Property (6.75 acres of mitigation credit). The Planning Board established policies related to forest conservation banks based on M-NCPPC Staff's recommendations at hearing on May 22, 2014. The proposed forest conservation bank meets the criteria for a bank created within the development process. The proposal meets the criteria as follows:

1. The forest conservation bank will include existing forest that is located outside of the environmental buffer.
2. The forest bank will include existing forest categorized as high priority for protection on the approved NRI/FSD.
3. The forest bank will include existing forest in excess of the forest conservation worksheet break-even point.

With the conditions, this project is in compliance with the Montgomery County Environmental Guidelines and the Montgomery County Forest Conservation Law.

Stormwater Management

In accordance with Chapter 19, a letter (dated March 19, 2014) from the Montgomery County Department of Permitting Services found the stormwater management concept for the development to be acceptable. The stormwater management concept proposes to meet required stormwater management goals via 14 micro-bioretenention facilities and rooftop disconnect.

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-D-3.8; and

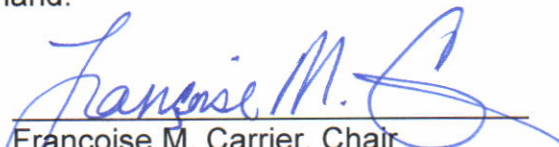
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 29 2014 (which is the date that this resolution is mailed to all parties of record); and

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 Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, July 17, 2014, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

MR. RICHARD BRUSH, MANAGER
MCDPS-WATER RES. PLAN REVIEW
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ROCKVILLE, MD 20850

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DHCA
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4TH FLOOR
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MS. SUSAN SCALA-DEMBY
MCDPS-ZONING
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GIATHERSBURG, MD 20878

MR. ATIQ PANJSHIRI
MCDPS-RIGHT-OF-WAY
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MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Memorandum

TO: Gwen Wright, Planning Director

VIA: Richard Weaver, Chief, Area 3
Sandra Pereira, Supervisor, Area 3

FROM: Doug Johnsen, Senior Planner, Area 3

SUBJECT: Administrative Site Plan Amendment No. 82014010A – Spring Arbor - Olney

DATE: November 14, 2018

RECOMMENDATION

Staff recommends **Approval** of the Amendment to the Certified Site Plan for Spring Arbor - Olney.

PROJECT DESCRIPTION

This memorandum applies only to Site Plan Amendment No. 82014010A for Spring Arbor - Olney, encompassing the modifications listed below which correspond to the submitted plans. The property is located at 17001 Georgia Avenue, 1,000 feet south of the intersection with Old Baltimore Road in the Olney Master Plan Area in the RNC Zone. The original Site Plan No. 820140100 was approved by the Planning Board on July 29, 2014 for a domiciliary care home with a maximum of 135 beds and 107 units. This amendment requests minor modifications to the site plan as outlined below.

On June 20, 2018, Spring Arbor - Olney c/o Robert K. McCary of Rodgers Consulting, Inc. ("Applicant") filed an application for an amendment to the Certified Site Plan No. 820140100 for Spring Arbor - Olney. The application for the amendment was designated No. 82014010A, ("Application" or "Amendment"). The Application requests approval of the following modifications:

- 1) The lower level terrace floor to first floor architectural dimension reduced from 14.0-ft to 12.67-ft lowering the overall height of the building by 1-ft, 4-in.
- 2) Site grading adjustment to lower grades around the main building to provide positive drainage and access into and around the building prompted by the floor-to-floor reduction.
- 3) Architectural footprint revised on Specialty/Critical Care Building.
- 4) Doorway additions at northeast end of the Main Building to provide a direct connection to Outdoor Gathering Area #2.
- 5) Doorway elimination on north side of Main Building on each side of the main entrance.
- 6) Elimination of the retaining wall at the upper level main entrance to the Specialty/Critical Care Building.

- 7) Shifting of lighting pole locations along the Private Drive to the south side of the driveway and a reduction of the total number of light poles to be provided.
- 8) Relocation of eight (8) on-site parking spaces to address setback requirements to the adjacent Sandy Spring Volunteer Fire Department (SSVFD) facilities, and subsequent adjustments to landscaping and Rural Open Space easement.
- 9) Minor adjustments to the limits of disturbance (LOD) along the southwest boundary per parking space relocation.
- 10) Update to development table for required parking.

DISCUSSION

The Applicant placed proper signage on the property and the notice of application was mailed out on June 20, 2018. Staff has not received any correspondence or objections to this Application.

In accordance with the Montgomery County Zoning Ordinance § 59-D-3.7(d), the Planning Director may approve site plan amendments that meet the following:

- (1) The Amendment does not:
 - a. Increase the building height,
 - b. Increase the floor area of a non-residential building,
 - c. Increase the number of dwelling units, or
 - d. Prevent circulation on any street or path
- (2) The Amendment modifies one or more of the following elements of the approved Site Plan:
 - a. A parking or loading area;
 - b. Landscaping, a sidewalk, recreational facilities, public use space, or green area in a manner that does not alter basic elements of the plan; or
 - c. Any other plan element that will have a minimal effect on the overall design, layout quality, or intent of the plan.

The Amendment reduces the overall building height, revises the residential building footprint, and includes minor modifications to site grading, parking, lighting and landscaping. Staff has reviewed the proposed changes and they do not alter the intent of the original site plan approved by the Planning Board and meet the criteria for an administrative site plan amendment.

The Amendment does not increase building height. Instead, it includes a reduction of the vertical spacing between the terrace floor to first floor spacing from the approved 14.0-ft down to 12.67-ft., while retaining the 2 stories originally approved. Additionally, the Amendment includes a slight decrease of 52 square feet (SF) in the footprint of the Specialty/Critical Care Building from 136,750 SF to 136,698 SF.

The Amendment does not increase the number of approved dwelling units. The facility is approved for a domiciliary care home with a maximum of 135-beds and 107-units with specialty care for aging individuals who suffer from dementia or Alzheimer's disease. With the Amendment, the total resident population is anticipated to be no more than 135 persons with 85 individuals in the assisted living portion and 50 persons in the specialty care area, and no more than 50 employees on-site at any one time.

The Site Plan Amendment proposes changes in grading to reflect the floor to floor dimension reduction, to maintain ADA access from the public roadway to the main access points for the building and along the pathway around the building. The revised grading along the front of the Specialty/Critical Care Building has eliminated the need for the portion of the retaining wall that was shown connecting to the front of the building. As a result, the sidewalk connection in that location is now intended as a “bridge” connection which further allows light to the lower level of this portion of the building.

The design elements, including a narrow residential front façade, situated closest to Georgia Avenue (MD 97) is in keeping with the Olney Master Plan, and in conformance with both the Site Plan and subdivision requirements. The architectural plan updates added doorways on the northeast end of the Main Building to allow for direct access to Gathering Area #2. Additionally, doorways near the main entrance of the Main Building have been eliminated as they now connect to an internal gathering space.

The Amendment modifies the rural open space easement boundary by slightly increasing the total amount of rural open space from 1,385,876 sf to 1,386,449 sf. The Amendment provides approximately 31.8 acres (84%) of the overall tract area of 36.88 acres as rural open space.

The Amendment relocates eight (8) regular (non-ADA) parking spaces to provide the necessary setbacks from adjacent fuel storage tanks on the SSVFD property. Four (4) of those parking spaces were relocated to the opposite end of their original parking bay, two (2) spaces were relocated to the parking bay across from the Main Building, just past the main entrance and the last two (2) spaces were relocated to the perimeter parking bay across from the main entrance to the Specialty/Critical Care Building.

The relocation of the 8 parking spaces required a minor modification to the limits of disturbance (LOD) along the southwest boundary of the site to address drainage swale shifts and to maintain drainage on-site. This portion of the LOD is outside the existing Category I Conservation Easement areas and will not impact those easements.

The landscape plan was revised to reflect the changes proposed by this amendment including the parking space relocations, changes to the SWM facilities and other engineering elements of this plan. The plant material quantities remain the same as the originally approved site plan.

This Amendment reduces the overall number of lighting poles from the approved 64 poles down to 45 poles because the lumens on each lighting assembly have been increased, and therefore, the number of light poles could be decreased, which still maintains adequate photometric coverage of the property. This modification increases lighting efficiency and further minimizes lighting impacts on surrounding residential neighborhoods. The 45 poles provided were: (1) relocated to the south side of the entrance driveway further away from the adjacent residential and institutional properties to the north and (2) relocated throughout the site to provide adequate illumination.

FINDINGS

Staff finds that the proposed revisions to the Site Plan do not increase the height, floor area of any non-residential building, the number of dwelling units, or prevent circulation on any street or path in accordance with the requirements for a minor site plan amendment specified in Montgomery County Code § 59-D-3.7(d). The modifications included in the Amendment do not alter basic elements of the plan and have a minimal effect on the overall design, layout quality, or intent of the plan.

CONCLUSION

Staff recommends approval of Site Plan Amendment No. 82014010A in accordance with the required findings. The Amendment remains valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting an amended Site Plan for certification with the specific modifications.

ACCEPTED & APPROVED BY:

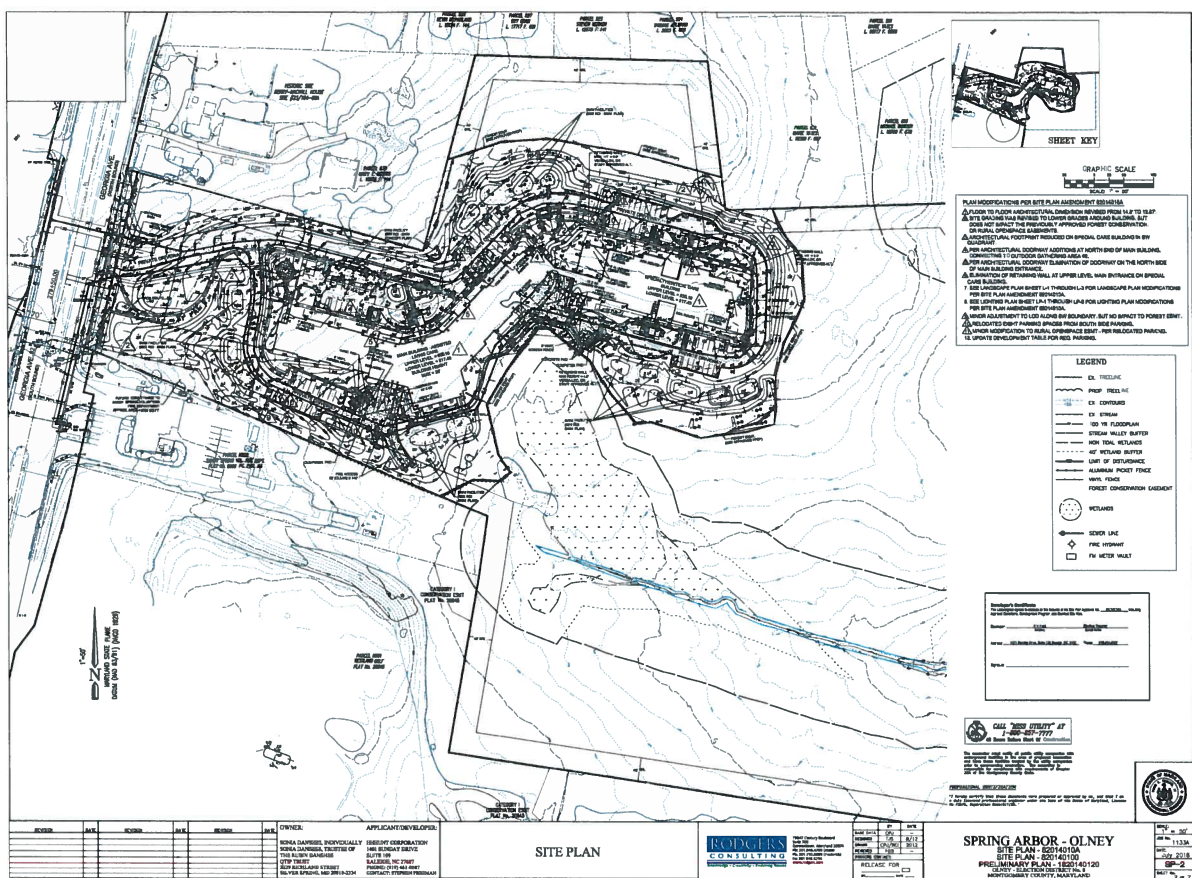


Gwen Wright, Planning Director



Date Approved

ATTACHMENT 1 – Spring Arbor - Olney Site Plan





May 15, 2020

M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Spring Arbor - Olney
Site Plan Amendment 82014010B
RCI #1318A

Thank you for your review of Site Plan Amendment 82014010B. Per the checklist, please see the enclosed Traffic Impact Statement (TIS), for the above-mentioned Project, from June 28, 2013. Per the approved TIS, *"...the total number of residents is not expected to exceed 135 people."* Please note that the proposed Site Plan Amendment 'B' is within the parameters of the approved TIS and will not exceed 135 people. Should you have any questions, or would like any additional information, please do not hesitate to contact me.

Sincerely,
Rodgers Consulting, Inc.

Randall Rentfro

Randall Rentfro, P.E.
Senior Team Engineer

Lenhart Traffic Consulting, Inc.

Transportation Planning & Traffic Engineering

Memorandum:

Date: June 28, 2013

TO: MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

FROM: Mike Lenhart

RE: Traffic Statement for Danshes Property

The purpose of this report is to provide a Traffic Statement for the Danshes Property as required in the Montgomery County Subdivision Staging Policy. The property is identified as Parcel P771 on tax map HT 51 (attached) containing 37.68 acres of vacant land. The property is also identified on Page 37 of the Olney Master Plan, and a site location map is shown on Exhibit 1.

The Subdivision Staging Policy establishes the "Local Area Transportation Review (LATR) and Transportation Planning Area Review (TPAR) Guidelines". These Guidelines are utilized by the Montgomery County Planning Board for the Administration of the Adequate Public Facilities Ordinance.

The Guidelines requires a Traffic Statement to determine the applicability and status of the LATR and TPAR requirements as it applies to the project.

The site is proposed to be developed with a 107 unit (room) assisted living senior housing facility which will include a specialty Alzheimer's unit. It is understood that the facility will establish a certain number of companion rooms which may include husband and wife together in one room/unit. Considering the use of companion rooms, the total number of residents is not expected to exceed 135 people.

The attached Trip Generation Table for the project (Exhibit 2) contains the trip generation totals for the project. The projected trip generation is based upon the Combined Staffing Summary contained in the Statement of Operations. The Combined Staffing Summary is included in Appendix A. Each shift has been evaluated to calculate the number of employees arriving the hour before their shift and the number of employees departing within the hour after their shift; and the totals per hour have been summarized on Exhibit 2. Based on this information, the facility will generate a maximum of twelve (12) trips in the morning peak hour and six (6) trips in the evening peak hour.

The project is located in the Olney Policy Area which has been identified as inadequate under the transit test for the TPAR review. A copy of the TPAR findings are included in Appendix A. It is anticipated that the project will be subject to the TPAR requirements at the time of Preliminary Plan of Subdivision.

The site is located along the east side of MD 97 (Georgia Avenue) approximately one mile north of the ICC. MD 97 is identified in the Olney Mater Plan as a major highway (M-8), a 4-lane divided highway within a 150 foot right-of-way from Emory Lane to Spartan Road. MD 97 is also identified as a shared

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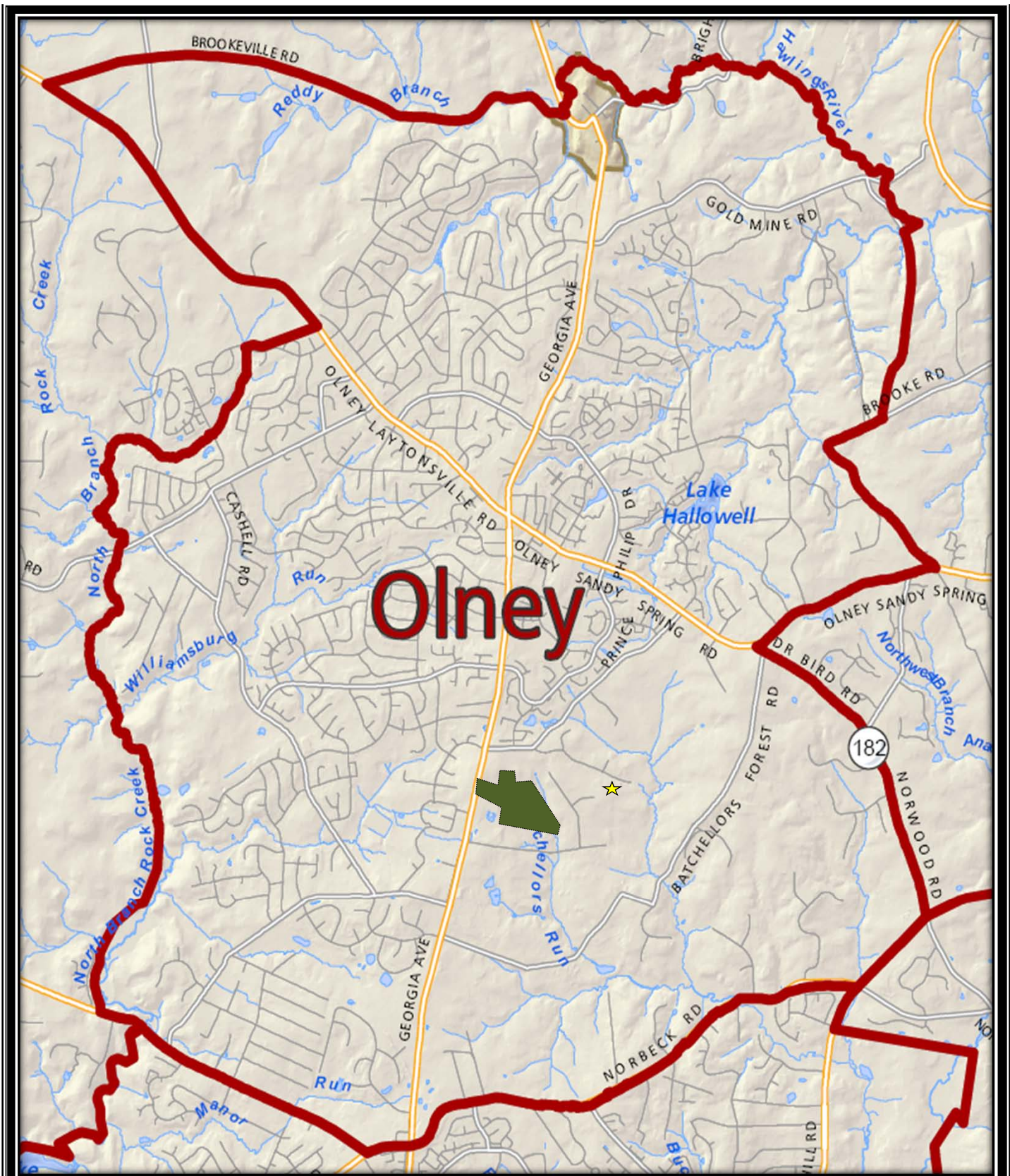
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use bike path (SP-29) from MD 108 to MD 28 (Norbeck Rd). MD 97 is identified in the Maryland State Highway Location Reference Manual as a “Secondary” roadway.

Based on the information contained in this report.....

- The project is located in the Olney Policy Area which is defined as inadequate under the transit test for the TPAR review. It is anticipated that the project will be subject to the TPAR requirements at the time of Preliminary Plan of Subdivision.
- The project generates fewer than 30 peak hour trips, therefore is exempt from LATR.
- The hourly entering and exiting volumes are extremely light, and do not warrant acceleration or deceleration lanes based on the Maryland State Highway Administrations Guidelines.

If you have any questions regarding this matter, please do not hesitate to contact me at the number below.



Traffic Impact Analysis

Lenhart Traffic Consulting, Inc.

Traffic Engineering & Transportation Planning

Policy Area Map
& Site Location

Exhibit
1

Trip Generation for Assisted Living Facility

		AM Peak		
		In	Out	Total
Morning Trips (Based on Combined Staffing Summary)	6-7 AM	12	0	12
	7-8 AM	3.5	7	10.5
	8-9 AM	6	0	6
	9-10 AM	0	0	0
Maximum AM Peak Hour Trips:		6-7 AM	12	0
				12

		PM Peak		
		In	Out	Total
Evening Trips (Based on Combined Staffing Summary)	4-5 PM	0	3.5	3.5
	5-6 PM	0	6	6
	6-7 PM	0	0	0
Maximum PM Peak Hour Trips:		5-6 PM	0	6
			6	6

NOTES:

1. Projects with 30 or fewer peak hour trips are exempt from LATR.
2. Trips above based on the Combined Staffing Summary (from the Statement of Operations) contained in Appendix A.

Traffic Impact Analysis	Trip Generation for Site	Exhibit 2
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Appendix A

Supplemental Information from ITE & County LATR/TPAR Guidelines

Table 1- Results of TPAR Test, January 1, 2013-June 30, 2014

Policy Area	Adequacy Status
Aspen Hill	Adequate under Roadway and Transit Tests
Bethesda CBD	Adequate under Roadway Test; exempt from Transit Test
Bethesda-Chevy Chase	Inadequate under Transit Test
Clarksburg	Inadequate under Transit Test
Cloverly	Inadequate under Transit Test
Damascus	Adequate under Roadway and Transit Tests
Derwood	Inadequate under Transit Test
Fairland/White Oak	Inadequate under Roadway Test
Friendship Heights	Adequate under Roadway Test; exempt from Transit Test
Gaithersburg City*	Inadequate under Roadway Test
Germantown East	Inadequate under Transit Test
Germantown Town Center	Inadequate under Transit Test
Germantown West	Inadequate under Transit Test
Glenmont	Adequate under Roadway Test; exempt from Transit Test
Grosvenor	Adequate under Roadway Test; exempt from Transit Test
Kensington/Wheaton	Inadequate under Transit Test
Montgomery Village/Airpark	Inadequate under Transit Test
North Bethesda	Inadequate under Transit Test
North Potomac	Inadequate under Transit Test
Olney	Inadequate under Transit Test
Potomac**	Inadequate under Transit Test
R&D Village	Inadequate under Transit Test
Rockville City*	Inadequate under Transit Test
Shady Grove	Adequate under Roadway Test; exempt from Transit Test
Silver Spring CBD	Adequate under Roadway Test; exempt from Transit Test
Silver Spring/Takoma Park	Inadequate under Transit Test
Twinbrook	Adequate under Roadway Test; exempt from Transit Test
Wheaton CBD	Adequate under Roadway Test; exempt from Transit Test

*Applies to any development that would be located in the policy area but not in the City.

**Under applicable master plans, the Potomac policy area is exempt from the Roadway Test.

The White Flint MSPA and the Rural East and Rural West policy areas are exempt from both the Roadway and Transit Tests.

Combined Staffing Summary

125 Total Residents	Administrative Staffing		Special Care Resident Care Staffing						Special Care Resident Care Staffing		
Staff Positions	Monday - Friday one - 8 hour shifts		Monday - Friday three - 8 hours shifts (.5 = part time)						Saturday - Sunday three - 8 hour shifts (.5 = part time)		
	8 AM to 4PM Shift 1	9 AM to 5 PM Shift 2	6 AM to 2 PM Shift 1	7 AM to 3PM Shift 2	8 AM to 4PM Shift 3	11 AM to 7 PM Shift 4	3 PM to 11 PM Shift 5	11 PM to 7 AM Shift 6	7AM to 3PM Shift 1	3PM to 11PM Shift 2	11PM to 7AM Shift 3
Resident Care Coordinator		1.00									
Assistant Resident CC											
RN Case Manager							2.00				
SIC/Med Tech				1.00							
Aides				3.00							
Food Service Director				8.00			3.00	2.00	3.00	3.00	2.00
Cook			1.00				8.00	5.00	8.00	8.00	5.00
Server			2.00			1.00					
Dishwasher/Prep			3.00			2.00			3.00		
Activities Director - AL		1.00	1.00			1.00			5.00		
Activities Director - SC		1.00								2.00	
Housekeeping											
Transportation					2.50						
Maintenance	1.00		1.50							2.50	
Marketing Director									.50		
Executive Director		1.00							.50		
Business Office Manager		1.00									
Weekend Receptionist											
Evening Receptionist									1.00		
Administrative Assistant							1.00				
							1.00				
TOTAL STAFF PER SHIFT	1	6	8.5	12	2.5	4.0	15	7	21	15.5	7

7-8 AM	8-9 AM	5-6 AM	6-7 AM	7-8 AM	10-11 AM	2-3 PM	10-11 PM			
1 in	6 in	8.5 in	12 in	2.5 in	4 in	15 in	7 in	n/a	n/a	n/a
4-5 PM	5-6 PM	2-3 PM	3-4 PM	4-5 PM	7-8 PM	11 P.M.	7-8 AM			
1 out	6 out	8.5 out	12 out	2.5 out	4 out	15 out	7 out	n/a	n/a	n/a

6-7 AM = 12 in / 0 out
 7-8 AM = 3.5 in / 7 out
 8-9 AM = 6 in / 0 out

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4-5 PM = 0 in / 3.5 out
 5-6 PM = 0 in / 6 out
 6-7 PM = 0 in / 0 out

Land Use: 254 Assisted Living

Description

Assisted living complexes are residential settings that provide either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons. They commonly have separate living quarters for residents, and services include dining, housekeeping, social and physical activities, medication administration and transportation. Alzheimer's and ALS care are commonly offered by these facilities, though the living quarters for these patients may be located separately from the other residents. Assisted care commonly bridges the gap between independent living and nursing homes. In some areas of the country, assisted living residences may be called personal care, residential care, or domiciliary care. Staff may be available at an assisted care facility 24 hours a day, but skilled medical care—which is limited in nature—is not required. Continuing care retirement community (Land Use 255) and nursing home (Land Use 620) are related uses.

Additional Data

The rooms in these facilities may be private or shared accommodations, consisting of either a single room or a small apartment-style unit with a kitchenette and living space.

One study reported that according to national and local data, less than 5 percent of the residents owned cars, which were rarely driven. Employees, visitors and delivery trucks made most of the trips to these facilities.

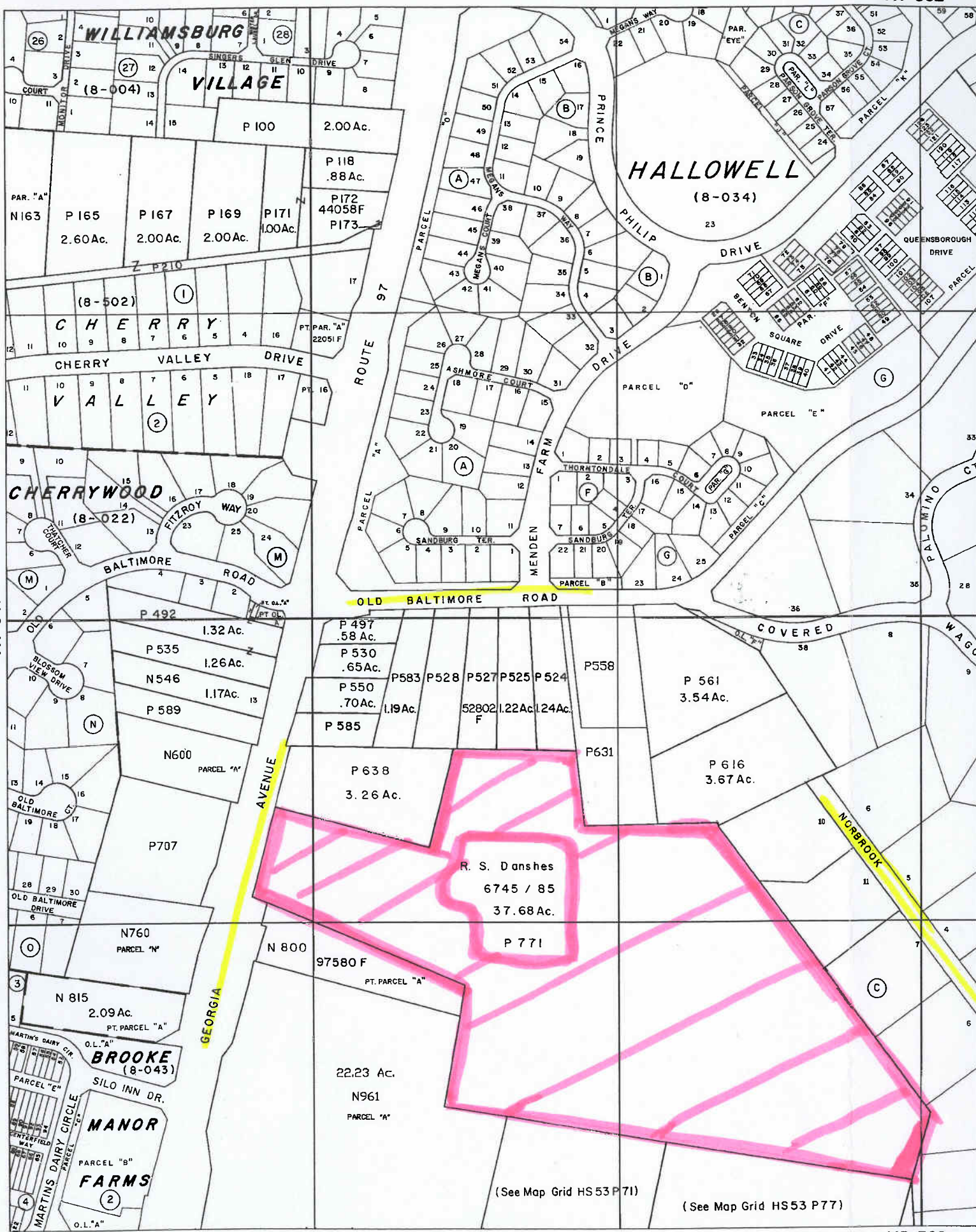
Truck traffic was captured for some studies in this land use and is presented in the table below. Although truck traffic was very low overall, most trips occurred during the mid-day period on a weekday.

The peak hour of the generator typically did not coincide with the peak hour of the adjacent street traffic, primarily because of the shifts of the employees. For the data collected in this land use, shifts typically began at 7:00 a.m., 3:00 p.m. and 11:00 p.m. The a.m. peak hour of the generator typically occurred between 6:00 a.m. and 7:00 a.m., while the p.m. peak hour of the generator typically occurred between 3:00 p.m. and 4:00 p.m.

Time Period	% Trucks
Weekday Morning (6:30 a.m.–9:30 a.m.)	1
Weekday Mid-Day (11:00 a.m.–1:30 p.m.)	9
Weekday Evening (2:45 p.m.–6:45 p.m.)	2
Saturday Mid-Day (11:00 a.m.–2:00 p.m.)	4
Saturday Evening (3:00 p.m.–6:00 p.m.)	0
Sunday Mid-Day (11:00 a.m.–2:00 p.m.)	1
Sunday Evening (3:00 p.m.–6:00 p.m.)	0

Appendix B

Tax Map



H 5

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SCALE IN FEET

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