



DEC 03 2020

MCPB No. 20-125
Preliminary Plan No. 12014012A
Spring Arbor – Olney
Date of Hearing: November 19, 2020

RESOLUTION

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

WHEREAS, on July 17, 2014, the Planning Board, by Resolution MCPB No. 14-55, approved Preliminary Plan No. 120140120, creating one lot on 37.68 acres of land in the RNC 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 2005 *Olney Master Plan* (“Master Plan”) area; and


WHEREAS, on July 29, 2020, FDG Olney Senior Living, LLC (“Applicant”) filed an application for approval of an amendment to the previously approved preliminary plan(s) 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 on the Subject Property; and

WHEREAS, Applicant’s application to amend the preliminary plan was designated Preliminary Plan No. 12014012A, Spring Arbor – Olney (“Preliminary Plan,” “Amendment,” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 6, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on November 19, 2020, Staff presented the Amendment to the Planning Board as a consent item for its review and action; and

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

Approved as to
Legal Sufficiency: 
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M-NCPFC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12014012A to allow up to 130 units and 135 beds in the Domiciliary Care Home by *modifying* the following conditions:¹

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

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

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

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

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 Domiciliary Care Home (“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 beds². No changes to size, shape, orientation or configuration of Lot 1 are proposed and therefore a new record plat is not

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.

² On November 13, 2013 the Montgomery County Board of Appeals granted approval of Special Exception S-2841, with conditions, pursuant to Section 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).

On May 15, 2020, the Applicant requested that the Board of Appeals (“BOA”) grant an administrative modification of the special exception for the modifications identified in the Amendment (Approved on June 11, 2020). 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 application.

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 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.


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 03 2020 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, November 19, 2020, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board