

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

July 22, 2024

MCPB No. 24-063
Preliminary Plan Amendment No. 12016011B
Silver Spring Healthcare Center
Date of Hearing: July 18, 2024

RESOLUTION

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

WHEREAS, on March 7, 2016, the Planning Board, by Resolution MCPB No. 16-023, approved Preliminary Plan No. 120160110, creating one lot on 5.9 acres of land in the R-200 zone for the construction of a three-story domiciliary care facility for seniors consisting of a maximum of 113 units (136 beds), located at 13908 New Hampshire Avenue ("Subject Property"), in the 1997 *White Oak Master Plan* ("Master Plan") area; and

WHEREAS, on September 15, 2016, the Planning Board, by Resolution MCPB No. 16-085, approved Preliminary Plan Amendment No. 12016011A to amend Condition No. 8, in order to address the timing of the construction of the required shared use path and recordation of the required public improvement easement, which conflicts with the storm drain easement for New Hampshire Avenue and requires its abandonment by the Maryland Department of Public Works on the Subject Property; and

WHEREAS, on June 20, 2024, New Hampshire Asset Co., LLC c/o Communicare Family of Companies ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to: modify Condition No. 1 for consistency with approved Special Exception S-2881 (as amended), reflecting an approved bed count of 144; modify Condition No. 9 to reflect the type of bike rack installed per approved Special Exception S-2881; include copies of Special Exception S-2881 amendment resolutions; and update the data table for consistency with approved Special Exception S-2881 (as amended) on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan Amendment No. 12016011B, ("Preliminary Plan," "Amendment," or "Application"); and

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Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

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, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 18, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 12016011B to modify Condition No. 1 for consistency with approved Special Exception S-2881 (as amended), reflecting an approved bed count of 144; modify Condition No. 9 to reflect the type of bike rack installed per approved Special Exception S-2881; include copies of Special Exception S-2881 amendment resolutions in the Certified Preliminary Plan; and update the data table for consistency with approved Special Exception S-2881 (as amended). The Amendment modifies the approved conditions as follows:¹

1. Approval is limited to one lot to allow for a senior housing facility limited to 113 units (144 beds).
9. The Applicant must provide 4 bicycle parking spaces as shown on the Certified Preliminary Plan.

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

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

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

- 1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its***

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.

location and the type of development or use contemplated and the applicable requirements of Chapter 59.

a) The Lot(s) and Use comply with the basic requirements of Chapter 59

The Special Exception allowing the domiciliary care home (No. S-2881) was approved under the Zoning Code in effect before October 30, 2014, and the development standards and procedures of that Zoning Code are still applicable under Section 59-7.7.1.A and Section 59-7.7.1.C.5 of the current Zoning Code. The domiciliary care home continues to satisfy the requirements of Chapter 59 in effect before October 20, 2014. The amended data table reflects an increase in the maximum allowable number of beds to 144, an increase in the maximum number of employees allowed onsite at any one time to 45, and other updates as previously approved by the Board of Appeals.

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

a) Local Area Transportation Review (LATR)

The Trip Generation table shows that the 144-bed facility is projected to generate 27 person trips during the AM and PM peak hour. This is below the LATR Transportation Study threshold of 50 peak hour person-trips. Therefore, a study is not required to satisfy the LATR test.

Trip Generation

Land Use	Size	AM Peak Hour (Person Trips)	PM Peak Hour (Person Trips)	AM Peak Hour (Vehicle Trips)	PM Peak Hour (Vehicle Trips)
Nursing Home	144 Beds	27	27	20	20

Other public facilities and services continue to be available and adequate to serve the development.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

July 22, 2024

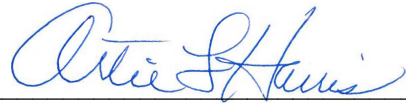
(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions..

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution approved and adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, July 18, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board