



**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

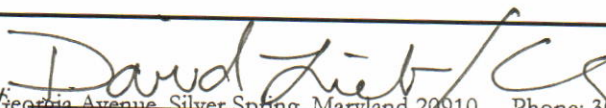
WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 3, 2014, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“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:



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:<sup>1</sup>

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:

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<sup>1</sup> 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-bioretenion 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

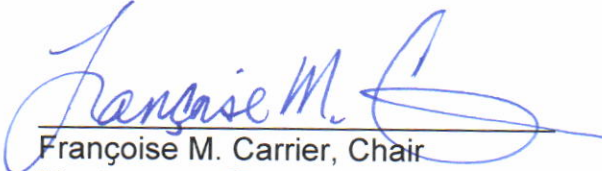
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 29 2014 (which is the date that this resolution is mailed to all parties of record); and

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).

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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