



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

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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-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

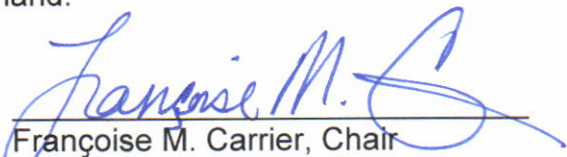
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JULY 29 2014 (which is the date that this resolution is mailed to all parties of record); and

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