

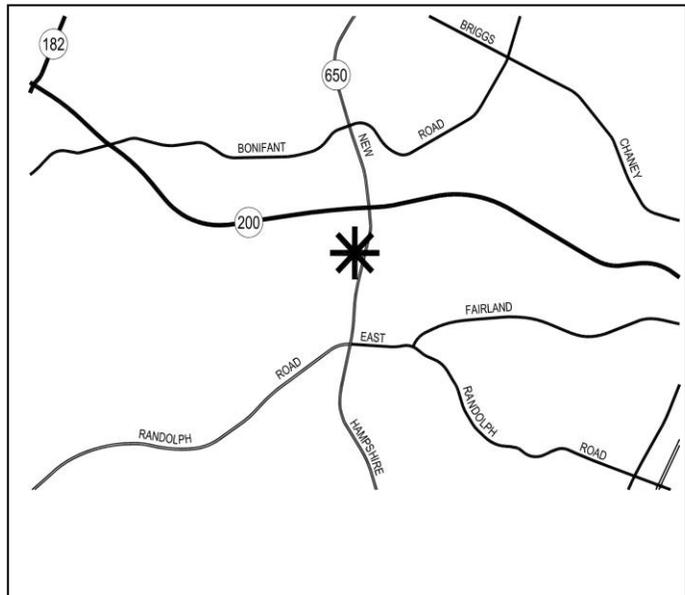
Colesville Senior Living Facility, Limited Preliminary Plan Amendment, 12016011A

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Completed: 8/22/16

Description

- Limited Preliminary Plan Amendment to amend Condition No. 8, originally approved with Preliminary Plan No. 120160110, in order to address the timing of the construction of the required shared-use path and recordation of the required PIE, which conflicts with the stormdrain easement for New Hampshire Avenue and requires its abandonment by the Maryland Department of Public Works;
- Location: 13908 New Hampshire Avenue;
- R-200 Zone, 5.9 acres of land in the 1997 White Oak Master Plan;
- Applicant: Columbia/Wegman Acquisitions, LLC;
- Filing date: 7/20/16.



Summary

- Staff recommends approval of the Limited Preliminary Plan Amendment.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of the Limited Preliminary Plan Amendment to amend Condition No. 8 of Preliminary Plan 120160110. All previous findings and conditions of approval remain in full force and effect, except as modified herein:

8. The Applicant must comply with the recommendations of the Intercounty Connector Limited Functional Master Plan Amendment as follows: by reconstructing the existing sidewalk along the New Hampshire Avenue frontage to be a 10-foot wide shared-use path with a green panel and street trees. Any portion of this shared-use path outside of the right-of-way must also include a public improvement easement.
 - a. Within two years of approval of the resolution, the Applicant must:
 - i. Obtain approval from the Maryland Board of Public Works to abandon/vacate the SHA drainage easement located along the New Hampshire Avenue frontage of the Property;
 - ii. Record in the Land Records a Public Improvement Easement (PIE), in a form approved by the County and/or Maryland State Highway Administration (SHA), for any portion of the shared-use path which lies outside of the right-of-way for New Hampshire Avenue; and
 - iii. Construct the shared-use path as shown on the Preliminary Plan.
 - b. Prior to issuance of any building permit and Sediment Control Permit, the Applicant must enter into a Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety, with the following provisions:
 - i. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
 - ii. The cost estimate must include the applicable elements of the Landscaping and Lighting Plan limited to the purchase, installation and maintenance of all landscape plant material; on-site lighting; and for the construction of a 10-foot wide shared-use asphalt path along New Hampshire Avenue. The surety must be posted before issuance of any building permit.
 - iii. Completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
 - iv. The bond or surety for each item shall be clearly described within the Surety and Maintenance Agreement including all relevant conditions.

SITE DESCRIPTION

The Property, (outlined in red in Figure 1 below) is a 5.9-acre Parcel (P305), located at 13908 New Hampshire Avenue (MD 650) in the Bealles Manor Subdivision, just south of the Intercounty Connector (ICC) (MD 200), on the west side of New Hampshire Avenue between Hobbs Drive and the existing Cambodian Temple. The vacant Property is zoned R-200, and is partially wooded. The existing curb cut and gate serving the vacant lot at the southern end of the Property will be removed.

Access is proposed via a right-in/right-out driveway at the northern end of the Property. Since there is no median opening along the Property's frontage, drivers attempting to access the Property from the south will have to travel northbound on New Hampshire Avenue past the Property and make a U-turn at the

Hobbs Drive median opening. Conversely, drivers seeking to exit the Property in order to travel north must first travel southbound on New Hampshire Avenue and make a U-turn at the Orchard Way/Cambodian Buddhist Society Driveway median opening.

The Property lies in both the Paint Branch watershed and Northwest Branch watershed, but outside any Special Protection Areas. There are no streams, wetlands, floodplains, or environmental buffers on the site. The Property will be served by public water and sewer.



Figure 1 – Vicinity Map

PROJECT DESCRIPTION

Previous Approvals

On June 25, 2015, the Planning Board reviewed Special Exception No. S-2881 for a senior living facility for up to 113 units (136 beds) on the Subject Property, and on October 2, 2015, the Hearing Examiner issued an opinion granting approval with conditions for the proposed facility. On March 3, 2016, the Planning Board reviewed and approved with conditions Preliminary Plan No. 120160110 for one lot to allow a senior housing facility limited to 113 units (136 beds); the Planning Board Resolution granting the approval was mailed on March 7, 2016.

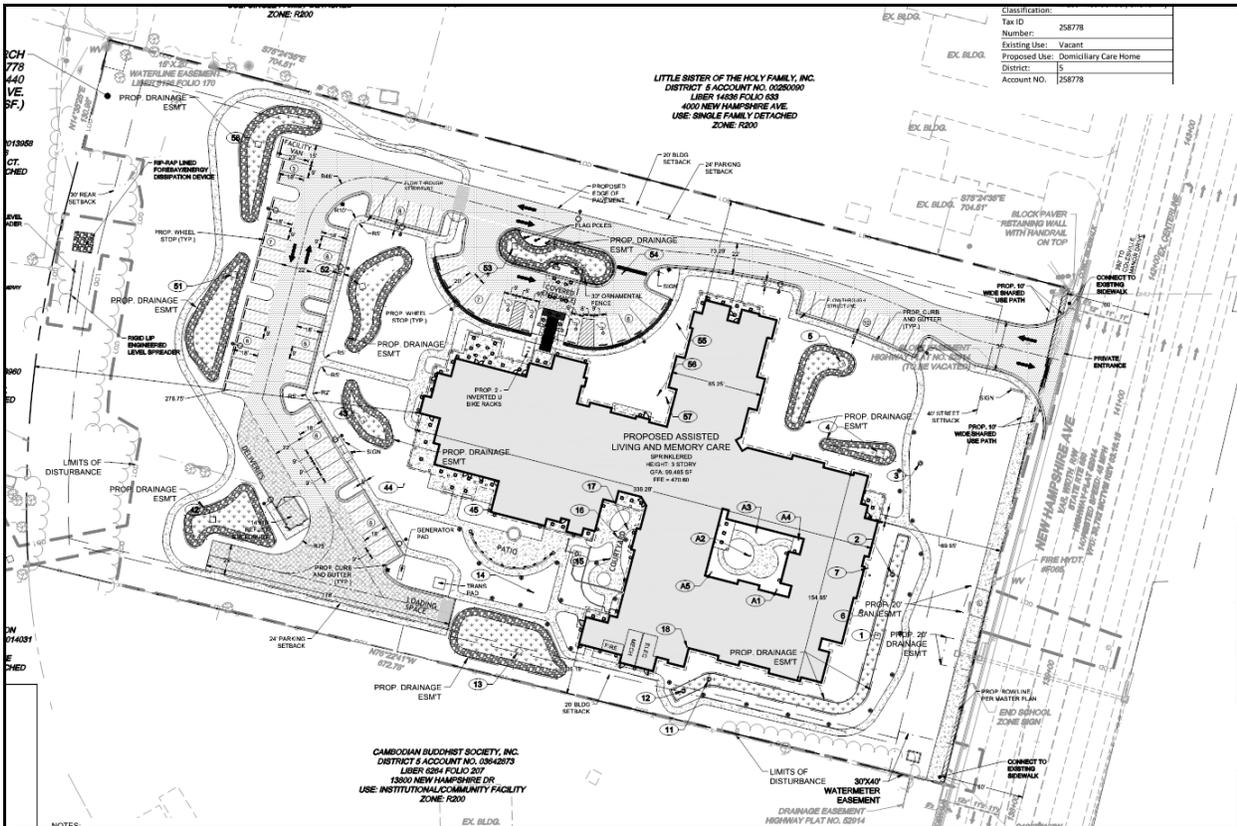


Figure 2 – Preliminary Plan

Proposal

The Amendment proposes to modify Condition No. 8, originally approved with Preliminary Plan No. 120160110, in order to address an issue with respect to the timing of the completion of the required shared-use path and recordation of the required Public Improvement Easement (PIE).

As determined at the time of the Preliminary Plan approval, the *Intercounty Connector Limited Functional Master Plan Amendment* recommends a 10-foot wide shared-use path along the west side of New Hampshire Avenue from Randolph Road to the Intercounty Connector. The Applicant would typically be required to install this shared-use path in the right-of-way along the Property’s New Hampshire Avenue frontage. However, due to the current right-of-way configuration and constraints, the shared-use path could not be accommodated entirely within the right-of-way, and therefore was approved to be partially located on the Property within a PIE.

Subsequent to approval of the Preliminary Plan, SHA notified Staff and the Applicant of an existing drainage easement that encumbers the Property along the New Hampshire Avenue right-of-way line and will overlap with the required PIE and shared-use path. SHA has indicated that it will neither permit the construction of the shared-use path as shown on the approved Preliminary Plan, nor allow recordation of the PIE in any area covered by their drainage easement. Therefore, prior to construction of the shared-use path and recordation of the PIE, the Applicant must obtain approval from SHA and the Maryland Board of Public Works to abandon/vacate the existing drainage easement. Once the existing drainage easement is abandoned/vacated, the Applicant will then be able to construct the path and record the PIE in the Land Records, with either the County or SHA accepting the PIE.

The proposed amendment is designed to give the Applicant enough time to pursue and obtain approval from the Maryland Public Board of Works to abandon/vacate SHA's drainage easement without delaying the project's construction as originally planned. The proposed changes in the conditions of approval provide the Applicant two years from the date of the Planning Board Resolution to get the State to abandon/vacate the drainage easement, construct the shared-use path, and record the PIE in the Land Records. A financial bond/surety and associated agreement are required for all landscaping, lighting, onsite amenities, and the shared-use path.

COMMUNITY OUTREACH

This Application was submitted and noticed in accordance with the requirements contained in the Development Review Procedures Manual. As of the date of this report, Staff has not received any correspondence regarding the proposed amendment.

FINDINGS AND RECOMMENDATION

The proposed Preliminary Plan Amendment does not alter the findings and recommendations in relation to the original approval. The modification to condition No. 8 will not alter the general intent or objectives of the approved Preliminary Plan.

Therefore, Staff recommends approval of Preliminary Plan Amendment No. 12016011A, with the modified condition listed at the beginning of this report. All other findings and conditions of Preliminary Plan No. 120160110 remain in full force and effect.