

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

August 5, 2025

MCPB No. 25-086

Preliminary Plan No. 120250100

Travilah Senior Living

Date of Hearing: July 17, 2025

Exhibit 34

OZAH Case No: CU 23-10

RESOLUTION

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

WHEREAS, on February 26, 2025, Community Housing Initiative, Inc. ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create sixty (60) lots for sixty (60) townhouse units of Independent Living Facility for seniors on 10.75 acres of land in the R-200 zone, located at 13741 and 13751 Travilah Road, Rockville 20850 ("Subject Property"), in the Rural West Policy Area and *2002 Potomac Subregion Master Plan* area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120250100, Travilah Senior Living ("Preliminary Plan" or "Application"); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20250360 and Conditional Use No. CU202310; 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 7, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 17, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120250100 to create sixty (60) lots for sixty (60) townhouse units of Independent Living Facility for seniors on the Subject Property, subject to the following conditions:¹

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.

General Approval

1. This Preliminary Plan is limited to 60 lots for 60 townhouse units of Independent Living Facility for seniors, HOA parcels, and private road parcels.
2. This Preliminary Plan approval is contingent on approval of the Conditional Use Plan No. CU202310 (the Conditional Use), for the proposed land use in a manner consistent with the Preliminary Plan approval and findings.
3. The Preliminary Plan must not be certified until Conditional Use No. CU202310 is approved by the Hearing Examiner. If the Conditional Use approval necessitates minor changes to the Preliminary Plan drawings that do not impact findings or conditions of approval, the Certified Preliminary Plan drawings may be updated to reflect those changes but must not be certified until 16 days after the Hearing Examiner issues the Conditional Use approval. If the Conditional Use approval necessitates major changes to the Preliminary Plan drawings that impact findings or conditions of approval, or if relevant objections are received to the changes within 15 days of the Conditional Use approval date, the Preliminary Plan may not be certified, and a Preliminary Plan Amendment must be filed.

Adequate Public Facilities

4. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

Plan Validity Period

5. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

Outside Agencies

6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 3, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its stormwater management concept letter dated June 13, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources

Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated June 13, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Other Approvals

10. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan.

Transportation

Frontage Improvements on Existing Roads

11. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a) All land necessary to accommodate thirty-five (35) feet from the existing pavement centerline along the Subject Property frontage for Travilah Road.
12. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDOT to ensure construction of a six-foot wide (6 ft) sidewalk along the Property frontage on Travilah Road

Private Roads

13. The Applicant must provide Private Roads and Alleys within the development, including any sidewalks, bikeways, storm drainage facilities, street trees, streetlights, private utility systems and other necessary improvements as required by the Preliminary Plan within the delineated private road area (collectively, the “Private Road”), subject to the following conditions:
 - a) The record plat must show the Private Road in a separate parcel.
 - b) The Private Road must be subject by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions in the Montgomery County Code § 50-4.3.E et seq regarding private roads. The Covenant includes, but is not limited to the following requirements/conditions:
 - i) The Applicant, at its expense, shall design, construct and maintain the Private Road.
 - ii) The Applicant, at its sole cost and expense, shall properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice, litter, and other obstructions and hazards as soon as conditions

reasonably allow), repair, and replace any portion of the Private Road and all improvements located within the Private Road, in good condition and repair for safe use and operation of the Private Road. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance, and reserves for capital repairs. The Applicant must provide certification of the reserves to the Planning Board or its Staff every two (2) years (or every five (5) years in the event there are no below-ground parking structures in the Private Road). The reserves must be adequate to cover the costs of needed repairs.

- iii) The Applicant must post and retain signage to notify the public that the Private Road is not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Road.
- iv) Approved sub-grade for private roads to be six-inch Graded Aggregate Base (GAB).
- c) Before issuance of the first building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
- d) Before approval to release any portion of the performance bond, the Applicant must deliver to the Planning Department and MCDPS inspector certification by a professional engineer licensed in the State of Maryland that the Private Road has been constructed in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on the Preliminary Plan, including in-place density testing of the roadway soil sub-grade, aggregate base, and asphalt, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshall.

Surety

14. Before issuance of any building permit or sediment control permit, whichever comes first, 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 as may be conditioned by the Hearing Examiner as part of the Conditional Use approval for CU202310, and must include a performance bond or other form of surety, with the following conditions:

a) A cost estimate of the materials and facilities, which upon Staff approval, will establish the surety amount.

b) The cost estimate must include but not be limited to private roads, alleys, landscaping, sidewalks, paths, seating and benches, pergolas, fencing, and other similar items.

c) Completion of all improvements covered by the surety will be followed by an inspection and, if necessary, a potential reduction of the surety.

d) The bond or surety for each item shall be clearly described within the Surety & Maintenance Agreement, including all relevant conditions.

15. Before approval to release any portion of the performance bond, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan, or as amended.

Record Plats

16. There shall be no clearing or grading of the site before the recordation of plat(s).
17. Before record plat approval, the Applicant must abandon the existing well and septic system in accordance with MCDPS standards.
18. The record plat must show necessary easements.
19. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
20. The record plat must reflect a common use and access covenant for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way or private street parcel. The covenant must be in a form approved by the M-NCPPC Office of the General Counsel and recorded among the Montgomery County Land Records.

Notes and Labels

21. The record plat must reflect all areas under common ownership.
22. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 ("Covenant").

Landscape and Lighting Plans

23. All landscape and lighting must be installed per the Conditional Use Plan as approved by the Hearing Examiner as part of Conditional Use No. CU202310.

Affordable Housing/MPDU's

24. Per Chapter 25A, Section 25A-5(l), the affordable housing requirements will be met through an automatic alternative payment to the Housing Initiative Fund for for-sale, age-restricted units by agreement with the Department of Housing and Community Affairs (DHCA).

Certified Preliminary Plan

25. The certified Preliminary Plan must contain the following notes:

- a) *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 the time of issuance of building permit(s) as approved on the Conditional Use Plan. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
- b) *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.*

26. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a) Show resolutions and approval letters on the certified set
- b) Show private roadway details and cross sections on the certified set.
- c) Include the approved Fire Department Access Plan.

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:

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

The lots and uses comply with the requirements of Chapter 59. The RE-2 zone permits an Independent Living Facility for Seniors as a conditional use and the Preliminary Plan is contingent upon the approval of the accompanying Conditional Use No. CU202310, and must comply with any conditions associated with that approval. The lot layout, size, width, shape and density of the townhouse lots will comply with the applicable RE-2 and

R-30 zone standards by providing 5.58 dwelling units per acre, 20% maximum lot coverage, 60% minimum green space, 10-foot minimum front setbacks, 20-foot rear setbacks and a maximum height of 50 feet.

The block design and layout for the subdivision are consistent with most townhouse communities in the area. There will be a mix of front load and rear load garage townhouses with open amenity spaces throughout the Project which includes sidewalks, walking paths, benches and a pergola. The Project includes public water and public sewer along with power and telephone in public utility easements throughout the Project. Private streets will provide access to Travilah Road through a new entrance close to the existing driveway.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Site is located within the 2004 Potomac Subregion Master Plan (Master Plan) area, which has recommendations for the Johnson portion of the property to be used for residential use once the Nursery/Landscape Contractor ceases to operate. The remaining portion of the Property does not have specific recommendations. The Master Plan states that the Subregion falls short in terms of senior living within its boundaries. The Subregion would need to accommodate close to 750 units to accommodate the growth in its older population. The Subregion should meet its own senior housing needs within its boundaries. By adding the proposed sixty (60) dwelling units, this Application will help close the gap in the senior housing needs and substantially complies with the Master Plan. The Application also substantially conforms with the recommendations in the 2018 Bicycle Master Plan and the 2024 Complete Street Design Guide.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Transportation

Master-Planned Roadways and Bikeway

According to the *Master Plan of Highways and Transitways*, Travilah Road is classified as an Area Connector with seventy feet of right-of-way required. The Applicant will dedicate the right-of-way to equal thirty-five feet (35 ft) from the roadway centerline. There is no bicycle facility planned for the Subject Property's side of Travilah Road in the Bicycle Master Plan.

Pedestrian Facilities

There are no current pedestrian facilities on the southern side of Travilah Road; however, the Applicant will construct a six-foot wide (6 ft) sidewalk with a nine-foot wide (9 ft) street buffer and an eight-foot wide (8 ft) tree panel along the Subject Property's frontage on Travilah Road. The sidewalk will also be extended slightly to the east to connect to an existing bus stop across from the intersection with Royal Manor Way. Two crosswalks and one ramp will be added, one crosswalk at Travilah Road and the other at an existing driveway.

The private roads within the Property will have travel lanes ten-and-one-half feet (10.5 ft) wide with parallel parking spaces in some areas. There will be six-foot (6 ft) wide

sidewalks on both sides of most of the private streets and through the open space areas. The internal sidewalks will connect to the sidewalk along Travilah Road.

Local Area Transportation Review (LATR)

The 60-unit Independent Living Facility for Seniors will generate twelve (12) vehicle trips in the morning peak hour and fifteen (15) vehicle trips in the evening peak hour per the applicable ITE rates. The applicable *2024-2028 Growth and Infrastructure Policy* requires a transportation impact study for any project that generates a net increase of thirty (30) or more vehicle trips during either the morning or evening peak hours. Because the Project is not generating thirty (30) trips in either the morning or evening peak hours, the LATR review is satisfied by a transportation exemption statement.

Transit Service

There are no transit stops directly along the Subject Property frontage, but there are nearby stops for RideOn routes 67 and 301. The Applicant will be extending the six-foot sidewalk to connect to the nearby eastbound bus stop.

Parking and Drop-Off/Pick-Up

The Project provides two parking spaces per townhouse for a total of 120 spaces, plus 34 parking spaces for visitors for a total of 154 parking spaces. Two out of the total parking spaces will be ADA accessible.

Schools

The Application is for an Independent Living Facility for seniors which does not generate students.

Other Public Facilities

The Property is located within water and sewer categories W-1 and S-1 and is serviced by existing water and sewer. Water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission ("WSSC") through connection to the existing water and sewer lines which are adequate to serve the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the current *Growth and Infrastructure Policy*. The Applicant has obtained an approved Fire Department Access Plan through DPS. The Applicant has also obtained an approved Stormwater Management Concept Plan through the Water Resources Section of DPS.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20250360, which are included in a separately approved resolution and are incorporated herein.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

MCDPS approved the Stormwater Management Concept Plan on June 13, 2025. The Project will meet stormwater management requirements using micro-bioretenention.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 4.3.M*

The Applicant has no actual or constructive notice of a burial site on the Property nor is the Property included in the Montgomery County Cemetery Inventory.

7. *Any other applicable provision specific to the property and necessary for approval of the Subdivision is satisfied.*

There are no other applicable provisions necessary for approval.

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

August 5, 2025

(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 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 4-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley necessarily absent, at its regular meeting held on Thursday, July 31, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board

