



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

AUG 13 2012

MCPB No. 12-93
Sketch Plan No. 320120050
Camden Shady Grove
Date of Hearing: July 26, 2012

RESOLUTION

WHEREAS, under Section 59-C-15.42 of the Montgomery County Code the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review sketch plan applications; and

WHEREAS, on February 2, 2012, Camden USA, Inc. ("Applicant"), filed an application for approval of a sketch plan for construction of up to 498,072sf of residential uses and up to 5,000sf of non-residential uses on 7.62 gross acres of CR2 C1.5 R1.5 H150-zoned land, located on Parcel 7 in the northwest quadrant of the intersection of Key West Avenue and Diamondback Drive ("Subject Property") in the Great Seneca Science Corridor Master Plan ("Master Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320120050, Camden Shady Grove ("Sketch 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 11, 2012, setting forth its analysis of and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on July 26, 2012, 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 binding elements and conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board approves Sketch Plan No. 320120050, Camden Shady Grove for construction of up to 498,072sf

Approved as to
Legal Sufficiency:

Christina Soud 7/18/12

M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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of residential uses and a minimum of 5,000sf of non-residential uses, on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-C-15.43(b)(4) of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public use space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The development is limited to a maximum total of 503,072 square feet of development, including a maximum of 498,072 square feet of residential uses and a minimum of 5,000 square feet of non-residential uses. The final amount of residential and commercial floor area and the final number of dwelling units will be determined at site plan; but a minimum of five live/work units must be provided.

2. Height

The development is limited to a maximum height of 75 feet for occupiable space and 85 feet for architectural design elements.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(c); total points must equal at least 100 points and be chosen from at least 4 categories as required by Section 59-C-15.82(a); the requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit proposed.

- a. Transit proximity
- b. Connectivity and Mobility achieved through transit access improvements and wayfinding.

¹ For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- c. Diversity of Uses and Activities achieved through provision of dwelling unit mix and enhanced accessibility for the disabled.
 - d. Quality Building and Site Design achieved through provision of structured parking, public open space, and exceptional design.
 - e. Protection and Enhancement of the Natural Environment achieved through the purchase of Building Lot Terminations ("BLT"s), tree canopy, vegetated area, and a cool roof.
4. Building Lot Terminations (BLTs)
Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.
5. Moderately Priced Dwelling Units (MPDUs)
The development must provide MPDUs in accordance with Chapter 25A and with an agreement to build with the Department of Housing and Community Affairs finalized prior to any building permit for the building.
6. Transportation
At the time of Preliminary and Site Plan review, the Applicant must address the following issues:
- a. Amendment of the existing Traffic Mitigation Agreement with the Montgomery County Department of Transportation ("MCDOT") and the Planning Board completed under the previous zoning to satisfy I-3 trip reduction requirements and participate in the Greater Shady Grove Transportation Management Organization ("TMO") that was executed originally on August 28, 1989.
 - i. Whether trip credits will be applied as a result of the conversion from commercial to residential will be evaluated during preliminary plan review.
 - ii. The amended Traffic Mitigation Agreement must be executed prior to release of any core and shell building permit for the building.
 - b. Provision of a public access easement for business district streets B-2 and B-7, as shown on the plan, on the record plat. The easement must be approved by the Planning Board and MCDOT, and should address the following issues:
 - i. Whether the existing internal roadways are adequately constructed and need not be demolished and reconstructed or modified to public standards and in accordance with the Road Code standards 2005.01 for B-2 and B-7 or, if not adequately constructed, need to be demolished and reconstructed or modified;
 - ii. Whether the existing sidewalks and other streetscape amenities associated with streets B-2 and B-7 that are not on Lot 7 are

- adequately constructed and need not be demolished and reconstructed or modified to standards in conformance with the Great Seneca Science Corridor (“GSSC”) Master Plan and Design Guidelines or, if not adequately constructed, need to be demolished and reconstructed or modified;
- iii. Whether the proposed sidewalks and other streetscape amenities associated with streets B-2 and B-7 that are on Lot 7 and part of the Sketch Plan are in conformance with the GSSC Master Plan and Design Guidelines or, if not, need to be modified;
 - iv. Installation of public utilities will be permitted within the easement;
 - v. The streets within the easement may not be closed for any reason unless approved by MCDOT;
 - vi. The easement may be volumetric to accommodate uses above and below the designated easement area;
 - vii. The easement will grant the County the right to construct and install appropriate traffic control devices, if not required to be installed by the Applicant;
 - viii. The Applicant is obligated to remove snow and provide repairs to keep the streets in working order and open and if, for any reason, the Applicant does not, the County must have the right, but not the obligation, to remove snow and/or provide repairs;
 - ix. The final extent, delineation, and alignment of these streets will be determined at the time of site plan; and
 - x. Maintenance and Liability Agreements for each easement area will be entered into by the Applicant.
- c. The Applicant must coordinate with the developer of Site Plan No. 820100090, JHU-National Cancer Institute, regarding the improvements to the intersection of Key West Avenue and Diamondback Drive/Broschart Drive, which is adjacent to the site.
 - d. The Applicant must work with the Maryland Transit Administration (“MTA”) to assure that the subject plans reflect the latest MTA alignment and design of the Corridor Cities Transitway (“CCT”) along the west side of Diamondback Drive and its proposed station at the intersection of Diamondback Drive and business district street, B-2.
 - e. The Applicant must provide and show on the site plan bicycle parking spaces consisting of public bike racks near the main entrances in a weather-protected area and secure, private bike spaces in the garage near the elevator in a safe, well-lit area. The specific number and location must be identified and shown on the site plan.

7. Future Coordination for Preliminary and Site Plan

In addition to any other requirements of Chapter 50, Subdivision Regulations, and Chapter 59, Zoning Ordinance, the following must be addressed when filing the preliminary or site plan:

- a. Final alignment and design of streets and justification for not dedicating streets recommended to be public in the Master Plan;
- b. Final dedication and coordination with MTA engineering of the CCT station;
- c. Underground wet and dry utilities;
- d. Fire and Rescue access and facility details;
- e. Demonstration of how each public benefit meets the Ordinance and Guideline requirements and final point calculations;
- f. Implementation of transportation improvements;
- g. Implementation of stormwater management with Environmental Site Design methods to the maximum extent practicable;
- h. Compliance with forest conservation law;
- i. Consideration of building-to-street interface to maximize activation and safety;
- j. Consideration of ways to ensure public use space will be accessible, inviting, and safe.
- k. Focus on energy efficiency in site design, building orientation, and building design features;
- l. Consideration of shadows on primary public use spaces;
- m. Consideration of the Applicant's request for a parking space waiver;
- n. Consideration of final incentive density points; and
- o. Finalization of design and specifications of live work units.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of § 59-C-15.43(c), the Planning Board finds that as conditioned herein the elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan:

1. Meets the objectives, general requirements, and standards of Division 59-C-15;

- a. The Sketch Plan meets the objectives of Section 59-C-15.2 quoted below; specifically, the development as approved will:
 - i. "Implement the policy recommendations of the applicable sector plan" by providing the residential uses, business opportunities, pedestrian circulation routes, and public benefits encouraged by the Master Plan. While the total density, height, and mix of uses envisioned is not yet obtained, full development of the campus may

still implement this vision through subsequent applications on the remaining parcels as transit opportunities are realized and density increases allowing taller buildings and greater commercial opportunities;

- ii. "Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses" by replacing a surface parking lot and lawn area with a residential building, structured parking, and live/work units;
 - iii. "Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities" by providing housing with enhanced accessibility for the disabled, a mix of multi-family unit types, density adjacent to a proposed CCT station, access to the LSC recreation loop and numerous other bike routes, public open space and improved streetscapes, and a mix of diversity and connectivity public benefits;
 - iv. "Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighbors" by building residential and non-residential uses within the envelope established by the CR zone at a scale of development similar to existing and allowed buildings near the CCT station that allow densities up to 1.5 FAR and building heights up to 150 feet;
 - v. "Allow an appropriate balance of employment and housing opportunities" by providing diverse housing encouraged for this District in the Master Plan and potential employment for residents who occupy the live/work units as well as employees that will staff the complex; and
 - vi. "Provide public benefits that will support and accommodate density above the standard method limit" through the public benefits, as discussed in detail in Finding #5, that meet the requirements of the Ordinance and standards of the Implementation Guidelines.
- b. The Sketch Plan meets the general requirements of Section 59-C-15.6 as follows:
- i. Be substantially consistent with the GSSC Master Plan, as detailed in Finding #2 below, and substantially conform to the GSSC Design Guidelines by:
 - Creating public use spaces that allow for recreation; are visible and usable; have a strong relationship to adjacent live/work units, transportation nodes, and the pedestrian network; and are not separated by barriers (page 13);

- Providing improved streets with wide sidewalks, street trees, lighting, amenities, and connections to adjacent pedestrian and bike routes (pages 14 & 44);
 - Providing buildings as close to property lines as grades, stormwater areas, landscaping, and easements allow with access from units to perimeter sidewalks and, in particular, by providing live/work units along what will become a focal open space at the CCT station (pages 22 & 45);
 - Providing design excellence with a landmark feature on the building at the CCT station with a design vocabulary new to the area that will be further developed through the site plan process (page 27); and
 - Placing parking within a structure faced with residential uses (pages 18-19).
- ii. Provide at least the minimum required number of bicycle parking spaces for residents and visitors, as determined by the final unit count and non-residential space approved with the site plan; and
- iii. Provide parking spaces between the minimum required and maximum allowed, as determined by the final unit count and non-residential space approved with the site plan.
- iv. The sketch plan meets the development standards of Section 59-C-15.7, as shown in the Data Table below:

<i>Development Table for the CR1.5 C1.5 R1.5 H100 Zone</i>		
Development Standard	Required/Allowed	Approved by the Planning Board and Binding on the Applicant
Max. Density (FAR)		
Total	2.0	1.515
Residential	1.5	Up to 1.5
Commercial	1.5	Up to 0.015
Max. Height (feet)		
	150	75 for occupiable space 85 for non-occupiable architectural features
Setbacks		
	n/a	n/a
Min. Public Use Space (% of net lot)		
	10	10
Min. Residential Amenity Space		

Indoor	5,000sf	5,000sf
Outdoor	5,000sf	5,000sf
Min. Parking Spaces	TBD	TBD

2. Furthers the recommendations and objectives of the Great Seneca Science Corridor Master Plan;

The Great Seneca Science Corridor Master Plan has several specific recommendations satisfied by this project. As part of the Life Science Center North District (LSC North), the development will:

- Provide mixed-use infill with residential uses and pedestrian-oriented live/work units that may provide local services (page 48), although true realization of this objective will only be realized as further applications are made on the remaining parcels of the campus;
- Provide public benefits as detailed in Finding #5;
- Improve pedestrian and bicyclist connections, through dedication for the CCT and improvements to the sidewalks and paths along each of the property's frontages (page 53); and
- Achieve more sustainable development patterns through balanced land use, connectivity improvements, open spaces, enhanced stormwater management, and building design (pages 26-30).

3. Achieves compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses;

The buildings and open spaces are compatible with existing nearby buildings, open spaces, and uses. Development on adjacent properties is related to this Application: a site plan amendment has been filed to move surface parking from the Subject Property to a structured garage on an adjacent lot and a preliminary plan amendment has been filed to convert uses from office to residential and to update the preliminary forest conservation plan. Compatibility with existing and pending development is achieved through:

- Similar massing envelopes, although with more articulation and diversity of materials;
- Modest height, comparable to other built and allowed development which may build up to 110 feet in the LSC Zone, and 85 – 150 feet in the CR Zones on surrounding properties;
- Creation of defined streetscapes and open spaces that will begin to transform the pedestrian environment and network;
- Replacement of surface parking with internal structured parking creating a stronger relationship between buildings, sidewalks, and streets; and

- Addition of a complementary mix of uses.

4. *Provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

Circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists are well designed or enhanced by the development. Specifically, this Sketch Plan provides:

- Off-street loading areas for the residents from a business district street avoiding congestion on Key West Avenue and Diamondback Drive;
- Access to the residential building from the public streets at existing curb cuts;
- Increased parking for bicycles;
- Improved sidewalks, amenities, and open spaces for pedestrians and bicyclists;
- Sufficient parking within new structures for residents and visitors; and
- Sufficient area left clear of buildings, major improvements, or important amenities for proper dedication for the CCT during preliminary plan review.

5. *includes public benefits that support the approved incentive density;*

To achieve the incentive density for this project, the Applicant must provide public benefits from four of seven categories that total at least 100 points. The public benefit categories the Applicant proposes to utilize include:

Public Benefit	Max Points Allowed	Points Recommended
Transit Proximity Category		
Adjacent to Level 2 CCT Station	30	30
Connectivity & Mobility Category		
Transit Access Improvement	20	15
Wayfinding	10	5
Diversity Category		
Dwelling Unit Mix	10	10
Enhanced Accessibility	20	6
Quality Design Category		
Structured Parking	20	10
Public Open Space	20	8
Exceptional Design	10	5
Environmental Category		
BLTs	30	5
Tree Canopy	15	10

Vegetated Area	10	8
Cool Roof	10	8
Total		120

Generally

General incentive density considerations are established by the zoning ordinance and include:

- The recommendations of the master plan;
- The Incentive Density Guidelines and master plan guidelines;
- The size and configuration of the tract;
- The relationship of the site to adjacent properties;
- The presence or lack of similar public benefits nearby; and
- Enhancement beyond the criteria required for the public benefits.

The Master Plan has few specific recommendations for this site and generally encourages “public benefits that improve connectivity and mobility or add to the diversity of uses and activity” in this District (page 48). In even more general terms, the Master Plan focuses on several issues: Linking Land Uses/Connecting Communities (page 20), Housing (page 23); Urban Form and Open Spaces (page 25); Sustainability (page 26); and Community Facilities, Open Spaces, and Connectivity (page 30).

The Sketch Plan proposes taking advantage of the transit proximity and four public benefits from the connectivity and diversity categories to satisfy the recommendations for the District and the Linking Land Uses/Connecting Communities and Housing foci of the Master Plan. To satisfy the Urban Form and Open Spaces and Community Facilities, Open Spaces, and Connectivity foci, the Sketch Plan proposes open space above the minimum required amount, structured parking designed consistent with the Guidelines, and exceptional design to create a landmark architectural feature and open space at the CCT station. The Sustainability element of the Master Plan is satisfied through provision of BLTs, tree canopy, vegetated area, and a cool roof to improve water and air quality, mitigate climate change, and protect biological diversity.

Being a rather large site with the highest density recommended in the Master Plan, the Sketch Plan takes advantage of the tract and density to provide structured parking faced with active uses and open space above the minimum required, focused appropriately on the CCT station.

This development is the first proposed CR-zoned application on the west side of the LSC North District; it is one of the few sites directly adjacent to one-family residential development. It is also the first sketch plan for a site with an adjacent CCT station. Thus, the Sketch Plan proposes public benefits to take advantage

of transit proximity and provide increased connectivity with active open spaces near the CCT station and connecting trails rather than within the site and nearer the adjacent residential development.

There are no nearby developments that have provided public benefits to compare with this development. Although the Application does not qualify for points for live/work units, they are being provided to allow a flexible non-residential use near the CCT. As development proceeds, future applications will find a better market for neighborhood-serving retail and services, although this Application focuses on housing for the employees of the LSC area. This proposal is one of a few different attempts to experiment with a mix of uses that is sustainable from inception (and in a still suburban environment) and it can evolve as density and transit opportunities are realized.

Transit Proximity

Being adjacent to a CCT station (level 2 transit) and, in fact, dedicating right-of-way for the station and alignment, the Sketch Plan is eligible for 30 points. The Planning Board is granting the full 30 points to spur development and increase the likelihood that a mix of uses in the area will become more financially viable.

Transit Access Improvement

Up to 20 points may be granted for transit access improvements. These improvements must improve access to a transit facility to at least meet the County's accessibility standards. In this case, the proposed CCT station must be built about 8 feet below grade and is only accessible by stairs or by walking (or rolling) to the intersection of Diamondback Drive and Decoverly Drive. An alternative is proposed by this development – switch-back ramps integrated into the open space directly adjacent to the station platform. This is an intensive and complicated improvement and implements an important Master Plan goal. The Planning Board is granting 15 points for construction of this Transit Access Improvement.

Wayfinding

Up to 10 points may be granted for the design and implementation of a wayfinding system. The Application proposes several signs at key intersections and the CCT station providing directional signage to nearby amenities, bike routes, and transit facilities. Although the final design and layout will be determined at site plan, the Planning Board requests at least 7 signs be provided and that each have a map encompassing the area within at least a ½ mile radius from the CCT station indicating directions to certain features as appropriate for

the individual sign locations. Based on fulfillment of these criteria that will encourage the Linking & Connecting goals of the Master Plan, the Planning Board is granting 5 points for implementation of the wayfinding system.

Dwelling Unit Mix

Up to 10 points may be granted for providing a dwelling unit mix that includes at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, and 5% 3-or-more bedroom units. Under the Guidelines, the Planning Board should only grant 5 points for meeting the minimum unit mix and 10 points only for a greater mix (10% efficiency, 10% 1-bedroom, 10% 2-bedroom, and 7.5% 3-bedroom). But, because diversity of housing is a specific Master Plan goal for this District and the fact that some of these units will be live/work, further enhancing the diversity of uses and activities, the Planning Board is granting the full 10 points for provision of the unit mix required by the Ordinance.

Enhanced Accessibility for the Disabled

Up to 20 points may be granted for constructing units that satisfy ANSI A117.1 Residential Type A standards. The Guideline formula is that one point be granted for each percent of units that meet the criteria but Staff has finalized a revised draft of the Guidelines that will be reviewed by the Planning Board in September. In the revised draft, Staff recommends that three points be granted for each percent of units that meet the criteria. Like the dwelling unit mix, this public benefit helps fulfill a Master Plan goal and, in this case, 2% of the units are proposed to ANSI A117.1 standards and that the Planning Board is granting 6 points for the provision of this benefit.

Structured Parking

Up to 20 points may be granted for provision of parking within a structure. A formula dividing the parking provided within an above-ground structure by the total parking provided and multiplying the result by 10 has been approved in the guidelines (below ground parking spaces are eligible for double the points because of the greater cost). The parking is wrapped by residential uses so mitigation of visibility is not a concern. In this case 99% of the parking is within an above grade structure, therefore the Planning Board is granting 10 points for the provision of this benefit.

Public Open Space

Up to 20 points may be granted for providing public open space above the minimum required by the zone. The Guideline formula requires dividing the proposed amount of open space above the minimum required by the zone divided by the net tract area and then multiplied by 100. Eight percent of the net tract area (above the minimum 10% required by the zone) is being provided as public open space. This area is near a CCT station, which is recommended for

open space of $\frac{1}{4}$ to $\frac{1}{2}$ acres. The open space provided at the station alone is about 0.4 acres. The design also meets the accessibility, size, and activation criteria of the guidelines, therefore the Planning Board is granting 8 points for this public benefit.

Exceptional Design

Up to 10 points may be granted for building and site design whose visual and functional impacts enhance the character of the setting. The Guidelines have established 6 criteria to evaluate the exceptional design public benefit and recommends that the Application meet at least five of these criteria for the full 10 points. The Planning Board concludes that three of these criteria are met:

- Providing an innovative solution in response to the immediate context by, in this case, creating a site design that accommodates and integrates a transit station below grade with public space and pedestrian and bicycle routes;
- Creating a sense of place and serving as a landmark through the architectural treatment at the corner of Key West and Diamondback and the distinct design vocabulary and amenities provided at the station open space; and
- Enhances the public realm in a distinct and original manner through turning a difficult context with evolving variables into an asset through unique landscape design, integration of various unit types (bedroom mix, enhanced accessibility units, and live/work units), and construction of a street-focused building in a currently suburban environment.

For these reasons, the Planning Board grants 5 points for this public benefit (with the final analysis being done at site plan).

BLTs

Five points are required for CR-zoned optional method projects and are calculated by a formula established in the Ordinance. The Applicant will provide the BLTs as required and the Planning Board grants the 5 required points for this public benefit.

Tree Canopy

Up to 15 points may be granted for tree canopy coverage at 15 years growth over 25% of the on-site open space. The important sustainability goals of improving air and water quality as well as protection of biodiversity are enhanced by tree canopy. Because no underground structures are involved and the conceptual landscape design shows large planting areas, the Planning Board grants 10 points for this public benefit. A larger area of coverage, use of only native trees, or large planting size may be considered for the full 15 points.

Vegetated Area

Up to 10 points may be granted for installation of plantings meeting certain criteria, including coverage of at least 5,000sf. The Sketch Plan proposes vegetated area of 8,500sf which is not included in the required public use space, the proposed public benefit open space, or any easements. Ten points are granted only for projects that far exceed the minimum – up to twice the area required (10 points for 10,000sf) – and points are awarded on a pro-rated basis below that. In this case, the Planning Board grants 8 points for this public benefit.

Cool Roof

Up to 10 points may be granted for constructing roofs with a minimum solar reflectance index (“SRI”). The Applicant proposes to meet the minimum SRI for a flat roof. As seen in the aerial photograph of the area, the District is dominated by dark roofs, parking lots, and roads; decreasing the heat island effect and making a more energy efficient building are encouraged by the sustainability goals of the Master Plan. For this reason and because this is such a large building, the Planning Board grants 8 points for this benefit.

6. *Establishes a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The development may be built in one phase. Thus, no particular provisional phasing plan is required at this stage of design; a full development program to establish phasing of the elements required by this Application will be developed and analyzed during preliminary and site plan reviews.

BE IT FURTHER RESOLVED that at the time of site plan, the Planning Board may approve changes to this Sketch Plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element, or agrees to a change proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59-C-15, Section 59-D-3.4, and the Great Seneca Science Corridor Master Plan. If Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59-C-15, Section 59-D-3.4, or the Master Plan. In other words, for the Board to approve an Applicant-proposed change of a binding element it must find consistency with applicable standards; for the Board to approve a modification to a Staff-proposed binding element that the Applicant has not agreed to, the Board must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and Master Plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved Sketch Plan, including a binding element, does not meet the requirements of the zone, Master Plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board's review of sketch plans is governed by Section 59-C-15.43, which provides that "in approving a sketch plan" the Board must find that certain elements of the sketch plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, master plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the sketch plan will satisfy all applicable requirements for site plan approval. As a practical matter it would be unwise for it to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and master plan requirements, the Board might have decided to approve fewer elements of this Sketch Plan as binding.

Although the Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to Applicants and community members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan; and

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320120050, Camden Shady Grove, stamped received by M-NCPPC on May 23, 2012 are required except as modified herein; 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 AUG 13 2012 (which is the date that this Resolution is mailed to all parties of record); and

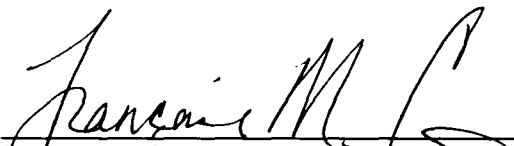
BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion at its regular meeting held on Thursday, July 26, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board