



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

MCPB No. 18-127
Preliminary Plan No. 120180270
8407 Ramsey Avenue
Date of Hearing: December 13, 2018

DEC 18 2018

RESOLUTION

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

WHEREAS, on August 15, 2018, 8407 LLC (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create one (1) lot on 0.09 acres of land in the CR-8.0, C-6.0, R-7.5 H-200T zone, located at 8407 Ramsey Avenue, approximately 250 feet south of its intersection with Wayne Avenue, (“Subject Property”), in the Silver Spring Policy Area and 2000 Silver Spring Central Business District (CBD) Sector Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120180270, 8407 Ramsey Avenue (“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 December 3, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 13, 2018, the Planning Board held a public hearing on the Application at which it 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120180270 to create one (1) lot 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.

1. This Preliminary Plan is limited to one lot for up to 8,600 square feet of non-residential development.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in their letter dated October 12, 2018, 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 MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in their letter dated October 30, 2018 and does hereby incorporate 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.
4. At the time of record plat, the Applicant must enter into a covenant with the Planning Board for the future 5-foot dedication along the Ramsey Avenue frontage. The covenant must be noted on the plat by book and page reference.
5. The record plat must show all necessary easements.
6. Prior to issuance of use and occupancy permits, the Applicant must install a bicycle rack as shown on the certified Preliminary Plan.
7. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.
8. The certified Preliminary Plan must contain the following note:
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). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
9. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a. Include the Preliminary Plan Resolution and MCDOT approval letter in the certified set.
 - b. Correct parking space requirements on the data table.

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 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.*
 - a. *The block design is appropriate for the development or use contemplated.*

The length and width of this nonresidential block will provide adequate provision for pedestrians, deliveries and truck maneuvering. Pedestrian access is provided by the sidewalk on Ramsey Avenue. Deliveries and loading to the site can be accommodated in the existing driveway. With respect to parking, the property is located within the Silver Spring Parking Lot District. The Applicant has the option to pay a parking lot district tax in lieu of providing the on-site parking otherwise required by the Zoning Ordinance. The block design is appropriate for the proposed commercial use and is consistent with Section 50.4.3.B.2 of the Subdivision Code.

- b. *The lot design is appropriate for the development or use contemplated.*

The lot design, including width, size, shape and orientation is consistent with Section 50.4.3.C of the Subdivision Code. As proposed this development will accommodate the anticipated commercial building and other infrastructure necessary to serve the lot. The lot will conform to the standards set forth in Section 59.4.5.3 of the Zoning Ordinance.

- c. *The Preliminary Plan provides for required public sites and adequate open areas.*

Not applicable as the size of the site and the single right-of-way frontage do not require public open space under the CR zone. There are no required public sites or open areas recommended in the Sector Plan for this Property.

- d. *The Lot and Use comply with the basic requirements of Chapter 59.*

The lot was reviewed for compliance with the dimensional requirements for the CR-8.0 Zone as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for building setbacks, height, and parking in that zone and as developed under the Standard Method of Development. A summary of this review is shown in the following table.

**Development Standards in the Commercial- Residential Zone
CR-8.0, C-6.0 R-7.5, H-200T Standard Method of Development**

CR-8.0 C-6.0 R-7.5, H-200T	Required/Allowed by the Zone	Proposed for Approval
Total Density	48,000 square feet	10,000 square feet
Residential Density	45,000 square feet	NA
Non- Residential Density	36,000 square feet	8,600 square feet ¹
Setbacks		
Front	0 feet	Must meet minimum ²
Side	0 feet	Must meet minimum ²
Rear	0 feet	Must meet minimum ²
alley		4 feet
Maximum Building Height	200 feet	34 feet
Parking	20-60 spaces ³	None ⁴
Public Open Space	No	No
Site Plan Required	No	No

¹Existing Non-residential density on-site is 5,860 square feet, this Application will add 2,740 square feet for a total of 8,600 square feet of non-residential density.

²As determined by MCDPS at time of building permit.

³Parking for restaurants is calculated based on patron area per 1,000 square feet, excluding outdoor seating area. For this use the patron area is 4,300 square feet. For properties in the CR zones and within a Parking Lot District, the metric for baseline minimum is 4.0 and the metric for baseline maximum is 12.00. For this use $4,300/1,000 = 4.3$ or 5 spaces;

5 spaces X 4.0 (baseline minimum) = 20 and 5 spaces X 12 (baseline maximum) = 60 spaces.

⁴The property is located within the Silver Spring Parking Lot District and may provide less parking than required by the Zoning Ordinance or no parking.

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

The Project substantially conforms to 2000 *Silver Spring Central Business District (CBD) Sector Plan*.

Land Use

The Sector Plan identifies the subject site as located within the Core Revitalization Area. While there are no recommendations specific to the Subject Site, the Sector Plan on page 36 “envisions the Core area as the commercial, civic and entertainment center of Silver Spring”. The Plan also notes on page 18 “that entertainment and restaurant uses serving the businesses and resident communities should be incorporated into downtown development, to round out the available choices with leisure-time opportunities.” The development of this property is consistent with the Sector Plan’s recommendations for the Core area of the Silver Spring CBD.

Environment

There is no stormwater management on the Site which contains nearly 100-percent impervious cover. The Montgomery County Department of Permitting Services (MCDPS) granted an exemption of stormwater management requirements for this site because less than 5,000 square feet of land will be disturbed under this proposal.

Even though this site is exempt from the County requirement to manage stormwater runoff, doing so would improve the site's impact on water quality while also offering benefits to the owners, tenants, and local community, and neighborhood streams. The Sector Plan states on page 143 that "Stormwater management is the most important environmental issue to address in the Silver Spring CBD." The Sector Plan further recommends that development incorporate innovative stormwater management techniques, when possible (p. 145) and enhance water quality through a variety of stormwater management techniques (p.141), recognizing that "stormwater management measures applied during redevelopment provide some opportunity to reduce pollutant and storm flows to the newly-restored Sligo Creek watershed and the Rock Creek Mainstem." (p. 143). If the property is redeveloped in the future, the Applicant will need to address and meet stormwater management requirements in accordance with Sector Plan recommendations.

Transportation

There are no specific transportation recommendations for this property in the Sector Plan. The Plan recommends a user-friendly interconnected transportation system that offers travel options to businesses and residents in the Core. The subject site's proximity to the Red Line Metrorail station, the Transit Center, the existing sidewalk and the addition of a bike rack in front of the building help fulfill the Sector Plan's recommendation of providing several modes of transportation to residents and visitors in the Core.

The Sector Plan recommends for Ramsey Avenue a minimum right-of-way of 70 feet, necessitating a dedication on this Property of five feet from the existing property line. At this time, such dedication would project into the existing building footprint. Because Ramsey Avenue is a county right-of-way, Montgomery County Department of Transportation (MCDOT) reviewed the Preliminary Plan and recommended that if the property is redeveloped in the future, the Applicant will be required to provide necessary dedication for Ramsey Avenue in accordance with the Sector Plan and to remove all steps, stoops, retaining walls, etc. that are within the right-of-way. At the time of record plat, the Applicant will be required to enter into a covenant with the Planning Board for the future 5-foot dedication along the Ramsey Avenue frontage if the property is completely redeveloped. The covenant will be noted on the plat by book and page reference. The Planning Board finds that the Preliminary Plan substantially conforms to the recommendations within the 2000 *Silver Spring CBD Sector Plan*.

3. *Public facilities will be adequate to support and service the area of the subdivision.*
 - a. Roads and Transportation Facilities

Transportation access is adequate to serve the proposed development by the Preliminary Plan.

i. Access and Circulation

Loading access to the Subject Property is provided via an existing curb cut on Ramsey Avenue, along the north side of the existing building. There is no vehicular parking provided on-site. Pedestrian access is provided by an existing public sidewalk on Ramsey Avenue. No changes to the site access points are proposed with the Subject Application.

ii. Transit Connectivity

The immediate area is well served by transit that includes the Red Line Silver Spring Metrorail Station, which is located immediately across the street from the Subject Property.

iii. Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2000 *Silver Spring CBD Sector Plan* and Planning Board Draft 2018 *Bicycle Master Plan* designates Ramsey Avenue, along the western site frontage, as a Business District street with a minimum right-of-way width of 70 feet.

b. Local Area Transportation Review (LATR)

Based on the *2016-2020 Subdivision Staging Policy* transportation impact criteria, the Project generates fewer than 50 peak-hour person trips, therefore, the Application satisfies the Local Area Transportation Review through a transportation exemption statement and without further analysis.

c. Other Public Facilities and Services

Public facilities and services are available and adequate to serve the proposed development. The property will be served by public water and sewer systems. Electrical and telecommunications services are also available to serve the subject property. The application has been reviewed by Montgomery County Fire and Rescue (MCFRS) and emergency vehicle access has been deemed adequate. Local health clinics, police and fire stations are adequate to serve this development. This Project will not create any new residential units, thus, there will be no impact on the public school system.

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

A. Forest Conservation

The Board finds that the Project is exempt from Chapter 22A Forest Conservation Law Section 22A-5 (s) (1) of the County Code, because the size of this tract is less than 1.5 acres with no existing forest, or specimen or champion trees and the afforestation requirement would not exceed

10,000 square feet. An exemption (42028237E) for this property was granted on June 8, 2018.

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

The Board finds that a stormwater management concept is not required for this Preliminary Plan as the proposed disturbance is less than 5,000 square feet.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration 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 must be filed; 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 DEC 18 2018 (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 Cichy, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, December 13, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board