



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

MCPB No. 12-19
Preliminary Plan No. 120090210
6450 New Hampshire Avenue
Date of Hearing: February 9, 2012

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on April 3, 2009, 6450 New Hampshire Avenue, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 0.28 acres of land in the C-2 and Takoma Park/East Silver Spring Commercial Revitalization Overlay zones, located on the west side of New Hampshire Avenue (MD 650), 300 feet south of Sheridan Street ("Property" or "Subject Property"), in the Takoma Park Master Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120090210, 6450 New Hampshire Avenue ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 27, 2012, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on February 9, 2012, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency:

Christina Sorensen 4/25/12
MNCPPC Legal Department

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

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WHEREAS, on February 9, 2012, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Wells-Harley; seconded by Commissioner Anderson; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 50 the Planning Board approves Preliminary Plan No. 120090210 to create one lot on the Subject Property, subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to one lot for a 2,011-square-foot laundry and dry cleaning use.
- 2) The Applicant must dedicate and the record plat must show dedication of approximately 26 feet of right-of-way to provide a total of 75 feet of right-of-way, as measured from the centerline, along the property frontage for New Hampshire Avenue.
- 3) The Applicant must satisfy the Policy Area Mobility Review (PAMR) requirements of the Adequate Public Facilities (APF) test by mitigating one weekday peak-hour trip by paying \$11,300 to Montgomery County Department of Transportation (MCDOT) prior to the release of the building permit for the subject development.
- 4) Prior to certification of the Preliminary Plan, the plan drawing must show the ten-foot-wide public utilities easement on the Subject Property instead of within the right-of-way for New Hampshire Avenue.
- 5) The Applicant must satisfy Montgomery County Department of Permitting Services (MCDPS) requirements prior to recordation of the plat to ensure the construction of a five-foot-wide sidewalk along the property frontage on Sligo Mill Road, unless construction is waived by MCDPS.
- 6) The Applicant must comply with the conditions of the City of Takoma Park stormwater management approval issued on November 9, 2010, in reference to a stormwater management plan dated October 14, 2010. These conditions may be amended by the City of Takoma Park, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 7) The Applicant must comply with the conditions of the MCDOT letter dated May 15, 2009. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 8) The Applicant must comply with the conditions of the Maryland State Highway Administration (MDSHA) letter dated May 13, 2011. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 9) The plat must contain a note indicating that vehicular access to the site is prohibited from Sligo Mill Road.

- 10) The Applicant must satisfy provisions for access and improvements as required by MDSHA prior to issuance of access permits.
- 11) No clearing, grading or recording of plats prior to certified site plan approval.
- 12) Final approval of the number and location of buildings, on-site parking, site circulation, and sidewalks will be determined at site plan.
- 13) The record plat must show necessary easements.
- 14) 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 site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
- 15) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED, that having given full consideration to 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, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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

The Takoma Park Master Plan does not make any specific recommendation for the Subject Property. However, the Preliminary Plan advances the goals of the Master Plan by providing neighborhood-serving commercial uses in the New Hampshire Avenue corridor, as recommended by the Master Plan. Therefore, the Application substantially conforms to the Master Plan.

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

Roads and Transportation Facilities

Vehicular access to the approved lot is via a driveway from New Hampshire Avenue. Pedestrian access is via an existing sidewalk on New Hampshire Avenue and an approved sidewalk on Sligo Mill Road. Walkways will

be built on the Property to lead pedestrians to the proposed building. Vehicle and pedestrian access for the subdivision will be safe and adequate.

The peak-hour trip generation estimate for the Application, based on trip generation rates included in the LATR/PAMR Guidelines, shows that the development would generate four peak-hour trips during the weekday morning peak period and 14 peak-hour trips during the weekday evening peak period. Since the Application will not generate 30 or more peak-hour trips during the weekday morning and evening peak periods, a traffic study is not required and the Application satisfies the LATR requirements of the APF test. To satisfy the PAMR requirements of the APF test, a development located within the Silver Spring/Takoma Park Policy Area is required to mitigate 10% of new peak-hour trips generated by the development. Based on the above, the Application is required to mitigate 1 peak-hour trip and, thus, satisfies the PAMR requirements of the APF test.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the development. The Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the Subdivision Staging Policy currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The approved lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the C-2 zone as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan.

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

The Subject Property contains no streams, wetlands, floodplains, or other sensitive environmental features. There is no forest on the Property. The Preliminary Plan is exempt from forest conservation requirements under Section 22A-5 of Forest Conservation Law. Forest Conservation Exemption #42007163E was granted on February 16, 2007.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site.*

The City of Takoma Park Department of Public Works approved the stormwater management concept on November 9, 2010. The stormwater management concept consists of water quality control through perforated pipes and infiltration trenches.

BE IT FURTHER RESOLVED, that 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; and

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) 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 among the Land Records of Montgomery County, Maryland 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 MAY 8 2012 (which is the date that this Resolution is mailed to all parties of record); and

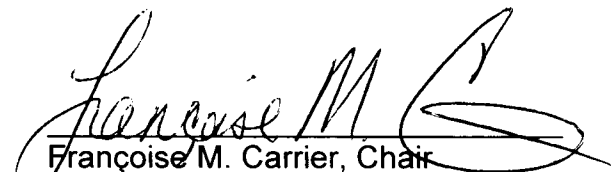
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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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 Vice Chair Wells-Harley, 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, May 3, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board