



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

MCPB No. 20-034
Preliminary Plan No. 12014014A
Ingleside
Date of Hearing: April 16, 2020

JUN 25 2020

RESOLUTION

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

WHEREAS, on June 3, 2015 the Planning Board, by Resolution MCPB No. 15-52, approved Preliminary Plan No. 120140140, creating 3 lots on 6.17 acres of land in the R-200 zone, located on the south side of New Hampshire Avenue approximately 0.2 miles southeast of the intersection of MD 108 and MD 650 (Ashton, MD) at 17720 New Hampshire Avenue ("Subject Property"), in the Rural East Policy Area and the 1998 Sandy Spring/Ashton Master Plan ("Master Plan") area; and

WHEREAS, on December 23, 2019, Daniel and Jacqueline McGroarty ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to strike Condition No. 4 of the preliminary plan requiring the construction of a 10-ft shared use path along the frontage of the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12014014A, Ingleside ("Preliminary Plan," "Amendment," 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 April 2, 2020, setting forth its analysis and recommendation for denial of the Application because Staff believed the Applicant's offered contribution amount for the required shared use path improvements was insufficient to find conformance with the Master Plan ("Staff Report"); and

WHEREAS, on April 16, 2020, the Planning Board held a virtual public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency: 
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M-NCPPC Legal Department

WHEREAS, on April 16, 2020, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by Commissioner Verma, with a vote of 4-0; Commissioners Anderson, Cichy, Patterson, and Verma voting in favor, with Commissioner Fani-Gonzalez being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12014014A to remove the requirement to construct a 10-ft shared use path along the frontage of the Subject Property by adding the following conditions:¹

1. Strike condition No. 4 of the Preliminary Plan
2. The Applicant shall provide a sum of \$46,216 to the Montgomery County Department of Transportation for the purpose of providing local bicycle and pedestrian improvements. Half of this sum (\$23,108) is to be provided within 120 days of the mailing date of this Resolution with the remaining sum (\$23,108) being provided no later than January 31st, 2021
3. The Applicant shall update the Certified Preliminary Plan and Certified Forest Conservation Plan sheets to remove the shared use path and reflect any changes to tree cover, or document these modified conditions as approved by Staff

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

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:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan and all findings not specifically addressed remain in effect.

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

The Preliminary Plan Amendment substantially conforms to the transportation recommendations of the 1998 Sandy Spring - Ashton Master Plan as well as the 2005 Countywide Bikeways Functional Master Plan, both of which recommend a

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.

shared use path (SUP) to be constructed along the frontage of the Subject Property along the west side of New Hampshire Avenue. The Board finds that the provision of a \$46,216 contribution in-lieu of construction of the SUP substantially conforms to these recommendations. This contribution is based on a cost estimate provided by an engineer for the full cost of construction of the path. As set by precedent for similar in-lieu contributions, the Board accepts that this payment will allow the Montgomery County Department of Transportation (MCDOT) to construct a segment of SUP of equivalent use and value for the purpose of improving local bike and pedestrian accessibility.


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 25 2020 (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 Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, May 28, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board