



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

MCPB No. 20-128
Preliminary Plan No. 120180090
Long Branch Corner
Date of Hearing: December 10, 2020

JAN 07 2021

RESOLUTION

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

WHEREAS, on December 10, 2020, Angkor Thom, Inc. ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 0.55 acres of land in the CRT 2.5 C 0.5 R 2.5 H 60 zone, located at the northwest quadrant of the intersection of Piney Branch Road and University Boulevard ("Subject Property"), in the Long Branch Sector Plan Policy Area and 2013 *Long Branch Sector Plan* ("Sector Plan") area; and

WHEREAS, Subdivision Regulation Amendment 16-01, adopted by the Montgomery County Council on November 15, 2016 as Ordinance No. 18-19, replaced Chapter 50, Subdivision of Land in its entirety, effective February 13, 2017 ("Subdivision Regulations"); and

WHEREAS, Ordinance 18-19 provided that any preliminary plan application filed and certified as complete before the effective date of the Subdivision Regulations may, at the applicant's option, be reviewed under the Subdivision Regulations in effect when the application was submitted; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120180090, Long Branch Corner ("Preliminary Plan" or "Application"); and

WHEREAS, Applicant opted to have this Preliminary Plan reviewed under the Subdivision Regulations in effect on August 9, 2018; 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 November 27, 2020, setting forth its analysis and

recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 10, 2020, 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. 120180090 to create one lot on the Subject Property, subject to the following conditions:¹

1. This Preliminary Plan is limited to one lot for up to 14,112 square feet of total development comprised of up to 7,123 square feet of non-residential use (3,686 square feet of existing to remain), and up to 8 multi-family dwelling units (6,989 square feet).
2. 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.
3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated November 24, 2020 and 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 may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. 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 October 29, 2020 and 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 may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

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.

5. 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 October 11, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
6. The Planning Board has reviewed and accepts the recommendations of the Maryland Department of Transportation State Highway Administration (MDOT SHA) in its email dated October 26, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which SHA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
7. Before recording a plat for the Subject Property, the Applicant must satisfy MDOT SHA requirements for access and improvements.
8. Prior to the issuance of any above-grade building permit, the Applicant must make a payment of \$36,000 to the Long Branch Amenity Fund for the purpose of fulfilling the requirements of Section 59-6.3.6, Public Open Space.
9. The Applicant must dedicate all road rights-of-way to the full width mandated by the Sector Plan or as otherwise designated on the Certified Preliminary Plan, and show on the record plat(s) the following dedications:
 - a. A dedication of the Piney Branch Road frontage necessary to provide the Sector Plan-recommended 112-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
 - b. A dedication of the University Boulevard frontage necessary to provide the Sector Plan-recommended 124-foot-wide right-of-way, plus an additional 3 feet to accommodate the master-planned separated bikeway, between the Subject Property line and right-of-way centerline.
10. Prior to the first Use & Occupancy Certificate, the Applicant must:
 - a. Install within the Piney Branch Road right-of-way along the Site frontage a five-foot-wide tree panel and 10-foot-wide sidewalk, to tie into existing sidewalks to the west of the property, and
 - b. Install within the University Boulevard right-of-way along the Site frontage an eight-foot sidewalk, an eight-foot grass panel (a placeholder for the future two-way separated bike lanes) and a seven-foot tree panel to tie in to existing sidewalks north of the property per the Sector Plan Design Guidelines, as shown on the Certified Preliminary Plan.

11. The Applicant must provide one long-term and two short-term bicycle parking spaces in conformance with the Bicycle Parking Design Guidelines.
 - a. The long-term space must be provided within the mixed-use building to be accessible by the commercial employees.
 - b. The short-term spaces must be located proximate to the main entrance of the new retail uses.
12. The record plat must show necessary easements.
13. Prior to record plat, the Applicant must relocate or remove the approved easement for utility pole guy wires, that is described and depicted on SHA Plat 59282 as 'Angkor Thom, Inc. – Parcel B' affecting the southwest corner of the site along Piney Branch Road, so as not to encroach upon the minimum 6-foot pedestrian path of travel on the Piney Branch Road sidewalk along the site frontage. If the approved easement cannot be relocated or removed with agreement from PEPCO, MTA, and MDOT SHA, the Applicant must amend the Preliminary Plan.
14. The Applicant must include all applicable agency letters and the Preliminary Plan Resolution on the approval or cover sheet(s).
15. 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).

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 Preliminary Plan substantially conforms to the Master Plan.*

The Subject Property is located within the Piney Branch Neighborhood Village area of the Sector Plan (Sector Plan, page 11). This area was described as "home to one of the largest transit transfer points in Montgomery County." The Site area specifically was

included among a total of 10 within the Sector Plan Boundary that were identified for “Long Term Redevelopment” (Long Term Redevelopment Site 8, Sector Plan pages 65, 76, and 77).

The Sector Plan recommended rezoning the Site to encourage comprehensive mixed-use development that would maintain existing neighborhood services while allowing for increased residential development. The intent of applying the CRT Zone recommendations was to allow for increased FAR, which could result in additional development that could preserve community affordability. The Sector Plan’s proposal for mixed-use development on commercial properties at and along Glenville Road sought to leverage public investment in the planned Purple Line and other infrastructure improvements (Sector Plan page 76).

For each of the 10 Long Term Redevelopment Sites, the Sector Plan outlined site-specific recommendations across four themes: Community, Land Use and Zoning, Mobility, and Sustainability, three of which apply to the Application, as outlined further below. It is important to note that the Sustainability recommendations made for Long-Term Redevelopment Site 8 were focused on improving protections for and access to Long Branch Stream Valley Park, which is nearby but not directly adjacent to the Subject Property.

For the Piney Branch Road/University Boulevard Site (Site 8), the Sector Plan recommended the following:

- Provide diverse housing types to serve mixed income and special populations.
- Provide for neighborhood retail and service uses that cater to various income levels.
- Provide well-designed streetscapes incorporating public art along Piney Branch Road, Glenville Road, and University Boulevard.
- Preserve space on-site for small neighborhood serving retail and service uses along Piney Branch Road and University Boulevard.
- Support partnerships between local institutions and community serving organizations.

The Applicant proposes a mixed-use building with 3,437 square feet of neighborhood retail on the first floor and 8 multifamily units on the two floors above. The 3,686 square-feet of existing retail is to remain. While the scale of the approved density is modest, it upholds the character of the surrounding mid-rise apartment buildings adjacent and abutting the Site.

The Application also includes significant upgrades to the streetscape along the Site’s two frontages on Piney Branch Road and University Boulevard. Piney Branch Road will achieve the master-planned canopy corridor with a five-foot tree panel and a 10-foot sidewalk. University Boulevard will be improved with an eight-foot sidewalk, an eight-

foot grass panel (a placeholder for the future two-way separated bike lanes) and a seven-foot tree panel.

The Application proposes right-of-way dedication to accommodate all master-planned roadway, bikeway and streetscape elements along the Site's frontages. The Applicant will provide the necessary width for MTA to build the approved five-foot bike lanes on Piney Branch Road and will pay a fee of \$18,942 as means of participating in the ultimate master-planned vision of the two-way separated bike lanes along the west (Site) side of University Boulevard. The Applicant will also be moving the curb along University Boulevard such that it should not need to move again for the construction of the master-planned bike facilities along the Site frontage.

The recommendations for land use and zoning for this Site emphasized the need to increase housing stock while transitioning from the Town Center to the adjacent single-unit residential units. The Sector Plan states, "To prioritize housing options in the Town Center that are compatible with adjacent single-family neighborhoods, the Plan recommends a zoning category allowing only the minimum amount of commercial density that may be mapped in the CRT Zone. In addition, the Plan seeks to limit commercial encroachment into the existing residential community and recommends that all nonresidential uses be limited to the property's frontage on Piney Branch Road." (Sector Plan, page 76).

The Application proposes a modest increase in commercial use with an additional 3,437 square feet, with the 3,686 square feet of existing commercial to remain. The Site is located within the heart of the Town Center and does not abut or confront single-family residential units and therefore is an appropriate place for neighborhood-serving retail. The driveway on Piney Branch Road will be maintained for the approved uses on the Site. At a maximum of 60-feet in height the building will serve as a transitional structure towards the single-family neighborhoods to the west of the Site.

The mobility theme of the Sector Plan encourages non-motorized travel along Piney Branch Road and University Boulevard with improved pathways and an increase in public bicycle parking capacity.

The Applicant is providing all necessary right-of-way dedication for the implementation of the master-planned two-way separated bike lanes along its two frontages. MTA will construct the interim-term bike lanes on Piney Branch Road and the Applicant will contribute \$18,942 towards the construction of the bike lanes on University Boulevard. Additionally, Applicant is moving the existing curb on University Boulevard to provide the space needed to install the bike lanes in the future once MCDOT has finalized the design of the bicycle facility.

In compliance with Section 59-6.2.4.B. of the Zoning Ordinance, the Applicant will provide a minimum of two short-term and one long-term bicycle parking spaces on-site.

The two short-term bicycle parking spaces will be accessible to the public from Piney Branch Road.

The Application is consistent with the goals and objectives of the Sector Plan.

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

Access to the Site for all travel modes is provided along the Site's two frontages on Piney Branch Road and University Boulevard. Piney Branch Road is classified as an Arterial with planned light rail and has a master-planned right-of-way width of 112 feet. University Boulevard is classified as a Major Highway with BRT and has a master-planned right-of-way of 124 feet. An additional three feet of right-of-way along University Boulevard will be dedicated by the Applicant for a total width of 127 feet to achieve the visions of the 2018 Master Plan of Highways and Transitways and the 2018 Bicycle Master Plan.

Continuous sidewalks are present along both site frontages and both streetscapes will be improved by the Applicant to comply with the Sector Plan Design Guidelines. Piney Branch Road will achieve the master-planned canopy corridor with a five-foot tree panel and a 10-foot sidewalk. University Boulevard will be improved with an eight-foot sidewalk, an eight-foot grass panel (a placeholder for the future two-way separated bike lanes) and a seven-foot tree panel.

The Application proposes right-of-way dedication to accommodate all master-planned roadway, bikeway and streetscape elements along the Site's frontages. The Applicant will provide the necessary width for MTA to build the approved five-foot bike lanes on Piney Branch Road and will pay a fee of \$18,942 as means of facilitating the two-way separated bike lanes envisioned along the west (Site) side of University Boulevard. The Applicant will also be moving the curb along University Boulevard such that it should not need to move again for the construction of the master-planned bike facilities along the Site frontage.

The immediate area is well served by transit today and will be further enhanced with the opening of MTA's Purple Line. The Piney Branch station of the Purple Line is located approximately 400 feet east of the Site.

Immediately in front of the approved building is an existing bus stop served by RideOn routes 14, 15, 16, 20, and 24.

The 2013 Countywide Transit Corridors Functional Master Plan recommends a BRT route along University Boulevard with a station located at the intersection of Piney Branch Road and University Boulevard. The exact location of the sites is yet to be determined but will likely be within a comfortable walking distance of the Site.

The Sector Plan, the 2013 Countywide Transit Corridors Functional Master Plan, and the 2018 Bicycle Master Plan recommend the following master plan facilities along the Property's frontage:

- Piney Branch Road, south frontage, as Arterial with planned light rail, with a minimum right-of-way width of 112 feet (56 feet from centerline). Two-way separated bike lanes are planned along the north (Site) side of the Road.
- University Boulevard, east frontage, as Major Highway with planned BRT, with a minimum right-of-way width of 124 feet (112 from centerline), plus three additional feet from the centerline to accommodate the master-planned two-way separated bike lane on the east (Site) side of the roadway.

The Applicant will dedicate 1,257 square feet along Piney Branch Road and 1,065 square feet of right-of-way along University Boulevard from the Property to satisfy the master-planned right-of-way widths of the 2018 *Master Plan of Highways and Transitways*, the 2013 *Countywide Transit Corridors Functional Master Plan*, and the 2018 *Bicycle Master Plan*.

Continuous sidewalks are present along both site frontages and both streetscapes will be improved by the Applicant to comply with the Sector Plan Design Guidelines. Piney Branch Road will achieve the master-planned canopy corridor with a five-foot tree panel and a 10-foot sidewalk. University Boulevard will be improved with an eight-foot sidewalk, an eight-foot grass panel (a placeholder for the future two-way separated bike lanes) and a seven-foot tree panel.

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

The transportation impact of the Preliminary Plan was evaluated in accordance with the 2016-2020 Subdivision Staging Policy and the 2017 LATR Guidelines. The new estimated trips generated by the Site in the morning peak hour is 10 person trips and in the evening peak hour is 25 person trips. Since the Subject Application generates fewer than 50 new peak hour person trips, the Application is not required to conduct a transportation impact study. As a result, adequate public facilities exist to serve the Subject Property.

The Application proposes 8 new multi-family units. As an Application that will be reviewed by the Planning Board on December 10, 2020, the Application is subject to the FY21 Annual School Test, approved by the Planning Board on June 25, 2020 and effective July 1, 2020.

To calculate the number of students generated by the approved development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Subject Property is located in the east region of the County.

The Application, which proposes an increase of 8 multi-family high-rise units, is estimated to generate 2 elementary school students, and 1 high school student.

The Application is located in the Montgomery Blair High School Cluster. The Moratorium Threshold is the number of additional projected students that would cause the projected utilization to exceed the 120 percent utilization threshold and therefore trigger a cluster-wide residential development moratorium. The estimated enrollment impacts of this Application fall below the moratorium thresholds at all 3 school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this Application.

The applicable elementary and middle schools for this Application are Montgomery Knolls Elementary School/Pine Crest Elementary School and Eastern Middle School, respectively. Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120 percent and the school seat deficit meets or exceeds 110 seats for an elementary school or 180 seats for a middle school. If a school's projected enrollment exceeds both thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds are the numbers of additional projected students that would cause the projected utilization to exceed the 120 percent utilization threshold and the seat deficit threshold. The estimated enrollment impacts of this application fall below the moratorium thresholds for both Montgomery Knolls/Pine Crest ES and Eastern MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this Application. Based on the school cluster and individual school capacity analysis performed, using the FY2021 Annual School Test, there is adequate school capacity for the amount and type of development approved by this application.

Public facilities and services are available and will be adequate to serve the approved development. The property will be served by public water and sewer systems. Water, sewer, and other utilities are located within the adjacent public roadways. Connections (one or multiple connections) off one or more of these roads adjoining the Property will service the Property, the final design of which will be finalized at building permit. The Application was reviewed by Montgomery County Department of Permitting Services, Fire Department Access and Water Supply Section, and emergency vehicle access has

been deemed adequate. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the Sector Plan and the type of development and use contemplated. The lot was reviewed under and found to be in compliance with the dimensional requirements for the CRT zone as specified in the Zoning Ordinance.

The lot was reviewed for compliance with the dimensional requirements for the CRT-2.5, C-0.50, R-2.5, H-60 zone as specified in the Zoning Ordinance. The lot as approved will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone.

The Applicant is seeking Alternative Compliance for Section 59.6.1.4.E as it applies to driveway access, and for Section 59-6.3.C.2 for the off-site Public Open Space payment as detailed below. In addition, the Applicant requests a partial parking waiver per Section 59.6.2.10 for three off-street parking spaces.

The applicable deciding body may approve an alternative method of compliance with any requirement of Division 6.1 through Division 6.6 if it determines this is a unique site, a use characteristic or a development constraint, such as grade, visibility, an existing building or structure, or an easement or a utility line. The applicable deciding body must also determine that the unique site, use characteristic, or development constraint precludes safe or efficient development under the requirements of the applicable Division, and the alternative design will:

- a. *satisfy the intent of the applicable Division;*
- b. *modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints.*
- c. *provide necessary mitigation alleviating any adverse impacts; and*
- d. *be in the public interest*

The Applicant is seeking Alternative Compliance for Section 59.6.1.4.E Driveway Access for a corner lot that has more than one driveway. The Applicant is proposing to maintain the location of the two existing driveways: one on Piney Branch Road and one on University Boulevard. Both driveways are restricted to right-in, right-out movements. The Applicant proposes narrowing the driveways to reduce potential

conflicts between motorists entering and leaving the Site and motorists, pedestrians, and/or bicyclists traveling along the Site Frontages. If the driveways were consolidated, motorists leaving the Site would be forced to make excessive and unnecessary U-turns on Piney Branch Road and University Boulevard to travel in certain directions. While U-turns are permitted, they introduce potential safety conflicts that could otherwise be avoided. By keeping the two driveways, with limited right-in, right-out movements, motorists can choose the more desirable point of egress to reduce turning movements on the public roadways. The Applicant's alternative method of compliance meets the intent of the Division by addressing potential safety conflicts on the regional travel network. Narrowing the existing driveways minimizes conflicts between those traveling along the frontages and those entering and leaving the Site. The approach modifies the requirement the minimal amount necessary to maintain safe operation at this complex and heavily-trafficked intersection while also providing the necessary mitigation to alleviate potential adverse impacts and serving the public interest. The method satisfies the necessary findings for Alternative Compliance.

The Application proposes a multi-use building on a tract that is greater than 10,000 square feet, and therefore per Section 59-4.5.3.C.1 of the Zoning Ordinance is required to provide a minimum of 10 percent on-site Open Space. For this Site that would require a minimum of 2,415 square feet. The Applicant is proposing to maintain the existing commercial structure on the Site and build a 10,426 square-foot mixed-use building including 8 multi-family dwelling units and 3,437 square feet of new commercial use. Implementation of the Purple Line plans required acquisition of land by the State of Maryland, which significantly affected the amount of land area and available options to configure new development. After accounting for the required setbacks, parking, and right-of-way dedications, the Applicant is not able to provide meaningful public Open Space on-site. Therefore, the Applicant has chosen to utilize the off-site provision of Section 59-6.3.C.2 of the Zoning Ordinance which allows for a payment in lieu of providing public space on-site.

The calculation methodology as outlined in Section 59-6.3.6.C.2.A would require a payment of \$84,525. This is not a cost proportional to this use in this location, particularly given the modest scope of redevelopment. The Applicant has requested Alternative Compliance to determine a different payment amount of \$36,000 to satisfy the off-site provision of Public Open Space.

The alternative payment amount of \$36,000 shall:

i. satisfy the intent of the applicable Division;

Section 6.3.1 states the intent of the Open Space and Recreation Division, that "Open space can provide adequate light, air, circulation, and recreation and encourage preservation and enhancement of natural resources, including improvement of water and air quality." Any payment amount for the off-site provision of

Public Open Space would be made to the Long Branch Amenity Fund and will be used to provide open space improvements that will meet the intent of the Division.

ii. modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;

The sole reason for this Preliminary Plan is to add the approved mixed-use building that realizes the Sector Plan goal to increase housing units within the Sector Plan area. No Site Plan is required. The full payment of approximately \$84,525 would not proportionally promote the efficient development of this much-needed use on this uniquely constrained site. The development envisioned by the Application is modest and the Site constrained by two heavily-trafficked roads that will soon accommodate the Purple Line and additional bikeway improvements. These improvements are valuable to the County but limit the development options available on so small a Site, development that includes new housing along the Purple Line. Due to the unique circumstances of this redevelopment, the Applicant's payment of \$36,000 sufficiently reflects the constraints of the Application.

iii. provide necessary mitigation alleviating any adverse impacts;

The adverse impacts of not providing Public Open Space on this Site are minimal. The Site is on the edge of the Sector Plan area and the retail uses on the Site generate significant vehicular traffic. The Applicant is providing and contributing toward significant improvements to the public realm along the Site frontages for pedestrians and cyclists. These sidewalks are well-traveled community thoroughfares and these improvements to access and safety, at a financial cost and with reduced buildable area, will provide the most significant public benefit. The Applicant's suggested contribution to the Long Branch Amenity Fund will allow Public Open Space improvements elsewhere in the Plan area and will address the minimal adverse impact of providing Open Space off-site.

iv. be in the public interest.

As stated above, this Site will be providing additional housing units and neighborhood retail in an area well-served by transit. The Applicant is providing or contributing toward significant improvements to the public realm along the Site frontages for pedestrians and cyclists. These sidewalks are well-traveled community thoroughfares and these improvements to access and

safety, at financial cost and with reduced buildable area, will provide the most significant public benefit. The Applicant's suggested contribution to the Long Branch Amenity Fund will allow Public Open Space improvements elsewhere in the Plan area and will address further the public interest.

The deciding body may waive any requirement of Division 6.2, except the required parking in parking Lot District under Section 59.6.2.3.H.1, if the alternative design satisfies Section 59.6.2.1. Any request for a waiver of the vehicle parking space requirement under Section 59.6.2.4.B. requires application notice under Section 59.7.5.2.D.

The Applicant seeks a waiver for three off-street vehicle parking spaces. The minimum required number of parking spaces on-site to support the 7,123 square feet of retail (existing and approved) and 8 multi-family dwelling units is 31, and the Applicant is requesting to provide 28. Section 59.6.2.1 states, "The intent of the vehicle and bicycle parking, queuing, and loading requirements is to ensure that adequate parking is provided in a safe and efficient manner." The requested waiver of roughly 10 percent meets this intent. The expected parking demand on-site for both the commercial and residential uses on the Site will be significantly lower than the minimum capacity required by the Zoning Ordinance due to the proximity of imminent and planned rapid transit in the vicinity of the Site: the Piney Branch Road Purple Line station, the planned BRT stop at the intersection of Piney Branch Road and University Boulevard, and several existing bus lines. Furthermore, separated bikeways are envisioned along both Site frontages and are currently under design by MCDOT as part of the Long Branch Bicycle and Pedestrian Priority Area. The 28 parking spaces will provide adequate parking in a safe and efficient manner. The Applicant has complied with all noticing requirements for the parking waiver and the Applicant satisfies the necessary findings for a parking waiver.

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 as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

This Application is subject to the Chapter 22A, the Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(S)(1) of the Forest Conservation Law because the approved activity occurs on a tract of land less than 1.5 acres that contains no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed

10,000 square feet. This exemption was confirmed for the Subject Application on June 20, 2018.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from the MCDPS Water Resources Division on October 29, 2020. The Application will meet stormwater management goals through a variety of techniques including via ESD to the MEP with the use of a landscape infiltration facility. Due to slopes and soils the remaining volume is treated structurally by way of a volume-based Storm Filter.

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 50-35(h)), 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 **JAN 07 2021** (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 Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Patterson absent, at its regular meeting held on Thursday, December 10, 2020, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board