



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

MCPB No. 21-105
Preliminary Plan No. 11987066A
Sandy Spring Village
Date of Hearing: September 23, 2021

OCT 14 2021

RESOLUTION

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

WHEREAS, on November 25, 1987, the Planning Board, by Opinion mailed on December 1, 1987, approved Preliminary Plan No. 119870660, creating one lot (identified as Parcel A on Record Plat 17648) on 3.22 acres¹ of land for 52,100 square feet of office on C-T zoned land, located in the southwest quadrant of the intersection of Olney Sandy Spring Road (MD 108) and Meeting House Road ("Subject Property"), in the Rural East Policy Area and 2015 *Sandy Spring Rural Village Plan* ("Master Plan") area; and

WHEREAS, on May 5, 2021, KCG Companies ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to create one (1) lot for up to 56,565 square feet of residential uses², including 12.5 percent MPDU's on the Subject Property zoned CRN-0.75, C-0.75, R-0.5, H-45; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11987066A, Sandy Spring Village ("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 September 13, 2021, setting forth its analysis and

¹ The Planning Board Opinion references 3.22 acres of land, which was the gross tract area. The Record Plat identified Parcel A as being 2.67 acres.

² Application is to convert two existing office buildings from commercial to age-restricted, affordable multi-family residential and dedicate additional right-of-way for MD 108.

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Approved as to
Legal Sufficiency: /s/ Emily Vajias
M-NCPPC Legal Department

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

WHEREAS, on September 23, 2021, 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, on September 23, 2021 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Verma, seconded by Commissioner Patterson, with a vote of 3-0; Commissioners Cichy, Patterson, and Verma voting in favor with Chair Anderson being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 11987066A to create one (1) lot for up to 56,565 square feet of residential uses, including 12.5 percent MPDU’s with the following conditions, which supersede and replace in their entirety the prior conditions set forth in Preliminary Plan No. 119870660, by MCPB Opinion mailed on December 1, 1987:³

Density

1. The Preliminary Plan is limited to one (1) lot for up to 56,565 square feet of residential uses, including 12.5 percent MPDU’s.

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the date of mailing of this Planning Board Resolution.

Plan Validity Period

3. The Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date 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 filed.

Outside Agencies

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter

³ 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.

dated July 8, 2021, and incorporates them as conditions of the Preliminary Plan approval, except for: (i) Conditions 2 and 3 under “Significant Preliminary Plan Comments,” and Condition 5.a of “Standard Plan Review Comments,” and (ii) a modification to Condition 5.b under “Significant Preliminary Plan Comments” to only require ADA improvements at the intersection of Olney Sandy Spring Road & Meeting House Road. The Applicant must comply with each of the other recommendations as set forth in the letter (except as noted above), which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

5. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements, which only includes ADA improvements to the ramp at the intersection of Olney Sandy Spring Road and Meeting House Road.
6. 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 July 1, 2021, 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.
7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter, dated March 29, 2021 and as amended on June 1, 2021, 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.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated August 25, 2021, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Other Approvals

9. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this

Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

Transportation

Existing Frontage Improvements

10. Prior to Issuance of Use and Occupancy for the first building, the Applicant must provide the following dedications along the Subject Property frontage for Olney Sandy Spring Road (MD 108) and show them on the record plat(s):
 - a) A tapered dedication, thirty-six (36) feet from the proposed centerline of MD 108 at the western Property line; and
 - b) Forty (40) feet from the proposed centerline of MD 108 at the eastern Property line, as shown on the Certified Preliminary Plan.

Easements

11. The record plat must show necessary easements.
12. Before Issuance of any Use and Occupancy Certificate, the Applicant must record a subdivision record plat.

Developments with MPDU's

13. The final number of MPDUs as required by Chapter 25A will be determined at the time of site plan approval.

Certified Preliminary Plan

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 approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
15. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a) Include Planning Board Resolutions and Agency approval letters on the certified set.
 - b) Update the data table to match what is approved by the Planning Board.

BE IT FURTHER RESOLVED that having considered the recommendations 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:

This Amendment and the following findings supersede all previous Planning Board findings for Preliminary Plan No. 119870660.

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.*

The Subject Property is a recorded lot/parcel, Parcel A on Record Plat 17648. The existing lot is subject to the conditions of Preliminary Plan No. 119870660. The 2.67-acre Subject Property is improved with two existing office buildings, the Mutual Building, located at 17810 Meeting House Road (“Mutual Building”) and the Stabler Building, located at 900 Olney Sandy Spring Road (“Stabler Building”). As part of this Preliminary Plan, the Applicant is changing the land use from office to Multi-Unit Living, which is a permitted use in the CRN zone. As discussed in finding 2, the Application is also dedicating 36 feet of right-of-way, as much additional right-of-way as is feasible for MD 108 according to the 2015 *Sandy Spring Rural Village Plan* and providing a new public utility easement along the Property frontage. As discussed below, no additional right-of-way dedication is proposed for Meeting House Road, which is an Exceptional Rustic Road.

The Lot and Use comply with the basic requirements of Chapter 59

The lot was reviewed for compliance with the dimensional requirements for the CRN zone as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone, taking into account the location of the existing buildings, historic designation recommendations of the applicable Master Plans, and modifications requested as part of the accompanying Site Plan. A summary of this review is included in Table 2 of the Staff Report.

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

The Preliminary Plan substantially forms to the recommendations in the *Master*

Plan, the 1996 Rustic Roads Functional Master Plan and 1988 Amendment to the Master Plan for Historic Preservation: Sandy Spring Historic District.

2015 Sandy Spring Rural Village Plan and 1996 Rustic Roads Functional Master Plan

The Subject Property is within the Village Core area identified in the 2015 *Sandy Spring Rural Village Plan* and the Sandy Spring Historic District (#28/11).

The Village Core

The Subject Property is identified on page 28 of the Master Plan, which recognizes that there are some limitations to how the Stabler and Mutual Buildings are modified because they are within the Sandy Spring Historic District. The Master Plan specifically recommends “adaptive reuse of the buildings to residential and small-scale commercial uses.” As recommended, both the Montgomery Mutual Insurance Company buildings are being adaptively repurposed as age-restrictive housing, with only limited exterior modifications proposed to the buildings. The Master Plan also recommends to “Provide access to commercial and residential properties from a driveway off MD 108 and Meeting House Road”. The Applications retain said access as recommended by the Master Plan.

Olney Sandy-Spring Road (MD 108)

Olney Sandy Spring Road is identified by the Master Plan as a two-lane arterial road with an 80-foot wide master planned right-of-way.

There is an existing 4-foot wide sidewalk along the Property’s frontage on MD 108 that provides pedestrian access to an existing bus stop at the northwest corner of the Property and the properties to the east and west. The sidewalk also continues south along Meetinghouse Road and terminates on the north side of the drive aisle that connects to Thomas Village Lane.

The Master Plan, on page 26, recommends an ADA- compliant, shared use path along the north side of MD 108 (adjacent to the Stabler Building) and specifically states that “the existing sidewalk on the south side of MD 108 will remain” (pg. 48). As a result, no changes to the existing sidewalk are proposed as part of this Application, however, the Applicant is improving the existing bus stop and pad.

In addition, the Applicant is dedicating thirty-six (36) feet of right-of-way from the centerline of MD 108, which is the maximum amount possible. Based on the location of the Stabler Building, the Applicant cannot dedicate 40 feet of right-of-

way and provide the required ten-foot-wide public utility easement without reducing the right-of-way or removing the front porch of the building. While the Applicant is not dedicating the full 40 feet to the centerline, the proposed dedication is sufficient to accommodate the existing public improvements, such as the sidewalk and relocated bus stop.

1996 Rustic Road Functional Master Plan

Meeting House Road

The Stabler Building and the Mutual Building both have frontage on Meeting House Road. Meeting House Road was designated as a Rustic Road with a 70-foot right-of-way in the 1996 *Rustic Roads Functional Master Plan*. The 2015 *Sandy Spring Rural Village Plan* updated the classification of Meeting House Road to an Exceptional Rustic Road with an 80-foot right-of-way with two travel lanes.

The 2015 *Sandy Spring Rural Village Plan* states: “Meeting House Road is one of the oldest roads in the County. It is a narrow road intended for local use with low traffic volume and low accident history consistent with the rustic designation. The road has outstanding historic value, natural features and farm views. The unusual features include narrow pavement, mature trees and the historic Meeting House” (p.46).

The Master Plan also notes that: “...the section of Meeting House Road from MD 108 to the south Meeting House property line is located within the Sandy Spring Historic District. The inclusion of this portion of the road within the district is also intended to preserve the rural character of the road including its width, design and landscaping” (p.46) and later states “the character of the road would be negatively affected by making improvements to it” (p.46).

The MCDOT has reviewed the Preliminary Plan, and in a letter dated July 8, 2021, concurred with Staff that no additional dedication is required on Meeting House Road along the frontage of the Stabler Building, however, Condition 3 of their letter strongly recommends installation of a 5-foot sidewalk on Meeting House Road. Installation of the aforementioned sidewalk would also require additional dedication. As discussed below, the Board disagrees with MCDOT’s position regarding frontage improvements on Meeting House Road in front of the Mutual Building.

The existing right-of-way is 60 feet (30 feet from the centerline) and dedicating an additional 10 feet of right-of-way would cause existing features along the Property frontage, such as the brick wall and fountain/patio to be within the

right-of-way. These features are integral to the character of the road and in order to keep them at the current location, additional right-of-way dedication is not being required. According to MCDOT's letter, if dedication is required by the Planning Board, the encroaching features would need to be removed.

Section 4.3.E.5.c of the Subdivision regulations provide the Planning Board the following guidance when reviewing rustic roads:

In approving a preliminary plan, the Board must not require improvements that are contrary to Chapter 49, Article 8 or Executive Regulations governing rustic roads. The Board may waive any requirement of Sections 4.3.E.2.b and 4.3.E.3.b that is incompatible with the rustic road or substitute any alternative requirement that is consistent with the goals of the rustic roads law. The Board may only require those improvements that retain the significant features of the road identified by the Council for preservation. If the Board is otherwise directed by this Section to require improvements that are contrary to the rustic roads law or Executive Regulations, the Board must consider the recommendations of the Rustic Roads Advisory Committee and evaluate the feasibility of trip reduction and alternative road improvements to the local roadway network. If the Board determines that no feasible alternative exists, it may require improvements that are necessary for traffic safety or operational requirements.

While safety is of utmost importance, the Board, the Rustic Roads Advisory Committee and the Historic Preservative Commission do not support MCDOT's recommendation to install a 5-foot sidewalk on Meeting House Road due to the historic nature and character of this Exceptional Rustic Road, the existing road configuration, the incredibly low existing and projected traffic volumes as it terminates just south of the Property, and the nature and limited, rural nature of development of the surrounding area to the south. The existing road, with its historic nature and character, in addition to the low traffic volumes, is suitable for vehicles and pedestrians and pedestrian circulation is already accommodated via a private sidewalk parallel to Meeting House Road. Additionally, the recommendation to install a sidewalk along this Exceptional Rustic Road, is contrary to the recommendations of the 2015 *Sandy Spring Rural Village Plan*, the 1996 *Rustic Roads Functional Master Plan* and 1988 *Amendment to the Master Plan for Historic Preservation: Sandy Spring Historic District*. Section 50.4.3.E.5.c of the Subdivision Regulations permits the Planning Board to waive the installation of sidewalks as requested by MCDOT.

Consequently, sidewalks should not be added within the right-of-way of Meeting House Road, nor should dedication to the full 80-foot Master Planned right-of-way width be required since it would negatively affect the significant features on the Property.

The Rustic Roads Advisory Committee (“RRAC”) has reviewed the Application and in a letter dated July 13, 2021, and the RRAC strongly supported the Application as proposed. As previously stated, the RRAC does not support the recommendations to install sidewalks along Meeting House Road and to dedicate additional right-of-way, since the sidewalk would negatively impact the road and the dedication would create the potential to negatively affect the Subject Property and the road in the future.

To satisfy Condition 3 of MCDOT’s letter, the Applicant is removing the existing U-shaped lead walk between the existing fountain (proposed patio) and Meeting House Road pavement. However, this solution is predicated on the Planning Board allowing a narrower right-of-way than recommended in the Master Plan.

As conditioned, no additional right-of-way dedication or frontage improvements are requested on Meetinghouse Road due to the constraints and recommendations outlined above.

Approved & Adopted Amendment to the Master Plan for Historic Preservation:
Sandy Spring Historic District

The Sandy Spring Historic District (#28/11) is identified in the Master Plan for Historic Preservation Sites in Montgomery County, Maryland. The Application is subject to historic preservation review pursuant to Chapter 24A-8 of the Montgomery County Code. The Historic Preservation Commission (HPC) reviewed the Application at a Preliminary Consultations on June 23, 2021 and recommended approval. The HPC also weighed in on how Meeting House Road should be treated, concluding that “a sidewalk along Meeting House Road would negatively impact the character of the road and would be contrary to the road and surrounding district.”

A survey of the district prepared for the Locational Atlas states: “Sandy Spring, settled in 1727 by the Quaker James Brooke, is one of the oldest settlements in the County with a fine collection of religious, financial and educational buildings.”

The document also says that the inclusion of the Montgomery Mutual Insurance Company property was not intended to preclude new development on the site or restrict the allowable density of development. Rather, the intention was and continues to be, to assure that the high standards of sensitive design which have been established by the 1977 Montgomery Mutual building be carried on in the construction of other new buildings on the site. The inclusion of a portion of

Meeting House Road within the District is intended to preserve the rural character of the roadway including its width, design and landscaping.

As discussed in the HPC staff report, the proposed change in use and associated architectural alterations and improvements are consistent with the goals and recommendations of the Sandy Spring Historic District. At the time of building permit, the Applicant will return to the HPC for a Historic Area Work Permit.

As conditioned, the Preliminary Plan substantially conforms to the recommendations in the *2015 Sandy Spring Rural Village Plan, the 1996 Rustic Roads Functional Master Plan and Amendment to the Master Plan for Historic Preservation: Sandy Spring Historic District*.

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

Public Facilities such as roads, sidewalks, intersections and public services will be adequate to support the Application.

Roads and Other Transportation Facilities

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

- a. *Existing Facilities*

Olney-Sandy Spring Road (MD 108) is a 2-lane arterial road. Meeting House Road is identified as an Exceptional Rustic Road. Additionally, the Applicant has verified that the existing crosswalk and ADA access ramps on Meeting House Road (east/west) currently meet ADA standards.

- b. *Proposed public transportation infrastructure*

As conditioned, all existing public infrastructure such as sidewalks will be included in the proposed public right-of-way.

- c. *Proposed private transportation infrastructure*

Private infrastructure is limited to the existing parking facilities located to the north and west of the larger residential structures. Internal walkways with ADA ramps will connect all buildings. An additional paved recreation walkway extends to the south of the Property, ringing an existing stormwater facility.

Local Area Transportation Review (LATR)

The Applicant submitted a transportation statement within the Statement of Justification for the Preliminary Plan application for a 56 dwelling unit independent senior living (age-restricted) facility which will replace the existing office use on the Site. According to the Institute of Transportation Engineer's (ITE) 10th Edition Trip Generation Manual and adjusted for the Rural East

Policy Area, this Application will result in a net reduction of 34 AM and 22 PM vehicular trips and 35 AM and 18 PM peak-hour person trips, a significant reduction due to the replacement of the existing higher trip generating office use with a residential use. The Applicant is not required to submit a traffic study to satisfy the LATR test because the proposed land use generates fewer than 50 peak-hour net new person trips within the weekday morning and evening peak periods.

Table 1 – Trip Generation

Use	Development	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing (Credit) Office (ITE-710)	56,565 sq. ft.	69	11	80	11	56	67
Proposed: Age Restricted Senior Living (ITE-252)	56 Units	24	22	46	21	24	45
Net New Vehicle Trips (reduction)		(45)	11	(34)	10	(32)	(22)
Total Peak Hour Person Trips (reduction)				(35)			(18)

*Institute of Transportation Engineer’s (ITE) 10th Edition Trip Generation Manual. Numbers are vehicle trips except for person trips in final row. Person trips are adjusted according to 2017 LATR guidelines.

Other Public Facilities and Services

The Subject Property is currently served by existing water and sewer lines that will remain, except the existing 2-inch waterline serving the Stabler Building which is being upgraded to a new 6-inch water line. The new water line will tie-in to the existing 12-inch main in the MD 108 right-of-way, which is adequate to serve the Subject Property.

The Application has been reviewed by the MCDPS, Fire Department Access and Water Supply Section, who determined that the new fire department access driveway parallel to the Mutual Building is adequate for fire and rescue vehicles to access the Property. The Application has received an approved Fire Access Plan dated March 29, 2021 and amended on June 1, 2021.

A 10-foot public utility easement is being provided parallel to the MD 108 right-of-way which will be sufficient to accommodate future utility installation. All other public facilities and services including electric, telecommunication, police and health services are available and adequate to support and serve the proposed lot according to the 2020-2024 Growth and Infrastructure Policy. Since

this Application is for an age-restricted development, a school adequacy test is not applicable.

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

The Preliminary Forest Conservation Plan ("PFCP") was submitted as part of the previous Preliminary Plan of Subdivision, Plan No. 120090230, and approved by the Planning Board with the Resolution dated March 9, 2010. The Final Forest Conservation Plan was submitted as part of the accompanying Site Plan No. 81988060A.

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on July 1, 2021. The plan will meet stormwater management requirements by reducing imperviousness and utilizing the existing structural stormwater management facilities.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 14 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).

* * * * *

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 Commissioners Cichy, Patterson, and Verma voting in favor of the motion, and Chair Anderson abstaining at its regular meeting held on Thursday, September 30, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board