



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

OCT 14 2021

MCPB No. 21-106  
Site Plan No. 81988060A  
Sandy Spring Village  
Date of Hearing: September 23, 2021

**RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on June 22, 1989, the Planning Board by MCPB Opinion mailed on June 23, 1989, approved Site Plan No. 819880600, for construction of 22,005 square feet<sup>1</sup> of commercial-office uses on the Property, in addition to the then existing 3-story brick office building known as the Bentley Building, on 2.96 acres of CRN-0.75, C-0.75, R-0.5, H-45 zoned-land<sup>2</sup>, 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 site plan to convert two existing office buildings from commercial to age-restricted, affordable multi-family residential, with a total of 56 dwelling units, including 12.5% MPDUs, on the Subject Property which is zoned CRN-0.75, C-0.75, R-0.5, H-45; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 81988060A, Sandy Spring Village ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the standard method Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a

<sup>1</sup> This was in addition to the then existing 3-story brick office building known as the Bentley Building built in 1977.

<sup>2</sup> Site Plan No. 819880600 was approved under the prior O-M zone.

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

memorandum to the Planning Board, dated September 13, 2021, setting forth its analysis of, and 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 Site Plan No. 81988060A for the conversion of two existing office buildings from commercial to age-restricted, affordable multi-family residential, with a total of 56 dwelling units including 12.5% MPDUs, subject to the following conditions which supersede and replace in their entirety the prior conditions set forth in Site Plan No. 819880600 by MCPB Opinion mailed on June 23, 1989:<sup>3</sup>

### **Density, Height & Housing**

1. Density

The Site Plan is limited to a maximum of 56,656 square feet of residential uses on the Subject Property, including 12.5 percent MPDU's.

2. Height

a) The development of the Stabler Building is limited to the existing, maximum height of 31 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

b) The development of the Mutual Building is limited to the existing, maximum height of 41 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (“DHCA”) in its letter dated August 25, 2021 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the

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<sup>3</sup> 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.

recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) The development must provide 12.5 percent MPDUs, or DHCA-approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b) Before issuance of any building permit for any residential unit(s), or at such other time as may be agreed to by DHCA, the MPDU Agreement to Build between the Applicant and the DHCA must be executed.

4. Occupancy Provisions

- a) All residential units must be Age-Restricted (restricted to persons who are sixty-two (62) years of age or older), as required by the State of Maryland.
- b) Prior to Recording of the Plat:
  - i. The Applicant must enter into a covenant or other agreement with the Planning Board reflecting the age restriction in a form approved by the M-NCPPC Office of General Counsel;
  - ii. The covenant must be recorded in and among the Land Records of Montgomery County; and
  - iii. The Book/Page reference must be included on the Record Plat and an updated page of the Certified Site Plan;
  - iv. The covenant shall be extinguished or otherwise released when the Land Use Restriction Agreement has been recorded.

**Open Space, Facilities and Amenities**

5. Public Open Space, Facilities

- a) The Applicant must provide a minimum of 23,278 square feet of public open space (20% of net lot area) on-site.
- b) Before the issuance of use and occupancy certificates for the first building in the residential development, all public open space areas on the Subject Property must be completed.

6. Recreation Facilities

- a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- b) The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

## **Environment**

### **7. Forest Conservation & Tree Save**

- a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan (“FFCP”). Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- c) Prior to any demolition, clearing, grading or exterior construction for this development Application, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Northwest Branch watershed to satisfy the afforestation requirement for a total of 0.52 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Northwest Branch watershed or by making a fee-in-lieu payment if mitigation credits are not available at any bank.
- d) The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches totaling 15 caliper inches as shown on the approved FFCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
- e) Prior to any demolition, clearing, grading or exterior construction for this development Application, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the mitigation trees as shown on the FFCP.
- f) Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings as shown on the FFCP.
- g) The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.

### **8. Historic Preservation**

The Planning Board has reviewed and accepts the recommendations of the Historic Preservation Commission (HPC) in its letter dated July 27, 2021 and incorporates them as conditions of Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which HPC

may amend if the amendments do not conflict with other conditions of Site Plan approval.

## **Transportation & Circulation**

### **9. Transportation**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section ("MCDPS-ROW") in its memo dated June 11, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which MCDPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

### **10. Pedestrian & Bicycle Circulation**

- a) The Applicant must provide at least fourteen (14) long-term and fourteen (14) short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room (which can be on the second floor), and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to a building entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

## **Site Plan**

### **11. Lighting**

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

### **12. Site Plan Surety and Maintenance Agreement**

Prior to issuance of any exterior building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, outdoor recreational facilities, site furniture, trash enclosures, and sidewalks, paths and associated improvements of the development. The surety must be posted before issuance of any exterior building permit for development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

### 13. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

### 14. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, Preliminary Plan resolution, Site Plan resolution and other applicable resolutions on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that the development must comply with the conditions of approval as set forth herein, which supersede and replace in their entirety the prior conditions set forth in Site Plan No. 819880600, by MCPB Opinion mailed on June 23, 1989; and

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Sandy Spring Village Site Plan No. 81988060A, submitted via ePlans to the M-NCPPC as of the date of the Staff Report (September 13, 2021), are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning 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 development satisfies any previous approval that applies to the site.*

This finding is not applicable to the Amendment.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This finding is not applicable to the Amendment.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This finding is not applicable to the Amendment since the Application was reviewed under the current CRN Zone Development standards, not the prior O-M Zone Standards.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

The proposed use as affordable age-restricted Multi-Unit living is a permitted use in the CRN zone.

- a. Development Standards

The Subject Property includes approximately 2.67 acres zoned CRN-0.75, C-0.75, R-0.5, H-45. The Application satisfies the applicable development standards, including the modifications approved by the Planning Board, as shown in the following data table:

**Data Table**

<b>Development Standards – Section 4.5.3</b>		
<b>Zone: CRN-0.75, C-0.75, R-0.5, H-45 (Standard Method of Development)</b>		
<b>Building Type: Apartment</b>	<b>Required</b>	<b>Approved</b>
<b>Site</b>		
Public Open space, tract > 10,000 SF	10% (11,630.52 SF)	20% (23,278 SF)
<b>Lot</b>		
Lot (min)	NA	115,589 SF (2.65 AC)
Tract Area (Parcel A)	116,389 SF (2.67 AC)	
MD 108 Dedication	800 SF (0.0183 AC)	
Meeting House Road Dedication	Modified/Waived	
Site Area (Net Lot)	115,589 SF (2.65 AC)	
<b>Density</b>		
Commercial	0.75 FAR (87,291.75 SF)	NA
Residential	0.50 FAR (58,194.5 SF)	0.485 FAR (56,565 SF) 56 units
Total	0.75 FAR (87,291.75 SF)	0.485 FAR (56,565 SF) 56 units
Units Mix (Total)	NA	<u>56 total units</u> 10 studios 38 one-bedroom 8 two-bedroom
Moderately Priced Dwelling Units	12.5% Min.	12.5%
MPDU - Unit Mix		<u>7 units</u> 1 studio 5 one-bedroom 1 two-bedroom



<b>Placement</b>		
<b>Stabler Building - Principal Building Setbacks (min)</b>		
Front setback (MD 108)	0 ft.	11 ft.
Side Street Setback (Meeting House Rd)	0 ft.	1 ft.
Rear setback (Mutual Building)	NA	NA
<b>Mutual Building - Principal Building Setbacks (min)</b>		
Front setback (Meeting House Rd)	0 ft.	73 ft.
Rear setback, abutting Residential Townhouse zone (West)	0 ft. (RT-10)	52 ft.
Side setback, abutting Residential Detached zone (South)	1.5x17 ft. (RE-2) 25.5 total ft.	415 ft.
<b>Build-to Area (BTA, max setback and min % of building façade)</b>		
<b>Stabler Building (Apartment Building Type)</b>		
Front setback (MD 108)	30 ft max.	100% within 29 ft.
Building in front street BTA	70% min.	
Side street setback (Meeting House Rd.)	30 ft max.	100% within 25 ft.
Building in side street setback	35% min.	
<b>Mutual Building (Apartment Building Type)</b>		
Front setback (Meeting House Rd)	30 ft max	100% within 85 ft.*
Building in front street BTA	70%	
<b>Specifications for Build-to Area</b>		
*The Build-to Area requirements may be modified by the Planning Board during site plan review under Section 59-7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.		
<b>Height</b>		
<b>Height (max)</b>		
Stabler Building	45 ft.	31 ft.
Mutual Building		41 ft.
<b>5. Form</b>		

Building Orientation		
<b>Stabler Building</b>		
Entrance facing street or open space	Required	Provided
Entrance spacing (max)	100 ft	Provided
<b>Mutual Building</b>		
Entrance facing street or open space	Required	Provided
Entrance spacing (max)	100 ft	Provided
Transparency, for Walls Facing a Street or Open Space		
<b>Stabler Building</b>		
Ground story, front (min)	20%	17%**
Ground story, side (min)	20%	18%**
Upper story (min)	20%	17%**
Blank wall, front (max)	35 ft	No blank walls
Blank wall, side/rear (max)	35 ft	No blank walls
<b>Mutual Building</b>		
Ground story, front (min) (Meeting House)	20%	14%**
Upper story (min)	20%	14%**
Blank wall, front (max)	35 ft	No blank walls
Blank wall, side/rear (max)	35 ft	No blank walls
Specification for Building Orientation and Transparency		
<p>**Transparency requirements may be modified by the Planning Board in a site plan under Section 59-7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.</p>		

### Modifications to the Build-To-Area and Transparency

The CRN Zone development standards include a Build-To-Area (BTA) requirement and minimum Transparency requirement. As part of the Site Plan the Applicant requested modifications to the BTA and Transparency requirements, per Section 59-4.5.3, "Specifications for Building Orientation and

Transparency” of the Zoning Ordinance. Based on the evidence in the record and as discussed below, the Planning Board found that in both cases, the Site Plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

In the CRN Zone, apartment buildings are required to locate so at least 70 percent of the façade is within the 30-foot maximum (BTA) setback. The Applicant requested an increase in the BTA setback from 30 feet to 85 feet for the Mutual Building because the building is existing and no increase in square footage is proposed as part of this Application. The Application deviates from the BTA requirements only to the extent necessary to accommodate the existing Mutual Building as the Stabler Building complies with the BTA. The Site Plan incorporates design elements that engage the surrounding publicly accessible spaces in that the area between the front of the Mutual Building and Meeting House Road is predominately public open space which provides a connection to the surrounding historic district and Village Core.

In the CRN Zone, apartment buildings are required to provide 20% Transparency on the ground floor and upper story façades that face roads and open space. The Applicant is seeking relief from the Transparency requirements because both buildings are existing, and no changes, other than maintenance, are proposed to the exterior windows on the aforementioned facades. The Stabler Building provides 17-18% transparency on the ground level and upper story facing MD 108 and Meeting House Road, while the Mutual Building provides 14% transparency on both the ground and upper stories. Given that the buildings are existing and are located in the Sandy Spring Historic District, with no proposed changes to the fenestration, the deviation is only to the extent needed and the buildings’ connection to the surrounding neighborhood will be maintained.

b. General Requirements

i. *Site Access*

Site access from Meeting House Road is not being modified as part of this Amendment.

ii. *Parking, Queuing, and Loading*

There are 94 parking spaces on site now, including 86 standard spaces, 5 ADA spaces and 3 motorcycle spaces. The Applicant is removing a total of 16 approved spaces, including the 9 spaces between the Mutual Building and Meeting House Road and 7 spaces in the side and rear parking lots to accommodate installation of raised garden beds, and new and expanded tree pits/parking islands.. As a result, the Applicant is providing 72 standard parking spaces, 3 ADA (1 van accessible) spaces and 3 motorcycles spaces within the existing parking lot footprint as required. The Applicant is providing 14 short-term and 14 long-term bicycle parking spaces (0.50 spaces per dwelling) as required per Section 6.2.4 of the Zoning Ordinance. However, the Applicant is seeking a partial waiver from the long-term bicycle parking ratio, which requires 95 percent of the bicycle spaces be long-term spaces, located in secure storage rooms on the ground floor of the building, per Section 6.2.6. However, because this Application is an adaptive reuse of two existing buildings, interior space is constrained based on the existing building footprint. As result, the Board approves of a secure bicycle storage room with 14 spaces on the second floor, accessible by elevator. The 14 short-term bicycle parking spaces are located adjacent to the raised garden beds, south of the courtyard. A 10-foot by 30-foot truck loading space is also being provided along the parking lot drive aisle west of the Mutual Building, in a location that will not impede on-site circulation.

iii. *Open Space and Recreation*

The location of the open spaces is safe, adequate, and efficient. The Zoning Ordinance requires 10 percent Public Open Space for an apartment building in the CRN Zone. This Site Plan satisfies the Public Open Space requirement by providing 20 percent or 23,278 square feet of space devoted to public use and enjoyment. The primary Public Open Space is between the front of the Mutual Building and Meetinghouse Road.

The open space includes a 12-foot wide concrete promenade, lined with shade trees and open lawn area with Adirondack chairs. The space also includes an oblong paver patio (repurposed fountain in front of the Mutual Building) and a 16-foot by 16-foot outdoor activities area with a pavilion, seating, a chess table and room for yoga and bocce ball.

The games area overlooks the vegetated stormwater treatment area and is conveniently located next to a new pedestrian loop along the perimeter of the management area. The pedestrian loop will be constructed of pervious pavement and a pedestrian bridge will cross over the bio-swale at the southwestern corner of the management area. The Applicant is also installing raised garden beds at the southwest corner of the Mutual Building for residents to utilize.

The Application also includes a new interior courtyard in the center of the Mutual Building and adjacent to the rear parking lot. The courtyard is wheelchair accessible space for gathering that includes outdoor seating, a grilling station and decorative overhead string lights. The Applicant is also working with local Sandy Spring community members to add an art installation in the courtyard (not part of a public art program).

As described above, a contiguous Public Open Space area is being provided on the Subject Property, which includes a variety of passive and active recreation opportunities suitable for all ages. As conditioned, the recreation facilities and amenities are safe, adequate, and efficient to meet the recreational needs of the residents.

iv. *General Landscaping and Outdoor Lighting*

The location and quantity of the proposed landscaping is safe, adequate, and efficient on the Subject Property. The Site Plan is proposing landscaping to serve multiple purposes, including canopy cover in-and-around the parking facilities, landscaping around amenity areas, and landscaping adjacent to all proposed buildings. Planting includes canopy trees, understory trees, shrubs, perennials, ornamental grasses and groundcover. Distributed throughout the Property in the amenity areas, along the building facades, and in the parking, the proposed landscaping, together with the existing landscaping will enhance the visual appeal of the Subject Property and provide an aesthetically pleasing development for the residents. Additionally, the existing and proposed canopy trees will shade at least 25% of the surface parking lot.

The lighting provided with this Application is safe, adequate, and efficient for ensuring good nighttime visibility within the parking lot and open space areas without negatively impacting surrounding residential dwellings. The proposed lighting is a combination of 14-foot-tall free-standing poles, bollards and stake mount lighting that provide for broad illumination for all public spaces, parking, and areas that might have security concerns. In general, the light poles are provided for all the street and parking lighting, while the pedestrian-scale light posts are provided for accenting and evenly lighting the public open spaces.

The photometric plan submitted by the Applicant shows that the proposed lighting will adequately illuminate the Site creating a safe environment, without creating light spillage or excessive glare on adjacent properties or the rights-of-way. As conditioned, all site lighting provides adequate, safe and efficient illumination.

v. *Screening*

Landscape screening is not required between the parking lot in the rear of the Mutual Building and the RT-10 property to the west. However, a row of mature Leyland Cypress and an existing 6-foot fence provide screening between the rear parking lot and the RT-10 Zoned Property.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

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.

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) No. 420081680 for this Property was approved in August 2008. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The NRI/FSD calls out the Property to be a total of 4.84 acres consisting of Parcel 426 (not part of this Application), the Subject Property and Lot 1 (not part of this Application). There is 0.75

acres of forest located on Lot 1. No forest is located on Parcel 426 or Parcel A. The Subject Property is located within the Northwest Branch watershed, a MD State designated Use Class IV stream. There are no streams or other environmental features located on the Subject Property. However, there is a perennial stream located on the adjacent property to the south of Parcel A. This stream begins at the adjoining property line between Parcel A and Parcel 553 and flows to the south. The resulting 125-ft stream buffer extends onto the Subject Property creating 0.6 acres of stream buffer on the Subject Property.

#### Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Preliminary Forest Conservation Plan (“PFCP”) was submitted as part of the Preliminary Plan of Subdivision, Plan No. 120090230, and approved by the Planning Board by Resolution dated March 9, 2010. The Final Forest Conservation Plan was submitted as part of this Application and is in substantial conformance with the PFCP.

The Net Tract Area of the Subject Property is 2.67 acres and is located in a CRN Zone. The CRN Zone is assigned a Land Use Category of High Density Residential (“HDR”) as defined in Section 22A-3 of the FCL and in the Land Use Table of the Trees Technical Manual which generates an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area. The Subject Property has no forest cover. As a result, the Applicant has a 0.40 acre Afforestation Requirement as specified in the FFCP Worksheet. In addition, this Application proposes 0.12 acres of encroachment into the stream buffer located along the southern property line which has been added to the Afforestation Requirement resulting in an overall FFCP requirement of 0.52 acres. The Applicant intends on satisfying this FFCP Requirement by purchasing the appropriate credits in an off-site M-NCPPC approved forest bank, but if a forest bank is not available, this FFCP Requirement will be met by paying a fee-in-lieu.

The stream buffer covers a significant area along the southern Property line. This stream buffer is for a perennial stream located on the adjacent property to the south. A significant portion of this buffer on the Subject Property is already developed under the original Schematic Development Plan with a storm water management facility, a portion of the 3-story building, walkways and surface parking within the stream buffer. It was

determined at the time of that previous review that no mitigation would be required for this existing encroachment and because the stream buffer is developed it is not necessary to place it in a Category I Conservation Easement. However, the proposed encroachment for this Application is for the purposes of installing a pervious pavement walking path around the storm water management pond for the future residents of the facility. Given that this area of the Subject Property is developed with a building, walkways, surface parking and a storm water management facility, it was determined that the installation of a pedestrian bridge and a pervious pavement walkway around the perimeter of the storm water management facility will have a de minimis impact and is an acceptable encroachment into the stream buffer. However, the new encroachment is being mitigated by adding the square footage of encroachment to the Afforestation Requirement as shown on the FFCP.

#### *Forest Conservation Variance*

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law identifies certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise such resources must be left in an undisturbed condition.

The Subject Property is located within the Sandy Spring Historic District. As a result, all trees 1 inch in caliper and larger require a Tree Variance. This Application will require the removal of six (6) and CRZ impact to seventeen (17) Protected Trees as identified in the Staff Report. Two (2) of the six (6) trees being removed are dead and are hazard trees but are included in the Tree Variance. The other four (4) Protected Trees will be removed with mitigation. In accordance with Section 22A-21(a), the Applicant has requested a Variance, dated July 6, 2021 and the Board finds that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance. In this case, the unwarranted hardship is caused by the necessary layout of the proposed development on the Property, such as minor site modifications to accommodate ADA requirements, fire department access to the buildings, improved pedestrian connectivity, enhanced residential outdoor amenities and the conditions of the subject trees. The five (5) trees requested to be removed are all located within the developable area of the Property and the inability to impact or remove



these trees would render the Property undevelopable for this Application. Therefore, the Applicant has an unwarranted hardship to justify a tree variance.

The Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the removal of the two dead hazard trees and four live trees is due to the location of the trees and necessary site design requirements such as minor site modifications to accommodate ADA requirements, fire department access to the buildings, improved pedestrian connectivity and enhanced residential outdoor amenities. The Applicant proposes removal of the four live trees with mitigation. Therefore, Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements of this Application.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed are not located within a stream buffer, wetland or special protection area. The Application provides mitigation for the removal of these three (3) trees by planting larger caliper trees on-site. Therefore,

the Board finds that the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed, totaling 60 inches of DBH. The Board approved replacement of Protected Trees at a ratio of approximately  $\frac{1}{4}$  of the amount of inches replanted. This results in a total mitigation of 15 inches of replanted trees. In this case, the Applicant proposes to plant five 3-inch caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements. No mitigation is required for Protected Trees impacted but retained.

- 6. The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The Amendment provides safe, well-integrated parking, circulation massing and public open space. The Amendment proposes only minor changes to the parking lot design, primarily to meet the CRN zone standards and Section 6.2.9.C. Pedestrian circulation in generally is staying the same, except where additional pedestrian connections are being provided around the Mutual Building, which will improve pedestrian circulation and safety.

The Applicant is removing the nine parking spaces located between the Mutual Building and Meeting House Road to satisfy the requirements in the CRN zone. To satisfy the parking lot landscape design requirements, additional parking spaces are being removed in the side and rear parking lots to add new tree pits/islands and expand an existing island.

Seventy-eight parking spaces are being retained on-site which is sufficient for the proposed use and unit mix. The Applicant is improving the Property by adding 28 bicycle parking spaces, half of which are short-term and conveniently located outside the buildings.

With the approved changes, the parking quantity, vehicular and pedestrian circulation will remain safe, adequate and efficient given the location of the existing buildings and access points. The existing and proposed public open space is well integrated into the site and provides a logical and efficient extension of the existing space.

- 7. The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Site Plan substantially forms to the recommendations in the *2015 Sandy Spring Rural Village Plan* (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 Application, 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.

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*.

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, (Attachment E), 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 (Attachment F) 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 proposed, the Site 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.*

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

As discussed in the accompanying Preliminary Plan No. 11987066A, the Planning Board finds that the proposed development will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. Because this is a senior/age-restricted development, it will have no impact on schools.

9. *The development is compatible with existing and approved or pending adjacent development.*

The existing buildings are compatible with the existing residential townhouse development (west) and undeveloped RE-2 property to the south with regard to setbacks and height. The buildings were found to be compatible with the adjacent developments as part of the original site plan approval. The Applicant is not proposing any physical expansion in height or footprint that would affect compatibility with the adjacent development.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; 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 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.



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Casey Anderson, Chair  
Montgomery County Planning Board