



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

FEB 22 2022

MCPB No. 22-017

Site Plan No. 820210200

Seneca Property

Date of Hearing: February 3, 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 August 16, 2021, SPI Seneca LLC ("Applicant") filed an application for approval of a site plan for three single-family detached dwelling units on 7.17 acres of RE-2 and Rural Village Center Overlay zoned land, located at the east side of Seneca Road (MD Rt. 112), approximately 600 feet south of Darnestown Road (MD Rt. 28) ("Subject Property"), in the Rural West Policy Area and 2002 *Potomac Subregion Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820210200, Seneca Property ("Site Plan" 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 January 21, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 3, 2022, the Planning Board held a public hearing at which the Planning Board voted to approve the Application by motion of Commissioner Cichy, seconded by Commissioner Rubin, with a vote of 5-0; Chair Anderson, Commissioners Cichy, Patterson, Rubin, and Verma voting in favor.

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Approved as to

Legal Sufficiency: Emily Vaias

M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820210200 for three single-family detached dwelling units on 7.17 acres on the Subject Property, subject to the following conditions:¹

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of three (3) single-family detached dwelling units on the Subject Property.

2. Height

The development is limited to a maximum height of 40 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

Environment

3. Forest Conservation & Tree Save

The Applicant must comply with the following conditions of approval for the Final Forest Conservation Plan ("FFCP") No. 820210200, approved as part of this Site Plan:

- a) The FFCP must be consistent with the PFCP.
- b) 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.
- c) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- d) Prior to any demolition, clearing, grading or construction, whichever comes first, 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 1.47 acres of new forest planting, variance mitigation trees, and maintenance to include invasive species management controls, credited toward meeting the requirements of the FFCP.
- e) Prior to the start of any demolition, clearing, grading or construction, whichever comes first, for this development Application, the Applicant must install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

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.

- f) Prior to any demolition, clearing, grading or construction, whichever comes first, for this development Application, the Applicant must execute a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures.
- g) The Applicant must install the Afforestation plantings for Planting Areas A, B, and C, as shown on the approved FFCP, 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.
- h) The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches totaling 76.25 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.
- i) The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
- j) Before approval of the Certified FFCP, the Applicant must revise the FFCP to reflect the increase in the offsite LOD, the revisions to the FFCP Worksheet, the increases in the size of the Category I Conservation Easements and the revised planting schedule reflective of the increase in the Net Tract Area caused by the increase in the offsite LOD.

Site Plan

4. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.

5. Transportation

Prior to issuance of the second building permit, the Applicant must construct a 10-foot-wide shared use path with lighting and street trees, along the Property frontage on MD 112, as shown on the Certified Site Plan.

6. Site Plan Surety and Maintenance Agreement

Prior to issuance of any above grade building permit or sediment control permit, whichever comes first, 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 plant materials. The surety must be posted before issuance of any building permit of 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.

7. 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.

8. 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, other agency approval letters, including Fire Access Plan, development program, and Site Plan resolution 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 all site development elements shown on the latest electronic version of Site Plan No. 820210020, Seneca Property, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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 development satisfies any previous approval that applies to the site.*

This Site Plan application is being reviewed concurrently with Preliminary Plan No. 120210250 for the Subject Property.

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

This section is not applicable since there are no development plans or schematic development plans associated with the Subject Property.

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 section is not applicable because the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

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

- a. Use Standards

The Site Plan satisfies the use standards, development standards, and general requirements for single-unit living in the Residential Estate – 2 Zone (RE-2), under the Standard Method Development in Division 59.4.4.4 and RVC Overlay Zone under Section 59.4.9.14 of the Zoning Ordinance.

- b. Development Standards

The Application is approved to construct three single-family detached dwelling units on three lots, a permitted use in the RE-2 Zone and the RVC Overlay Zone. As demonstrated in the table below, the Application meets the general requirements and development standards of the RVC Overlay Zone and RE-2 zone, under the standard method of development.

The following table shows the Application's conformance to the development standards of the zones.

Data Table for the RE-2 Zone, Standard Method of Development

Data Table	Allowed/Required	Approved
Gross Tract Area/Usable Area	NA	7.17 acres
Dedication (MD 112)	NA	0.29 acres
Net Area	NA	6.88 acres
Minimum lot area	2 acres	2.2 acres min.
Density (units/acre of usable area)	3 units (1 DU/2 acres)	3 units (1 DU/2 acres)
Lot width at front building line	150 ft. min.	150 ft. min.
Lot width at front lot line	25 ft. min.	25 ft. min.
Principal Building Setbacks		
- Front	50 ft. min.	50 ft. min. 220 ft. max.
- Side	17 ft. / 35 ft. total min.	17 ft. / 35 ft. total min.
- Rear	35 ft. min.	310 ft. min.
Principle Building Height	50 ft. max.	40 ft. max.
MPDUs Required	NA	NA

The Site Plan conforms to the intent and purpose of the Rural Village Center Overlay zone. The RVC Overlay Zone does not provide any additional requirements or development standards beyond those of the RE-2 Zone. In order to be compatible with the neighborhood, the future houses cannot be further than 220 feet (Lot 3) from the front lot line.

c. General Requirements

i. *Site Access*

Site access is safe, adequate, and efficient to serve the approved development.

Existing Facilities

There are no existing bike facilities in the area of the Subject Property, no sidewalks along Seneca Road or other nearby residential streets, and there are no public transit routes that serve Seneca Road or the Subject Property.

Approved Access

Access to the three single-family dwelling units will be provided via a new shared driveway for two of the houses and single driveway directly accessing Seneca Road.

Approved Public Transportation Infrastructure

The Applicant will construct a 10-ft. wide shared use path along the frontage of the Subject Property on Seneca Road, identified as a Country Connector in the *Complete Streets Design Guide*. This is the preferred frontage improvement, instead of bikeable shoulders, because the shared use path would provide both bike and pedestrian access across the frontage, improving neighborhood accessibility for many more people given the location in central Darnestown, a mixed-use community. The use of a shared use path, as opposed to a bikeable shoulder, is listed as an acceptable alternative along a Country Connector in the *Complete Streets Design Guide*. Additionally, the construction of 500 feet of shared use path is reasonable as it relates to the impact of the approved project.

ii. *Parking, Queuing, and Loading*

Two off-street parking spaces are required for each single-unit dwelling. The Application meets the parking requirements on the individual lots. The approved house models include detached houses with garage parking for 2 to 3 vehicles and additional parking can be accommodated in each driveway.

iii. *Open Space and Recreation*

The Application does not require any open space or recreational amenities. The three approved single-family detached dwelling units are located on 2-acre lots, which provide ample yard space for residents.

iv. *General Landscaping and Outdoor Lighting*

The Site Plan meets the standards for the provision of landscaping and outdoor lighting as required by Division 59.6.4. The Application includes a variety of landscaping throughout the Property, primarily along Seneca Road, with landscaping between the approved lots and the adjacent properties. The existing cobra-head light fixtures, mounted on the utility poles, will remain at

their current locations, providing illumination on Seneca Road. Five new pedestrian scale light fixtures are being added along the east side of the shared use path, which will provide adequate illumination for pedestrians and cyclists. The Applicant has submitted a photometric plan verifying that illumination levels will be safe and adequate.

The Application provides plantings along Seneca Road, within front yards, between lots and adjacent properties, and within the afforestation areas at the rear of the lots. The landscape plan includes street trees and ornamentals along Seneca Road, which will replace existing trees as necessary, if disturbed during construction. It includes ornamental trees in front yards and in between driveways, which help to scale down the dwelling units while providing shade and aesthetic value. Evergreen trees along the sides of the properties efficiently screen a portion of the driveways and narrow the perceived widths. The approved landscaping and lighting are safe, adequate, and efficient.

v. *Screening*

The Zoning Ordinance does not require screening between the approved development and adjacent properties.

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

a. Environmental Guidelines

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation ("NRI/FSD") 420211460 for this Property was approved in March 2021. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The NRI/FSD calls out the site to be a total of 7.17 acres located within both the Muddy Branch and the Great Seneca Creek watersheds, each watershed is classified as a Use Class I-P stream by the State of Maryland. The Subject Property contains no forest but does have 10 onsite trees with a diameter breast height ("DBH") of 30" or more. The Property contains no streams, wetlands, or other sensitive environmental features.

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

The Site Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on September 21, 2021. The Application will meet stormwater management goals via micro-infiltration trenches, drywells, and landscape infiltration. The application of these approaches will provide for full environmental site design ("ESD") to the maximum extent practicable ("MEP").

c. Chapter 22A, Forest Conservation

The Applicant submitted a Preliminary/Final Forest Conservation Plan ("FFCP") with the current Development Plan Applications under plan numbers 120210250 and 820210200. The Applications satisfy the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and are in compliance with the Montgomery County Planning Department's approved Environmental Guidelines.

The Subject Property is zoned RE-2 and is assigned a Land Use Category of Medium Density Residential ("MDR") as defined in Section 22A-3 of the Montgomery County Forest Conservation Law ("FCL") and in the Land Use Table of the *Trees Technical Manual*. This results in an afforestation requirement of 20% and a conservation threshold of 25% of the Net Tract Area.

The FFCP shows a total Net Tract Area of 7.33 acres for the Subject Property. This includes the net tract of 7.17 acres plus 0.16 acres for offsite work associated with this Application. There is a total of 0.0 acres of forest on the Subject Property. This results in an afforestation requirement of 1.47 acres. The Applicant will satisfy this requirement by providing 1.47 acres of onsite afforestation plantings and protecting this planted forest with a Category I Conservation Easement. It has been Planning Board policy not to place conservation easements on properties that are 2.0 acres or less in size since this practice has led to encroachments into the conservation easements and violation proceedings. However, in this case, placing Category I Conservation Easements on these individual lots is acceptable for multiple reasons.

First, the lots exceed the minimum lot size specified by the Planning Board. In addition, the distance between the approved homes and the conservation easement are in excess of 190-feet which provides a property owner enough space to have unfettered use of the area behind their house without encroaching into the conservation easement. The areas behind

the homes on Lots 1 and 2 contain the properties septic fields which will preclude moving the location of the home closer to the conservation easement and limits the construction of any structures in the area near the conservation easement. The home on Lot 3 is 190 feet from the approved conservation easement and the location of the building is restricted by the concurrent Site Plan. In addition, permanent Category I Forest Conservation signage is being installed along the perimeter of the afforestation area to deter accidental encroachments. Finally, the Category I Conservation Easement approved for this development connects to a larger existing Category I Conservation Easement located offsite on a neighboring property in the northeast corner of the Subject Property. For these reasons, in this specific situation, placing Category I Conservation Easement on these lots is acceptable. As discussed above, this easement area is appropriate for these lots.

Forest Conservation Variance

The Planning Board approved a tree variance with the Preliminary Forest Conservation Plan for the removal of seven protected trees and three protected trees that are being impacted. Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approved replacement of Protected Trees at a ratio of approximately 1/4" diameter of tree planted for every 1" diameter of tree removed. 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 approved layout is safe, adequate, and efficient by providing well-integrated parking, circulation, and building massing. The three approved residences are staggered with the fronts of the houses facing out to Seneca Drive. The lot and house layout provides an even distribution of housing units along Seneca Drive, with building separation consistent with the neighboring properties. With the approved shared-use path, the Application provides well-integrated circulation patterns for both pedestrians and bikers.

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 is consistent with the 2002 *Potomac Subregion Master Plan*, the 2018 *Bicycle Master Plan*, and the draft 2021 *Complete Streets Design Guide*.

2002 Potomac Subregion Master Plan

The Subject Property is located in Darnestown, the westernmost portion of the 2002 *Potomac Subregion Master Plan*. The Subject Property is within the Darnestown Rural Village Center ("Village Center") of the Master Plan, which is described on pages 98 through 103 of the Master Plan.

Land Use

The Master Plan recommended applying the RE-2/Country Inn zone to 11 acres on the east side of Seneca Drive, including on the Subject Property. Note that the Country Inn zone was removed from the Property with the Zoning Ordinance rewrite in 2014. The Master Plan also recommended the creation of a new overlay zone, the Rural Village Center Overlay (RVC) Overlay Zone, which was applied to all properties in the Darnestown Village Center². The overlay zone was recommended, because the combination of zoning and septic requirements that were in place at the time prohibited certain desirable uses, such as a restaurant. The new overlay zone was designed to allow compatible uses in a rural village pattern. The overlay zone was intended to "retain and enhance the commercial crossroads character through compatible scale, massing, siting, and setbacks for new and expanded uses; to encourage a variety of uses that serve the needs of the local community; to provide opportunities for new and existing business expansion, while keeping the commercial area compact and low density; to create a pedestrian-friendly commercial area; and to draw on the open, green character of the surrounding area, emphasizing this character through streetscape design."

The Darnestown Village Concept drawing on page 101 of the Master Plan does not show the Subject Property. The Property appears to have been added to the Rural Village Center to allow it to be used for the septic fields to serve the commercial property just to the north where a country inn/restaurant was envisioned. This Property is referred to in the Master Plan as "residential", so while most of the intent of the overlay zone was to provide a "pedestrian-friendly rural village center, consisting primarily of retail uses," this Property was never intended to be used for anything other than residential uses or to provide a septic area adjacent to a commercial use. However, the overall goal of providing

² Due to a mapping error, the Subject Property was not included in the RVC Overlay Zone on the original Sectional Map Amendment (G-800) which was adopted in October 2002. On March 31, 2009, by District Council Resolution No.16-914 the boundary of the RVC was corrected, consistent with Map 25 on page 100 of the 2002 *Potomac Subregion Master Plan*.

a pedestrian-friendly environment and “green character” apply here as well as to the other parts of the Village Center.

While not all of the Master Plan recommendations for the Village Center apply to this residential property, the Application meets the following design principle envisioned by the Master Plan:

- *Provide green frontage to development with extensive planting and streetscaping, and green buffers between commercial and residential development.*
- *Provide an attractive, rural village center at Darnestown and Seneca Roads that is pedestrian oriented and compatible with the adjacent areas.*
- *Locate buildings along Darnestown and Seneca Roads to create a strong street definition; provide parking in the rear.*
- *Provide continuous "Main Street" development along Darnestown and Seneca Roads within the village center.*
- *Design streets that include traffic calming features such as specially paved crosswalks, that minimize curb cuts and that include sidewalks, providing continuous pedestrian and bicycle circulation.*

The Application includes three approximately 2-acre residential lots accessed via two new driveways to Seneca Road. A 10-foot-wide shared use path along the entire Property frontage, parallel to the road, will provide future pedestrian and bicycle connections to the Village Center. Curb cuts have been minimized along the frontage by providing a shared driveway for two of the lots and providing ample separation from the second driveway to the south.

Robust streetscaping is provided along the Property frontage. The Application has continued the streetscape, as envisioned the Master Plan with a row of fringe trees and dogwoods in the right-of-way, where there are existing overhead power lines separating the road and shared use path. Along the front of each lot, on the east side of the path, a row of shade trees will be planted, including Green Mountain Sugar Maples, Red Woods, and Black Gums. The houses are set back in a compatible manner, stepping back from Seneca Road moving south, providing a transitioning from the core of the Village Center towards the existing single-family detached unit to the south. This siting of the homes is important for the character of the neighborhood, so the front setback of the houses step back accordingly with the house on Lot 1 at approximately 148 feet, Lot 2 at approximately 184 feet, Lot 3 at approximately 220 feet and the existing house to the south at approximately 410 feet.

2018 Master Plan of Highways and Transitways

The Property is located on Seneca Road approximately 900 feet northeast of Springfield Road in the Darnestown/Potomac Area. The 2018 *Master Plan of Highways and Transitways* identifies Seneca Road as an Arterial Road (A-29) with two lanes and a master planned right-of-way of 80 feet. As conditioned, the Applicant is dedicating a total of 46 feet from the centerline of the road; 40 feet to comply with the Master Planned right-of-way width and 6 additional feet necessary to accommodate the proposed shared use path.

2018 *Bicycle Master Plan* and draft 2021 *Complete Streets Design Guide*

The 2018 *Bicycle Master Plan* ("BMP") recommends bikeable shoulders along Seneca Road; currently the road has no shoulders through this section. Seneca Road is identified as a Country Connector in the draft 2021 *Complete Streets Design Guide*.

The Applicant is constructing a 10-ft. wide shared use path along the frontage of the Subject Property on Seneca Road, which is approximately 500 feet in length, instead of constructing the Bicycle Master Planned bikeable shoulders. The Applicant is dedicating enough right-of-way to reserve 8 feet of right-of-way for future construction of a bikeable shoulder. This is supported by Staff, MDSHA and MCDOT as the shared use path would provide both bike and pedestrian access across the frontage, improving neighborhood accessibility given the location in central Darnestown, a mixed-use community. Constructing a shared use path, as opposed to a bikeable shoulder, is listed as an acceptable alternative along a Country Connector in the *Draft Complete Streets Design Guide*. Based on the *Complete Streets Design Guidelines* any development or redevelopment of the properties to the north and south of the Subject Property will require the continuation of the approved shared use path. Additionally, constructing approximately 500 linear feet of bikeable shoulders along the Property frontage would require relocation of eighty (8) utility poles, the cost of which is disproportionate to the scale and impact of the proposed three (3) lot subdivision. Constructing the approved shared use path eliminates the need to relocate the existing utility poles, however, it does require six feet of additional right-of-way, in excess of what is recommended by the BMP. Accordingly, the Applicant is required to dedicate 46 feet of right-of-way to construct the shared use path in substantial conformance with the applicable Master Plan.

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.*

The Application will be served by adequate public services and facilities, including schools, health services, police and fire protection, electric,

telecommunications, public roads, storm drainage, and other public facilities, as determined as part of the Preliminary Plan No. 120210250 approval process and are currently operating within the standards set by the *Growth and Infrastructure Policy* currently in effect.

9. The development is compatible with the character of the residential neighborhood.

The Subject Property, and surrounding properties, are zoned RE-2, a Residential zone and RVC Overlay Zone. The Site Plan is consistent with the goals of the RVC Overlay Zone to “provide green frontage to development with extensive planting and streetscaping” and to “provide an attractive, rural village center at Darnestown and Seneca Roads that is pedestrian oriented and compatible with the adjacent areas.” The Subject Property is being developed with single-family detached houses, which by nature of the use will be compatible with the existing single-family residential detached communities surrounding the Property.

The approved houses have a footprint of approximately 50 feet by 70 feet, with sideloaded three-car garages. The houses will be three stories with a maximum height of 40 feet tall. The three approved houses are to be the same model and configuration. The homes feature a stone base with horizontal lap siding, and gabled roofs, replete with dormers, and composition shingles. The homes also feature accented front entries with small semi-covered porches to the side along the front elevation. The houses are set back in a compatible manner, incorporating a staggered placement offset from Seneca Road, as well as providing a transition from the core of the Village Center towards the existing single-family residences located to the south.

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

Not applicable, this finding does not apply to this Application.

11. There is a need for the approved use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the approved location will not result in a multiplicity or saturation of similar uses in the same general neighborhood.

Not applicable, this Site Plan does not include a restaurant with a drive thru.

12. The decrease in gross floor area devoted to Retail/Service Establishment uses will not have an adverse impact on the surrounding area.

Not applicable, the Subject Property is not zoned C-1 or C-2.

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 FEB 22 2022 (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 Rubin, with Chair Anderson and Commissioners Cichy, Patterson, Verma, and Rubin voting in favor of the motion at its regular meeting held on Thursday, February 10, 2022, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board