

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-027

Sketch Plan No. 320220030

Park Montgomery

Date of Hearing: March 17, 2022

**MAR 21 2022**

## RESOLUTION

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

WHEREAS, on November 3, 2021, Park Montgomery Limited Partnership (“Applicant”) filed an application for approval of a sketch plan for up to 237,737 square feet of residential density for a multifamily housing development on 3.45 acres of CRTF-1.6, C-0.0 R-1.6 H-140’ zoned-land, located at 8860 Piney Branch Avenue approximately 900 feet east of University Boulevard (“Subject Property”) in the Long Branch Policy Area and 2013 Long Branch Sector Plan (“Sector Plan”) area; and

WHEREAS Applicant’s sketch plan application was designated Sketch Plan No. 320220030, Park Montgomery (“Sketch 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 March 3, 2022, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on March 17, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320220030, Park Montgomery, for up to 237,737 square feet of residential density for a multifamily housing development on the Subject Property, subject to the following binding elements and conditions:<sup>1</sup>

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<sup>1</sup> For the purpose of these binding elements and conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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Approved as to

Legal Sufficiency: Emily Vaias

M-NCPPC Legal Department

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. **Density**

The Sketch Plan is limited to a maximum of 237,737 square feet of total residential density consisting of 143,256 square feet of residential density for up to 141 units in the existing building, and 94,481 square feet of residential density for a new residential building with up to 76 units for a total of 217 units with 15.5 percent MPDUs.

2. **Height**

The development is limited to a maximum building height of 140 feet for the existing building and 90 feet for any future development, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

3. **Incentive Density**

The development must be constructed with the public benefits listed below unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 50 and be chosen from at least 3 categories as required by Section 59.4.5.4.A.2 and 59.4.7.3.d.6.e. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a) Transit Proximity, achieved through level 2 transit proximity;
- b) Diversity of Uses and Activities, achieved by providing Affordable Housing beyond the requirements of Chapter 25A; and
- c) Quality of Building and Site Design achieved through structured parking.

4. **Public Open Space**

The Applicant must provide a minimum of 5% of the Site Area as Public Open Space, per the standards of Sections 59.4.5.4.B.1 and 59.6.3.6 of the Zoning Ordinance.

5. The Planning Board has reviewed and accepts the recommendations, of the Montgomery County Department of Transportation ("MCDOT") in its letters dated January 26, 2022 and December 2, 2021 and hereby incorporates them as conditions of the Sketch Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Sketch Plan approval.

**6. Future Coordination for the Site Plan**

In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed in the Site Plan application:

- a) The Applicant must submit and receive approval of a Preliminary/Final Forest Conservation Plan.
- b) Receive Stormwater Management concept approval consistent with Chapter 19 of the Montgomery County Code.
- c) Provide a noise analysis or request a waiver per Section 2.2.2 of the *1983 Noise Guidelines*.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or as 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 and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

***1. Meet the objectives, general requirements, and standards of this Chapter;***

The Property is zoned CRTF, Commercial Residential Townhouse Floating zone, therefore the Project must comply with the optional method development standards of the CRT zone. As demonstrated in the table below, the Project complies with the CRT zone and Binding Elements of the Limited Map Amendment H-140.

*Table 1: Park Montgomery Sketch Plan Data Table for CRT Zone, Optional Method, Section 59.4.5*

<b>Development Standard</b>	<b>Required/Allowed per LMA H-140 and CRTF Zone</b>	<b>Proposed</b>
<b>Tract Area</b>	n/a	150,087 sf (3.44 acres)
<b>Prior Dedication</b>	n/a	6,740 sf (0.15 acres)
<b>Proposed Dedication</b>	n/a	0
<b>Site Area</b>	n/a	143,347 sf (3.29 acres)
<b>Mapped Density</b> <b>CRTF-1.6 C-0.0 R-1.6 H-140'</b>		
<b>Residential (GFA/ FAR)</b>	240,139 sf (1.6)	237,737 sf (1.58)
<b>Commercial (GFA/FAR)</b>	0	0
<b>Total GFA/FAR</b>	240,139 sf (1.6)	237,737 sf (1.58)
<b>MPDU requirement</b>	15% <sup>1</sup>	15.5%
<b>Building Height, max average</b>	98 ft / 140 ft <sup>2</sup>	90 ft / 140 ft
<b>Public Open Space (min s.f.)</b>	5% (7,168 sf)	5% (1.6% or 2,360 sf on-site and 3.4% or 4,808 sf by payment of a fee) <sup>3</sup>

<sup>1</sup> The MPDU requirement is a Binding Element of H-140

<sup>2</sup> Binding Element of H-140 states that the height of the existing building is limited to 140' and the new building is limited to 98'

<sup>3</sup> The Applicant is requesting to pay a fee in lieu for the remainder of required POS per Section 59.6.3.6.C.2 of the Zoning Ordinance.

#### **Residential Compatibility Standards, Section 59.4.1.8**

The Subject Property is adjacent to a single-family detached neighborhood, zoned R-60, to the rear and is therefore required to conform to the residential compatibility standards of the Zoning Ordinance for rear yard setback and height. Section 59.4.1.8.A.2 requires the rear setback of the Subject Property to be 1.5 times the rear setback of the R-60 zone. Section 59.4.1.8.B.2 limits the height of the proposed building

at the rear setback line to the maximum height of the R-60 zone, which is 35 feet, then may increase in height at a 45-degree angle to the maximum building height allowed on the Subject Property. The Sketch Plan demonstrates conceptual conformance to the requirements of this Section with additional analysis to be required during Site Plan review.

*a) Implement the recommendations of applicable master plans*

The Sketch Plan substantially conforms with the recommendations of the 2013 *Long Branch Sector Plan* (Sector Plan). The Sector Plan identifies four goals (p. 24):

- **Community:** Creating a strong sense of place and identity through design, parks, and public facilities;
- **Land Use and Zoning:** Addressing compatibility issues and providing redevelopment incentives;
- **Sustainability:** Creating a place for people that also supports and enhances natural systems; and
- **Mobility:** Providing options for getting around and integrating connections.

The proposed redevelopment will allow reinvestment in the Property and community with an increase in low- and middle-income housing, without displacing any existing residents, and will be in proximity to the future Purple Line, allowing future residents a wide range of mobility options.

The Sector Plan encourages reinvestment and new development while minimizing potential displacement of residents. Therefore, the Sector Plan intentionally limited rezonings and specifically, this Property was not rezoned nor recommended for a floating zone. However, given the nature of this proposal being an affordable housing project, the Planning Board and County Council found that the LMA to rezone the Property from R-H to CRTF was consistent with the intent of the Sector Plan for the purposes of the proposed Project.

*b) Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The Subject Property currently contains one multifamily structure with 141 units, surface parking, and a two-story parking structure. The Project will replace the existing two-story parking structure with a second multifamily building with structured parking for up to 76 units. The additional multifamily housing will increase density near the future Purple Line station just to the west of the Property.

*c) Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*



The Proposal will allow the construction of an additional multifamily building on a Property with an existing multifamily structure to remain, thereby increasing multifamily housing for low- and middle- income residents in the area without displacing any existing residents. The new building will provide additional recreational space with a courtyard and playground between the new building and existing building, and no parking will be located between the new building and the street.

- d) Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The Proposal is compatible with adjacent neighborhoods. The increased density onsite is appropriate given the proximity to the future Purple Line Station to the west of the Property. The Property is adjacent to an existing single-family detached neighborhood in the rear and therefore must meet the residential compatibility standards of Section 59.4.1.8 of the Zoning Ordinance. The new building is proposed to be a maximum 90 feet in height, which will step down in the rear to conform to the residential compatibility standards. Additionally, the existing slope onsite increases towards the rear, further reducing the perceived height from the single-family neighborhood. The existing building onsite is approximately 140 feet in height, and the neighboring property to the west contains a 13-story condominium building. The approved Local Map Amendment required minimum side setbacks which are more generous than the required setbacks for a typical CRT development.

- e) Integrate an appropriate balance of employment and housing opportunities.*

The Proposal will increase affordable multifamily housing options within the Long Branch area without displacing any existing multifamily units. The Project is located within ½ a mile of a future Purple Line station, thereby providing housing near transit employment opportunities.

- f) Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

Based on the CRT zone and size of the Subject Property, the Project is required to provide 50 public benefit points from a minimum of 3 categories to achieve the desired incentive density above the standard method limit. This Project will provide an excess of 15% MPDUs, therefore one less category is required per Section 59.4.7.3.D.e, however the Applicant is achieving 50 points from 3 categories. Final determination of public benefit points will be determined at the time of Site Plan.

***2. Substantially conforms to the recommendations of the applicable master plan:***

As discussed in Finding 1 above, the Project substantially conforms to the 2013 *Long Branch Sector Plan*.

***Master-Planned Bikeways and Bicycle Parking***

The 2013 *Long Branch Sector Plan* specifically recommends right-of-way (ROW) improvements for Piney Branch Road, including upgraded sidewalks and bicycle lanes, and the 2018 *Bicycle Master Plan* envisions two-way separated lanes located on the north side of Piney Branch Road along the Site frontage. The Subject Property has previously dedicated to the 120-foot master planned ROW, and the Applicant has committed to participate in the master planned vision for Piney Branch Road. The Applicant will construct the interim condition, which consists of removing the existing 5-foot sidewalk located at the back of the existing curb, installing a 10-foot sidewalk set back 12.5 feet from the road, with a retaining wall to clear the space needed for future implementation of the two-way separated bike lane. As indicated in the approval letter provided by MCDOT, dated January 26, 2022, the Applicant will pay a fee of \$172,595 in lieu of constructing the two-way separated bikeway along the Site's Piney Branch Road frontage as approved by MCDOT, MDOT SHA, and Planning staff. The bike lane is expected to be constructed by MCDOT as part of a larger project to connect University Boulevard and Carroll Avenue. Once built, the bikeway will provide important bicycle connections to the future Purple Line and Bus Rapid Transit Stations located at University Boulevard and Piney Branch Road. The design of the bikeway is currently underway.

***3. Satisfy any development plan or schematic development plan in effect on October 29, 2014;***

The Sketch Plan is not subject to a development plan or schematic development plan.

***4. Achieve compatible internal and external relationships between existing and pending nearby development;***

The Proposal will achieve compatible relationships between existing and pending nearby development. The new 90-foot tall building will be located between the existing 140-foot building onsite and the existing 13-story condominium building located just to the west of the Site. The Property is adjacent to an existing single-family detached neighborhood in the rear and therefore must meet the residential compatibility standards of Section 59.4.1.8 of the Zoning Ordinance. The new building is proposed to be a maximum of 90 feet in height, which will step down in the rear to conform to the residential compatibility standards. Additionally, the existing slope onsite increases towards the rear, further reducing the perceived height from the single-family

neighborhood. The proposed public open space along the frontage of the Property will provide a public plaza with seating options for those along Piney Branch Road near the existing bus stop at the southwest corner of the Site.

***5. Provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;***

The Applicant proposes several key improvements to the site access and circulation. The existing driveway will remain in its current location but will be narrowed to 22.5 feet to reduce exposure to conflicts and improve safety for all travel modes. The sidewalks along the Site frontage will be significantly improved by removing the existing 5-foot sidewalk located at the back of the curb and replacing it with a 10-foot sidewalk in its ultimate location, as envisioned by the 2013 *Long Branch Sector Plan*, set back 12.5 feet from the curb to enhance the comfort and safety for pedestrians. The Applicant will participate in the master-planned vision of a two-way separated bikeway along the north side of Piney Branch Road, as envisioned by the 2017 *Bicycle Master Plan*.

As proposed, the onsite loading, circulation and parking will be satisfactory. Vehicular parking will continue to be provided on-site in the surface parking lots and within the two-level parking structure. The Applicant proposes removing five (5) spaces located along the western side of the Site entrance in compliance with the parking setbacks outlined in Section 59-4.5.3.C. of the Zoning Ordinance. The total number of spaces provided on site is 206, which is within the range of permitted spaces (145 minimum and 344 maximum). Eighty-four spaces are located within the parking structure and the remaining 122 spaces are located within the surface parking lots.

Loading activities will occur on site within a new designated space within the parking structure. The loading space is located at the front of the parking structure on the western side. The space will be accessible to residents for moving in and out, and also for ride-sharing and unscheduled deliveries. Trash collection will continue to occur at the rear of the Site within the trash enclosure adjacent to the entrance to the upper level of the existing parking structure.

***6. Propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;***

Taking into account the considerations in Section 59.4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the *CR Incentive Density Implementation Guidelines*, the size and configuration of the Site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the Site, as described below.



Based on the CRT zone and size of the Subject Property, the Project is required to provide 50 public benefit points from a minimum of 3 categories to achieve the desired incentive density above the standard method limit. This Project will provide an excess of 15% MPDUs, therefore one less category is required per Section 59.4.7.3.D.e, however the Applicant is achieving 50 points from 3 categories. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

*Table 2: Park Montgomery Sketch Plan Public Benefit Calculations*

<b>Public Benefits</b>	<b>Incentive Density</b>	
	Max Allowed	Requested
<b>59.4.7.3B: Transit Proximity</b>		
<b>Level II</b>	20	10
<b>59.4.7.3.D: Diversity of Uses and Activities</b>		
<b>Affordable Housing</b>	n/a	36
<b>59.4.7.3E: Quality of Building and Site Design</b>		
<b>Structured Parking</b>	20	6
<b>TOTAL</b>		52

### **Transit Proximity**

#### Level II

The Applicant requests 10 points for locating a project within ¼ to ½ mile of a future Level 2 station, the Piney Branch Road Purple Line Station within the CRT zone. Points for this incentive are granted based on proximity to existing or master-planned transit stops based on the transit service level and zone. The Planning Board supports the category at this time.

### **Diversity of Uses and Activities**

#### Affordable Housing

The Applicant requests 36 points for providing affordable housing beyond the requirements of Chapter 25A. Points for this incentive are granted for every 1 percent of MPDUs greater than 12.5 percent. The Applicant will provide 15.5% MPDUs. The Planning Board supports the category at this time.

### **Quality Building and Site Design**

#### Structured Parking

The Applicant requests 6 points for providing parking in an above grade parking structure. Points for this incentive are granted on a sliding scale based on the percentage of total on-site spaces provided in an above ground parking structure

multiplied by 10 points plus the percentage of total on-site spaces provided in a below-grade parking structure multiplied by 20 points. The Applicant will provide a portion of parking spaces in an above and below grade parking structure. The Planning Board supports the category at this time.

***7. Establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.***

The project will be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

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 all binding site development elements shown on the latest version of Sketch Plan No. 320220030, Park Montgomery, received by 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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 21 2022 (which is the date that this Resolution is mailed to all parties of record); and

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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 Rubin, seconded by Vice Chair Verma, with Chair Anderson, Vice Chair Verma, and Commissioners Cichy and Rubin voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, March 17, 2022, in Wheaton, Maryland.

  
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Casey Anderson, Chair  
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