

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-045

Preliminary Plan Amendment No. 11982180A

Sandy Spring Meadow

Date of Hearing: April 27, 2023

JUN 08 2023

RESOLUTION

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

WHEREAS, on February 10, 1983, the Planning Board, by Opinion mailed on February 18, 1983, approved Preliminary Plan No. 119821800, creating sixty (60) lots for 30 townhouse units and 30 single-family detached units, under the optional method (cluster) of development, on 14.22¹ acres of land in the R-60 zone, located in the northeast quadrant of the intersection of Olney Sandy Spring Road (MD 108) and Skymeadow Way, approximately 450 feet east of Brooke Road ("Subject Property"), in the Rural East Policy Area and *2015 Sandy Spring Rural Village Plan* ("Master Plan") area; and

WHEREAS, on August 9, 2022, the Housing Opportunities Commission of Montgomery County and RAD6 Development Corporation ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to remove Parcel B and Lot Nos. 7 to 17, Block A "Sandy Spring Meadow", recorded on Record Plats 14424 and 14423, from the original cluster subdivision application area and confirm that the remaining portion of the Preliminary Plan remains in conformance with the R-60 optional method (cluster) development standards on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan Amendment No. 11982180A, Sandy Spring Meadow² ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated April 17, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

¹ Certified Site Plan No. 819820920, Sandy Spring Meadow revised the acreage to 14.19 acres.

² Patterson Tract was renamed the Sandy Spring Meadow subdivision during the record plat process.

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

WHEREAS, on April 27, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Pedoeem, with a vote of 5-0; Chair Zyontz, Vice Chair Piñero, Commissioners Bartley, Hedrick and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 11982180A to remove Parcel B and Lot Nos. 7 to 17, Block A "Sandy Spring Meadow" from the original cluster subdivision application area and confirm that the remaining portion of the Preliminary Plan remains in conformance with the R-60 optional method (cluster) development standards by adding the following conditions:³

General Approval

12. This Preliminary Plan is limited to 49 lots for 49 existing dwelling units consisting of 30 (thirty) townhouses and 19 (nineteen) single-family detached units.

Certified Preliminary Plan Amendment

13. Before submittal of the Certified Preliminary Plan Amendment, the Applicant must make the following changes:
 - a. Show resolutions and approval letters on the certified set
 - b. Include a copy of the Forest Conservation Plan titled "Preliminary Forest Conservation Plan" in the Preliminary Plan application folder, after addressing all outstanding comments in ePlans.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan and all findings not specifically addressed remain in effect.

³ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Preliminary Plan Amendment No. 11982180A requests to remove 3.27 acres of land, including 11 lots and one parcel from the original preliminary plan area. The proposed Preliminary Plan Amendment does not propose any additional density or alter the intent of the previous findings, which remain applicable, except as modified below.

In general, further subdivision and reconfiguration of lots within subdivisions approved under the optional method, cluster provision, is strictly controlled. However, Section 4.3.L.2.e of the Subdivision Regulation provides the following language allowing the proposed amendment:

e. future subdivision of land within the approved cluster subdivision that would result in the creation of additional lots is not permitted after the property is platted, except for amendments to cluster subdivisions that were approved prior to October 30, 2014 and that result in land being reviewed and approved as part of an Optional Method MPDU Development application with at least 25% moderately priced dwelling units (MPDUs), provided that the remaining portion of the cluster subdivision complies with all applicable development standards.

Preliminary Plan No. 119821800 was approved and platted before October 30, 2014. The Preliminary Plan Amendment does not create additional lots increasing the originally approved density. The Preliminary Plan Amendment removes lots from the original approval area and incorporates them into Preliminary Plan No. 120220050, an Optional Method MPDU Development Application with over 25 percent MPDUs. The remaining portion of the Sandy Spring Meadow cluster subdivision was reviewed for conformance with the Subdivision Regulations and R-60 Optional Method of Development Cluster standards. The subdivision remains in conformance once the Amendment area is removed.

The Preliminary Plan Amendment reduces the area from 14.19 acres to 11.13 acres by removing Parcel B and Lot Nos. 7 to 17, Block A of the Sandy Spring Meadow Subdivision, as recorded on Record Plat 14423 and Record Plat 14424, from the Preliminary Plan No. 119821800.

The Amendment reduces the minimum green space from 223,600 square feet to 202,652 square feet, which exceeds the 98,000 square foot minimum requirement for the remaining Preliminary Plan area. By reducing the approved density from 60 dwellings (30 single-family detached and 30 townhouses) to 49 dwelling units with 19 single-family detached units and 30 townhouse units, the overall density is 4.28 units per acre.

The Subject Property currently includes approximately 11.13 acres zoned R-60, and approximately 0.86 acres of CRN-0.75 C-0.75 R-0.5 H-45, and CRN-0.5 C-0.25 R-0.5 H-40 zoned land, which was previously zoned R-60. The Amendment does not modify the CRN zoned land. Pursuant to Section 59.7.7.1.B.3 of the Zoning Ordinance, this

Application was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014 under the R-60 zone. Therefore, the CRN zone development standards are not applicable. The Application satisfies the applicable development standards under the Optional Method (cluster) of development in the R-60 zone as shown on the Certified Preliminary Plan Amendment.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 08 2023 (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 the motion of Commissioner Pedocem, seconded by Commissioner Hedrick, with a vote of 5-0; Chair Zyontz, Vice Chair Piñero, and Commissioners Bartley, Hedrick, and Pedocem voting in favor of the motion, at its regular meeting held on Thursday, June 1, 2023, in Wheaton, Maryland and via video conference.



Jeffrey Zyontz, Chair
Montgomery County Planning Board

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Sandy Spring Meadow, Preliminary Plan No. 11982180A, Site
Plan No. 81982092A B. Sandy Spring Missing Middle Pilot
Project, Preliminary/Final Forest Conservation No.
120220050, Preliminary Plan No. 120220050, Site Plan No.
820220090